

The Insolvency Act 1986

Administrators' progress report

Name of Company David Price Food Services Limited	Company number 00128852
In the High Court Leeds District Registry [full name of court]	Court case number 1220 of 2013

(a) Insert full name(s) and address(es) of administrators

~~I/We~~ (a) Howard Smith, 1 The Embankment, Neville St, Leeds, LS1 4DW

Mark Granville Firmin, 1 The Embankment, Neville St, Leeds, LS1 4DW

Joint Administrators of the above company attach a progress report for the period

from

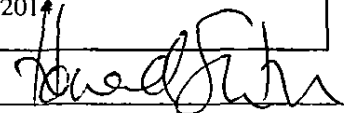
to

(b) 30 03 2014

(b) 25 09 2014

(b) Insert dates

Signed


Joint Administrator

Dated 25 September 2014

WEDNESDAY



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COMPANIES HOUSE



**David Price Food Services
Limited in administration (“the
Company”)**

Report to creditors pursuant to Rule
2.47 and 2.110 of the Insolvency
Rules 1986 (as amended)

KPMG LLP
25 September 2014

This report contains 14 pages plus Appendices
HS/SC/GC



Notice: About this Report

This Report has been prepared by Howard Smith and Mark Granville Firmin, the Joint Administrators of David Price Food Services Limited, solely to comply with their statutory duty under the Insolvency Act 1986 and Insolvency Rules 1986 to provide creditors with an update on the outcome of the Administration of the estate, and for no other purpose. It is not suitable to be relied upon by any other person, or for any other purpose, or in any other context.

This Report has not been prepared in contemplation of it being used, and is not suitable to be used, to inform any investment decision in relation to the debt of or any financial interest in David Price Food Services Limited.

Any estimated outcomes for creditors included in this Report are illustrative only and cannot be relied upon as guidance as to the actual outcomes for creditors.

Any person that chooses to rely on this Report for any purpose or in any context other than the Insolvency Act and Insolvency Rules 1986 (as amended) does so at their own risk. To the fullest extent permitted by law, the Joint Administrators do not assume any responsibility and will not accept any liability in respect of this Report.

Howard Smith is authorised to act as an insolvency practitioner by the Insolvency Practitioners Association.

Mark Granville Firmin is authorised to act as an insolvency practitioner by the Institute of Chartered Accountants in England & Wales.

The Joint Administrators act as agents for David Price Food Services Limited and contract without personal liability. The appointments of the Joint Administrators are personal to them and, to the fullest extent permitted by law, KPMG LLP does not assume any responsibility and will not accept any liability to any person in respect of this Report or the conduct of the Administration.

All figures contained within the Report, unless otherwise stated, are net of VAT.



Glossary

Joint Administrators	Howard Smith and Mark Granville Firmin of KPMG LLP, 1 The Embankment, Neville Street, Leeds LS1 4DW
Administration Order	The Administration Order granted by the High Court of Justice, Chancery Division, Leeds District Registry, in respect of David Price Food Services Limited on 30 September 2013 Court Administration Order number 1220 of 2013
the Company	David Price Food Services Limited (Company registered number 00128852)
the Directors	David Geoffrey Price, Susan Elsie Price, Paul Andrew Martin, David John Lyon and Robert Alan Smith
IA 86	The Insolvency Act 1986
IR 86	The Insolvency Rules 1986
KPMG	KPMG LLP
Yorkshire Bank	Yorkshire Bank Plc
Pension Fund	David Price Pension Fund
TUPE	Transfer of Undertakings (Protection of Employment) Regulations
Secured Creditors	Yorkshire Bank Plc, Close Invoice Finance Limited and David Price Pension Fund



