

In accordance with
Rule 5.10 of the
Insolvency (England &
Wales) Rules 2016 &
Section 94(3) of the
Insolvency Act 1986

LIQ13

Notice of final account prior to dissolution in MVL



Companies House

SATURDAY



A19 *A868JHBT* #344
25/05/2019
COMPANIES HOUSE

1 Company details

Company number 0 5 2 0 2 3 8 5

Company name in full Wyndham York Limited

→ Filing in this form
Please complete in typescript or in
bold black capitals

2 Liquidator's name

Full forename(s) Edward

Surname Kerr

3 Liquidator's address

Building name/number Two Snowhill

Street

Post town Birmingham

County/Region

Postcode B 4 6 G A

Country

4 Liquidator's name •

Full forename(s) Malcolm

Surname Cohen

• Other liquidator
Use this section to tell us about
another liquidator

5 Liquidator's address •

Building name/number 55 Baker Street

Street

Post town London

County/Region


Postcode W 1 U 7 E U

Country

• Other liquidator
Use this section to tell us about
another liquidator


LIQ13




Notice of final account prior to dissolution in MVL

6	Final account	
	<input checked="" type="checkbox"/> I have delivered the final account of the winding up to the members in accordance with Section 94(2) and attach a copy	
7	Sign and date	
Liquidator's signature	<div>Signature X  X</div>	
Signature date	24 05 2019	

LIQ13

Notice of final account prior to dissolution in MVL

 Presenter information	
You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.	
Contact name	Stephen Massey
Company name	BDO LLP
Address	
Two Snowhill	
Snow Hill Queensway	
Post town	
Birmingham	
County/Region	
Postcode	B 4 6 G A
Country	
DX	BRCMT@bdo.co.uk
Telephone	
 Checklist	
We may return forms completed incorrectly or with information missing.	
Please make sure you have remembered the following:	
<input type="checkbox"/> The company name and number match the information held on the public Register	
<input type="checkbox"/> You have attached the required documents.	
<input type="checkbox"/> You have signed the form.	

 Important information	
All information on this form will appear on the public record.	
 Where to send	
You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:	
The Registrar of Companies, Companies House, Crown Way, Cardiff, Wales, CF14 3UZ. DX 33050 Cardiff.	
 Further information	
For further information please see the guidance notes on the website at www.gov.uk/companieshouse or email enquiries@companieshouse.gov.uk	
This form is available in an alternative format. Please visit the forms page on the website at www.gov.uk/companieshouse	

Wyndham York Limited
(In Liquidation)
Joint Liquidators' Summary of Receipts & Payments

Declaration of Solvency £		From 18/03/2018 To 12/05/2019 £	From 18/03/2013 To 12/05/2019 £
	ASSET REALISATIONS		
	Bank Interest Gross	NIL	60.47
12,760.00	Book Debts	NIL	NIL
27,421.00	Cash at Bank	NIL	91,309.68
80,000.00	Stock	NIL	NIL
		NIL	91,370.15
	COST OF REALISATIONS		
	Agents/Valuers Fees	NIL	1,065.00
	Bank Charges	25.75	25.75
	Corporation Tax	NIL	512.88
	Motor & Travel	NIL	83.62
	Non-Reclaimable VAT	NIL	45.22
	Office Holders Expenses	NIL	17.49
	Office Holders Fees	NIL	21,386.19
	Pre-appointment accountancy fees	NIL	3,097.50
	Solicitors' Disbursements	NIL	225.00
	Solicitors' Fees	NIL	2,500.00
	Specific Bond	NIL	175.00
	Stationery & Postage	NIL	230.64
	Statutory Advertising	NIL	226.11
		(25.75)	(29,590.40)
	UNSECURED CREDITORS		
(24,724.00)	Trade & Expense Creditors	NIL	3,619.30
		NIL	(3,619.30)
	DISTRIBUTIONS		
	Ordinary Shareholders	10,360.44	58,160.45
		(10,360.44)	(58,160.45)
95,457.00		(10,386.19)	(0.00)
	REPRESENTED BY		
			NIL

Note:

1. This case was VAT registered and all payments are shown exclusive of VAT.
2. A first cash distribution of £26,800.01 was declared on 25 March 2013 and represented a return of £0.0068 per share.
3. A second cash distribution of £21,000.00 was declared on 10 February 2014 and represented a return of £0.0054 per share.
4. A third cash distribution of £10,360.44 was declared on 17 April 2018 and represented a return of £0.0027 per share.



Tel: +44 (0)121 352 6200
Fax: +44 (0)121 352 6222
www.bdo.co.uk

TWO SNOWHILL
Birmingham
B4 6GA
UNITED KINGDOM

To All Members

24 May 2019

Our Ref 04023465/J1H/ETK/AD

Please ask for
Alice Denmark
0151 237 4497
BRCMT@bdo.co.uk

Dear Madams/Sirs

Wyndham York Limited - In Members' Voluntary Liquidation ('the Company')
Registered Number: 05202385

This is my final report on this Liquidation, in accordance with Section 94 of the Insolvency Act 1986 ('the Act'). The Company's affairs are fully wound up and no substantive issues have been raised by members. This report covers the final period ('the Final Period') from 18 March 2018 to 12 May 2019 and should be read in conjunction with my prior reports. The final report is below.

Statutory Information

The Joint Liquidators are Edward Kerr (officeholder number: 9021) of BDO LLP, Two Snowhill, Snow Hill Queensway, Birmingham, B4 6GA and Malcolm Cohen (officeholder number: 6825) of BDO LLP, 55 Baker Street, London, W1U 7EU. As previously reported, there have been various changes to the Liquidators with the Company originally going into Liquidation on 18 March 2013. I was appointed as one of the Joint Liquidators on 30 November 2016 and Malcolm Cohen on 2 August 2017.