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1 Executive Summary

- This final report covers the period from 30 March 2014 to 25 September 2014
- The Joint Administrators' Statement of Proposals was approved on 2 December 2013 and has not been modified
- As previously reported, due to there being limited floating charge assets and the amounts owed to the Secured Creditors, no funds have become available to enable distributions to be made to preferential or unsecured creditors
- Any additional information regarding office holders' remuneration and / or other expenses charged for the period is available from the office holder upon request by any secured creditor or any unsecured creditor(s) with at least 5% in value of the unsecured debt, in accordance with Rule 4.49(E) of the Insolvency Rules 1986. This request must be made within 21 days of receipt of this report. The full text of this rule can be provided upon request
- Full details of the Joint Administrators' final report are attached together with all the relevant statutory information
- This final report should be read in conjunction with previous reports sent to the Company's creditors
- As all matters have been resolved the Joint Administrators will now seek the dissolution of the Company which should take place approximately 3 months after the filing of this report and Form 2.35B at Companies House

Howard Smith
Joint Administrator



25 September 2014

2 Statement of Proposals

The Joint Administrators' Statement of Proposals was circulated to all known creditors of the Company on 20 November 2013

Pursuant to Paragraph 52(1)(b) of Schedule B1 to the Insolvency Act 1986 the Joint Administrators did not convene a creditors meeting as it was considered that the Company had insufficient property to enable a distribution to be made to unsecured creditors other than by virtue of Section 176(A)(2)(a) (Prescribed Part), were that to apply

No modifications were proposed by creditors, and the Joint Administrators' Statement of Proposals, as circulated, was deemed approved on 2 December 2013. There have also been no material deviations from the proposals originally circulated

3 Progress of the administration

3.1 Asset Realisations

3.1.1 Recharge of Legal fees

The sum of £4,050 has been received from Close Invoice Finance Limited representing a recharge of certain legal fees incurred

3.1.2 Sundry refunds

Funds totalling £1,425 have been received in the period in relation to sundry refunds

3.1.3 Bank interest

During the period, bank interest of £169 has been received

There have been no other asset realisations in the period

3.2 Liabilities

3.2.1 Secured creditors

3.2.1.1 Yorkshire Bank

Yorkshire Bank has the benefit of a debenture dated 6 December 1991 providing fixed and floating charges over the Company's assets, a legal charge dated 19 October 1992, a standard security dated 15 January 2009 and a chattel mortgage dated 5 July 2011. The latter two charges were provided by Clydesdale Bank (trading as Yorkshire Bank)

A distribution of £22,000 has been made to Yorkshire Bank during this period bringing total distributions over the course of the administration to £972,000 against lending at the date of administration of circa £1,522,000. As there are no additional realisations



expected, Yorkshire Bank has therefore suffered a shortfall against its original lending of circa £550,000

3 2 1 2 Close

Close has the benefit of a debenture dated 14 December 2011, providing fixed and floating charges over the Company's assets

As previously advised, KPMG RRG team were collecting the book debts under a separate agreement with Close and this exercise has now been completed

Total collections have amounted to £2,122,000 which after repaying the lending of £1,965,000, termination charges (£70,000), KPMG RRG fees (£127,000) and post administration funding (£155,000), has resulted in a shortfall of circa £195,000 No surplus funds have therefore become available for other creditors

3 2 1 3 David Price Pension Fund

The Pension Fund has the benefit of a mortgage dated 23 August 2012, providing a fixed charge over specific Company chattel assets

As previously advised, these assets were sold in earlier periods for a total consideration of £115,000, resulting in a shortfall of £29,000 to the Pension Fund

3 2 2 Preferential creditors

Preferential claims relate to the preferential part of the redundant employees' wages and holiday pay that were outstanding at the time of appointment

As part of the sale agreement, 29 employees of the Company were transferred to the Purchaser under the TUPE regulations Immediately on the appointment of the Joint Administrators 110 other employees were made redundant due to the cessation of the haulage business

Due to there being limited floating charge assets, no funds have become available during the course of the Administration to enable a dividend to be paid to preferential creditors

3 2 3 Other creditors and the Prescribed Part

No funds have become available during the course of the Administration to enable a dividend to be paid to unsecured creditors

As previously advised, the prescribed part does not apply in this case as the security held by Yorkshire Bank was created before 15 September 2003

3 2 4 Statement of expenses

Expenses for this period total £72,738 (see Appendix 4 for details)



4 End of Administration

All matters have been resolved and the Joint Administrators' proposals are now deemed to have been fully completed. As was originally set out in their proposals, the Joint Administrators have obtained the consent of the secured creditors to their release from office and are now exiting the Administration via dissolution of the Company. This is pursuant to the provisions of paragraph 84 of Schedule B1 to the Act.

The Company will be dissolved approximately three months after the filing of this report and Form 2.35B at Companies House.

5 Comments on the Appendices

5.1 Appendix 1: Statutory information

A summary of key statutory information for the Company, including previous names and addresses, is included in Appendix 1.

5.2 Appendix 2: Receipts & payments account for the period

5.2.1 Receipts

5.2.1.1 Assets

Please see Section 3.1 for comments on the receipts during the period.

5.2.2 Payments

5.2.2.1 Distribution to Yorkshire Bank

A further £22,000 has been distributed to Yorkshire Bank from net fixed charge realisations.

5.2.2.2 Legal fees and disbursements

Legal fees of £4,020 have been paid to Turner Parkinson LLP during the period for advice given in relation to the Administration.

5.2.2.3 Storage costs

Storage costs of £440 have been paid during the period for the ongoing storage of the Company's pre-Administration books and records.

5.2.2.4 Joint administrators' fees

The Joint Administrators' have drawn fees of £178,865 during the period. These are further detailed below.



5 3 Appendix 3 and Appendix 4: Analysis of office holders' time costs and disbursements

5 3 1 Joint Administrators' fees

Excluding time relating to debtor collections, time costs of £55,265 have been incurred in the period representing 188 hours at an average hourly rate of £293, bringing total time costs to date to £329,159. This is in relation to time spent by members of the Joint Administrators' and their staff in dealing with the affairs of the Company. A breakdown is included in Appendix 4.

Time charged by the KPMG RRG team in the period amounted to 53 hours at a cost of £16,993. This brings total RRG time to £225,110.

The statutory provisions relating to remuneration are set out in Rule 2 106 of the Insolvency Rules 1986. A creditors' guide to fees can be found at

http://www.r3.org.uk/media/documents/publications/professional/Guide_to_Administrators_Fees_Nov20111.pdf

However, if you are unable to access this guide and would like a copy, please contact Greg Clifford on 0113 254 2902.

Please note that all staff who have worked on this assignment, including cashiers and secretarial staff have charged time directly to the assignment and are included in the analysis of time spent. The cost of staff employed in central administration functions is not charged directly to this assignment but is reflected in the general level of charge out rates.

In accordance with Rule 2 106 (5A)(a) of IR86 the Joint Administrators obtained approval from the Secured Creditors, being Yorkshire Bank, Close and the Pension Fund that

- the Joint Administrators be authorised to draw fees on account from the assets of the Company from time to time during the period of the Administration based on time properly spent at KPMG LLP charge out rates that reflect the complexity of the assignment.

In accordance with this approval, the Joint Administrators have drawn fees of £178,865 during the period covered by this report. This represents a shortfall of circa £150,294 against time costs incurred.

KPMG RRG's fees have been paid by Close Invoice Finance Limited and not drawn from general assets. Fees of £127,006 have been paid to RRG resulting in a shortfall of £98,104 against costs incurred.

There are insufficient funds available to enable any further fees to be drawn by either the Joint Administrators or KPMG RRG.



5.4 Analysis of office holder's time costs

5.4.1.1 Debtors

As the debtor ledger was the main asset of the Company, a significant amount of time has been spent from appointment dealing with specific customer related matters in order to protect the value of the ledger. Time costs of £16,993 (53 hours) have been spent in the period in relation to debtors.

5.4.1.2 Post appointment corporation tax

Time costs of £15,845 (47 hours) have been spent in the period by the KPMG Tax team in dealing with post appointment corporation tax returns and seeking final tax clearances.

5.4.1.3 Post appointment VAT

Time costs of £5,707 (21 hours) have been spent in the period by the KPMG VAT team in preparing and submitting post appointment VAT returns.

5.4.1.4 Closure and related formalities

Time costs of £4,247 (18 hours) have been incurred in preparing the case for closure.



Appendix 1 - Statutory information

Date of Incorporation	7 May 1913
Company number	00128852
Previous registered office	Kittiwake Close Silverlink Business Park Wallsend Tyne & Wear NE28 9ND
Present registered office	KPMG LLP 1 The Embankment Neville Street Leeds LS1 4DW
Trading addresses	Kittiwake Close Silverlink Business Park Wallsend Tyne & Wear NE28 9ND
Called up share capital	1,000 Ordinary £1 shares 100,000 Preference £1 shares
Members	David Price (Holdings) Limited
Directors	David Geoffrey Price David John Lyon Paul Andrew Martin Susan Elsie Price Robert Alan Smith
Company Secretary	David Geoffrey Price
Employees	144
Previous name(s)	Tyne and Wear Cold Storage Limited P&O Warehouse Services Limited



David Price Food Services Limited in administration
Report to creditors pursuant to Rule 2 47 and 2 110 of the Insolvency Rules 1986 (as amended)

25 September 2014

Appendix 2 – Receipts and Payments period account for the period 30 March 2014 to 25 September 2014

**David Price Food Services Limited
(In Administration)
Administrators' Abstract of Receipts & Payments**

Statement of Affairs	From 30/03/2014 To 25/09/2014	From 30/09/2013 To 25/09/2014
FIXED CHARGE ASSETS		
435 000 00		
	NIL	435 000 00
350 000 00		
	NIL	350,000 00
	NIL	115,000 00
	54 45	158.24
215 000 00		
	NIL	215,000 00
	NIL	2,902.31
	54 45	1,118 060.55
FIXED CHARGE COSTS		
	19,722 24	19,722.24
	NIL	5 500 00
	NIL	216 00
	NIL	2,600 00
	20 00	120 00
	NIL	2,902.31
	(19,742 24)	(31 060 55)
FIXED CHARGE CREDITORS		
(1,361 041 00)		
	22,000 00	972,000 00
	NIL	115 000 00
	(22,000 00)	(1 087 000 00)
HIRE/LEASING		
207,500 00	NIL	NIL
(161,640 00)	NIL	NIL
69 000 00	NIL	NIL
(98,031 00)	NIL	NIL
69 000 00	NIL	NIL
(105 282 00)	NIL	NIL
1 813 726 00	NIL	NIL
(1,976,331 00)	NIL	NIL
ASSET REALISATIONS		
6,000 00	NIL	12,500 00
11,000 00	NIL	11 000 00
	NIL	1 00
	NIL	50 000 00
	NIL	1 00
	NIL	105 195 26
	NIL	743.34
	NIL	179 440 60
OTHER REALISATIONS		
	95 65	275 56
	19 32	19 32
NIL	NIL	NIL
	4,049 61	4,049 61
	1 425 00	8,196.33
NIL	NIL	NIL
88 00	NIL	7.41
99,993 00	NIL	99,993 00



David Price Food Services Limited in administration
Report to creditors pursuant to Rule 2.47 and 2.110 of the Insolvency Rules 1986 (as amended)
25 September 2014

David Price Food Services Limited
(In Administration)
Administrators' Abstract of Receipts & Payments

Statement of Affairs	From 30/03/2014 To 25/09/2014	From 30/09/2013 To 25/09/2014
Intellectual property	NIL	1 00
Transferred records	NIL	1 00
IT System	NIL	1 00
Customer contracts	NIL	1 00
Customer lists	NIL	1 00
	<u>5 589 58</u>	<u>112 546 23</u>
COST OF REALISATIONS		
Repayment of third party funds	NIL	743 34
Undertakings	NIL	88,033 35
Statement of affairs work	NIL	1 500 00
Administrators' fees	159 143 04	159 143 04
Agents'/Valuers' fees	NIL	6 339 35
Legal fees	4,557 31	13 637 31
Legal disbursements	NIL	151 56
Book debt commission	NIL	1 250 00
Storage costs	440 30	725 99
Re-direction of mail	NIL	195 00
Statutory advertising	NIL	84 60
Insurance of assets	NIL	7 094 16
Wages & salaries	NIL	12 944 13
Bank charges	20 00	45 00
Payroll bureau costs	NIL	100 00
	<u>(164 160 65)</u>	<u>(291 986 83)</u>
PREFERENTIAL CREDITORS		
(115 000 00) Employees' wage arrears	NIL	NIL
(40 487 00) Employees holiday pay	NIL	NIL
	<u>NIL</u>	<u>NIL</u>
UNSECURED CREDITORS		
(943 997 70) Trade & expense	NIL	NIL
(442 875 00) Employees	NIL	NIL
(2,029 538 21) CVA	NIL	NIL
(414 663 18) Corp tax etc/nonpref PAYE	NIL	NIL
(408 238 03) Non preferential VAT	NIL	NIL
(200 000 00) Accruals	NIL	NIL
(3 750 00) Landlord	NIL	NIL
	<u>NIL</u>	<u>NIL</u>
DISTRIBUTIONS		
(100 000 00) Preference shareholders	NIL	NIL
(1 000 00) Ordinary shareholders	NIL	NIL
	<u>NIL</u>	<u>NIL</u>
<u>(5 125,067 12)</u>	<u>(200,258 86)</u>	<u>(0 00)</u>
REPRESENTED BY		
		<u>NIL</u>



David Price Food Services Limited in administration
Report to creditors pursuant to Rule 2 47 and 2 110 of the Insolvency Rules 1986 (as amended)
25 September 2014

Appendix 3 - Analysis of office holders' time costs for the period 30 March 2014 to 25 September 2014

	Partner / Director	Manager	Administrator	Support	Total hours	Time cost	Average hourly rate
Administration & planning							
Cashiering							
General (Cashiering)	2 80		6 90		9 70	£3 004 50	£309 74
Reconciliations (& IPS accounting reviews)		0 90	1 30		2 20	£691 00	£314 09
General							
Books and records		0 10	2 70		2 80	£565 00	£201 79
Fees and WIP	1 10	3 50	6 65	1 00	12 25	£3 297 75	£269 20
Statutory and compliance							
Checklist & reviews	1 20	4 60	2 50		8 30	£2 975 50	£358 49
Closure and related formalities	0 20	0 40	17 00		17 60	£4 247 00	£241 31
Reports to debenture holders		1 40			1 40	£539 00	£385 00
Statutory receipts and payments accounts			0 50		0 50	£132 50	£265 00
Strategy documents	1 40	4 00	1 35		6 75	£2 586 25	£383 44
Tax							
Post appointment corporation tax	1 90	19 90	25 55		47 35	£15 844 75	£334 63
Post appointment PAYE		0 20	0 50		0 70	£174 50	£249 29
Post appointment VAT	1 00	7 50	12 55		21 05	£5 707 25	£271 13
Creditors							
Creditors and claims							
General correspondence	0 20	4 30	10 55		15 05	£3 809 75	£253 14
Legal claims			4 20		4 20	£819 00	£195 00
Pre-appointment VAT / PAYE / CT		0 40	1 75		2 15	£495 25	£230 35
Statutory reports	2 00	3 10	8 35		13 45	£3 831 75	£284 89
Employees							
Correspondence		5 40	1 40		6 80	£2 380 00	£350 00
DTI redundancy payments service		0 60			0 60	£231 00	£385 00
Pension funds		1 00			1 00	£385 00	£385 00
Pensions reviews		2 00	1 50		3 50	£1 062 50	£303 57
Investigation							
Directors							
Correspondence with directors		2 40			2 40	£924 00	£385 00
Realisation of assets							
Asset Realisation							
Cash and investments			0 60		0 60	£117 00	£195 00
Debtors		27 40	25 65		53 05	£16 992 75	£320 32
Office equipment fixtures & fittings			0 25		0 25	£48 75	£195 00
Open cover insurance		0 10	5 65		5 75	£1 140 25	£198 30
Vehicles			1 30		1 30	£253 50	£195 00
Total in period					240 70	£72 257 50	£300 20
Pre-Administration					0 00	£0 00	
Brought forward time (appointment date to SIP9 period start date)					1574 50	£482 011 50	
SIP9 period time (SIP9 period start date to SIP9 period end date)					240 70	£72 257 50	
Carry forward time (appointment date to SIP9 period end date)					1815 20	£554 269 00	



Joint Administrators' charge out rates

	Hourly rate from 1 October 2012 onwards (£)	Hourly rate from 1 October 2013 onwards (£)
Partner	565	565
Director	485	485
Senior Manager	450	475
Manager	365	385
Senior Administrator	250	265
Administrator	185	195
Support	115	120

	KPMG LLP Corporation Tax Team	KPMG LLP Pensions Team	KPMG LLP CCS Team
Grade	From 1 July 2012 £/hr	From 1 July 2012 £/hr	From 1 July 2012 £/hr
Partner	725	725	700
Associate Partner	635	635	640
Director	635	635	640
Senior Manager	525	525	550
Manager	420	420	450
Senior Administrator	305	305	310
Administrator	230	230	225
Support	120	120	180



25 September 2014

Appendix 4 – Joint Administrators' disbursements

Category 1	£
Printing costs	8.75
Total	8.75

Category 2	£
None	Nil
Total	Nil

Where funds permit the officeholder will look to recover both category 1 and category 2 disbursements from the estate. For the avoidance of doubt, such expenses are defined within SIP 9 as follows:

Category 1 disbursements These are costs where there is specific expenditure directly referable both to the appointment in question and a payment to an independent third party. These may include, for example, advertising, room hire, storage, postage, telephone charges, travel expenses, and equivalent costs reimbursed to the officeholder or his or her staff.

Category 2 disbursements These are costs that are directly referable to the appointment in question but not to a payment to an independent third party. They may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis, for example, business mileage.

Any disbursements to be paid from the estate are disclosed within the summary of disbursements above.

The only Category 2 disbursements that KPMG Restructuring currently charges is mileage, this is calculated as follows:

Mileage claims fall into three categories:

- Use of privately-owned vehicle or car cash alternative – 45p per mile
- Use of company car – 60p per mile
- Use of partner's car – 60p per mile

For all of the above car types, when carrying passengers an additional 5p per mile per passenger will also be charged where appropriate.



Appendix 5 - Schedule of expenses for the period 30 March 2014 to 25 September 2014

Section	Account	Paid	Accrued	Total
		£	£	£
Cost of realisations	Joint Administrators' time costs	-	55,264.75	55,264.75
	KPMG RRG costs	-	16,992.75	16,992.75
	Storage costs	440.30	-	440.30
	Bank charges	40.00	-	40.00
TOTAL		480.30	72,257.50	72,737.80

Creditors are reminded that the basis on which fees have been reported has been agreed by the secured creditors.

However to determine if the quantum of the fees to be taken is reasonable the analysis included at Appendix 3 should be reviewed and any additional information can be requested by any secured creditor or any unsecured creditor(s) with at least 5% in value of the unsecured debt in accordance with Rule 2.48A IR86. This request must be made within 21 days receipt of the progress report. The full text of this rule is included in Appendix 6.

In addition creditors are reminded that the quantum can be challenged by unsecured creditor(s) with at least 10% in value excluding that creditors claim by making an application to court in accordance with Rule 2.109 IR86. The full text of this rule is included in Appendix 6.

Appendix 6 - Extract from the Insolvency Rules 1986

Insolvency Rules 1986

2.48A Creditors' request for further information

- (1) If- (a) **within 21 days of receipt of a progress report** under Rule 2 47-
- (i) a secured creditor, or
 - (ii) an unsecured creditor with the concurrence of **at least 5% in value** of the unsecured creditors (including the creditor in question), or
- (b) with the permission of the court upon an application made within that period of 21 days, any unsecured creditor, the administrator for further information about remuneration or expenses (other than pre-administration costs) set out in a statement required by Rule 2 47(1)(db) or (dc), the administrator must, within 14 days of receipt of the request, comply with paragraph (2)
- (2) The administrator complies with this paragraph by either—
- (a) providing all of the information asked for, or
 - (b) so far as the administrator considers that—
 - (i) the time or cost of preparation of the information would be excessive, or
 - (ii) disclosure of the information would be prejudicial to the conduct of the administration or might reasonably be expected to lead to violence against any person, or
 - (iii) the administrator is subject to an obligation of confidentiality in respect of the information,giving reasons for not providing all of the information
- (3) Any creditor, who need not be the same as the creditor who requested further information under paragraph (1), may apply to the court within 21 days of—
- (a) the giving by the administrator of reasons for not providing all of the information asked for, or
 - (b) the expiry of the 14 days provided for in paragraph (1),
- and the court may make such order as it thinks just
- (4) Without prejudice to the generality of paragraph (3), the order of the court under that paragraph may extend the period of 8 weeks provided for in Rule 2 109(1B) by such further period as the court thinks just

2.109 Creditors' claim that remuneration is or other expenses are excessive

- (1) Any secured creditor, or any unsecured creditor with either the concurrence of **at least 10% in value of the unsecured creditors** (including that creditor) or the permission of the court may apply to the court for one or more of the orders in paragraph (4)
- (1A) An application may be made on the grounds that—
- (a) the remuneration charged by the administrator,
 - (b) the basis fixed for the administrator's remuneration under Rule 2 106,
 - (c) expenses incurred by the administrator,
- is or are in all the circumstances, excessive, or in the case of an application under sub-paragraph (b), inappropriate
- (1B) The application must, subject to any order of the court under Rule 2 48A(4), be made no later than 8 weeks after receipt by the applicant of the progress report which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report")
- (2) The court may, if it thinks that no sufficient cause is shown for a reduction, dismiss it without a hearing but it shall not do so without giving the applicant at least 5 business days' notice, upon receipt of which the applicant may require the court to list the application for a without notice hearing. If the application is not dismissed, the court shall fix a venue for it to be heard, and give notice to the applicant accordingly
- (3) The applicant shall, at least 14 days before the hearing, send to the administrator a notice



stating the venue and accompanied by a copy of the application, and of any evidence which the applicant intends to adduce in support of it

(4) If the court considers the application to be well-founded, it must make one or more of the following orders—

(a) an order reducing the amount of remuneration which the administrator was entitled to charge,

(b) an order fixing the basis of remuneration at a reduced rate or amount,

(c) an order changing the basis of remuneration,

(d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the administration,

(e) an order that the administrator or the administrator's personal representative pay to the company the amount of the excess of remuneration or expenses or such part of the excess as the court may specify,

and may make any other order that it thinks just, but an order under sub-paragraph (b) or (c) may be made only in respect of periods after the period covered by the relevant report

(5) Unless the court orders otherwise, the costs of the application shall be paid by the applicant, and are not payable as an expense of the administration