The Company's registered number is 05202385. The Company was incorporated on 10 August 2004. The Company had no former names in the 12 months before Liquidation.

The Company's principal trading address was 129 Finchley Road, London, NW3 6HY. Prior to Liquidation the Company's registered office was at 129 Finchley Road, London, NW3 6HY. The registered office was changed to 16 the Havens, Ransomes, Europark, Ipswich IP3 9SJ after the winding up resolution was passed and to Two Snowhill, Birmingham, B4 6GA after changes to the Liquidators.

Receipts and Payments

I attach for your information a summary of my Receipts and Payments account, analysed to show activity in the last year compared to the whole of the Liquidation. The account shows a nil balance. The Receipts and Payments shown are largely self-explanatory with no significant activity happening during the Final Period.

Creditors**Secured and Preferential Creditors**

There were no secured or preferential claims in the Liquidation.

Unsecured Creditors

All known creditors have been paid by the Company in full.

HM Revenue & Customs

As stated in the previous report, tax clearance was sought to distribute the remaining funds and to close the Liquidation. This has now been resolved and the case has been moved to closure.

Distributions

Cash distributions to members to date total £58,160. A further £10,360 was distributed during the Final Period as shown on the Receipts and Payments account. The distribution was declared on 17 April 2018 and represented a distribution of £0.0027 per share. Details of the further cash distributions made are shown on the Receipts and Payments account.

Other distributions to members in specie but not under S.110 arrangement (Rule 18.12 of the insolvency (England and Wales) Rules 2016 ('the Rules'))

There has been a distribution of property to members in its existing form other than pursuant to a Section 110 arrangement under the Act, and, in accordance with Rule 18.12(2) of the Rules, I include in this report and in the Receipts and Payments account relevant information.

As you will be aware, on 25 July 2017 a distribution in specie was declared of the Company's interest in several charges registered against two properties owned by a third party. Whilst it is not anticipated that these charges have any value, the distribution in specie of these charges has been effected in order to secure the shareholders' interests.

Joint Liquidators' Remuneration

Pursuant to the Rules, the Joint Liquidators are obliged to fix their remuneration in accordance with Rule 18.16. This permits remuneration to be fixed either:

- (1) as a percentage of the assets realised and distributed; and/or
- (2) by reference to the time the Joint Liquidators and their staff have spent attending to matters in the Liquidation; and/or
- (3) as a set amount; and/or
- (4) as a combination of the above

The Joint Liquidators' remuneration has been approved on the basis of time properly spent in dealing with issues in the Liquidation. Due to the position with the charges taking longer to resolve than anticipated it was agreed that the time costs would be limited and, therefore, will not be recovered in full.

To date, the Joint Liquidators have drawn £21,386 in respect of remuneration, as shown on the enclosed Receipts and Payments account.

I attach two schedules detailing the time costs incurred to date. The first schedule covers the period of this report, 18 March 2018 to 12 May 2019. This records time costs of £6,851 which represents 37 hours spent at an average charge out rate of £185 per hour.

The second schedule covers the whole period of appointment and records time costs of £50,159 which represents 215 hours spent at an average charge out rate of £233 per hour.

For guidance, I enclose a document that outlines the policy of BDO LLP in respect of fees and disbursements.

Disbursements

Where disbursements are recovered in respect of precise sums expended to third parties there is no necessity for these costs to be authorised. These are known as category 1 disbursements. Since my last report no category 1 disbursements have accrued.

Some Liquidators recharge expenses, for example printing, photocopying and telephone costs, which cannot economically be recorded in respect of each specific case. Such expenses, which are apportioned to cases, require the approval of the members before they can be drawn, and these are known as category 2 disbursements. The policy of BDO LLP in respect of this appointment is not to charge any category 2 disbursements with the exception of mileage on the basis of the mileage scale approved by HMRC, being 45p per mile unless otherwise disclosed to the members. No category 2 disbursements have accrued during this period.

Total disbursements of £319 have been incurred in this Liquidation as detailed below.

Disbursements	Category 1 (£)	Category 2 (£)	Total (£)
Bonding	175.00	-	175.00
Motor and Travel	2.00	81.62	83.62
Postage	60.10	-	60.10
Total	237.10	81.62	318.72

Members' Rights

Members with the concurrence of at least 5% in value of the members may within 21 days of this report request in writing further information regarding the remuneration and expenses set out in this report. In accordance with Rule 18.9(3) of the Rules, within 14 days of a request I will provide further information or explain why further information is not being provided.

A member (who need not be the member who asked for the information) may, with the concurrence of at least 5% or more in value of the members (including the member in question), apply to the court within 21 days of my response or the expiry for the period of my response and the court may make such order as it thinks fit (Rule 18.9(6) and (7) of the Rules). Members with the concurrence of at least 10% of the members may apply to the court if they consider that the remuneration of the Joint Liquidators, or the basis fixed for the remuneration of the Joint Liquidators or expenses charged by the Joint Liquidators are excessive (Rule 18.34 of the Rules).

Such an application must be made within 8 weeks of receiving the draft report. No applications were received. The text of Rules 18.9 and 18.34 are set out at the end of this report.

Release of Joint Liquidators

The Joint Liquidators did not receive any objections to their release from office and, therefore, will be released from office under Section 173 of the Act at the same time as vacating office, per Section 171(6) of the Act.

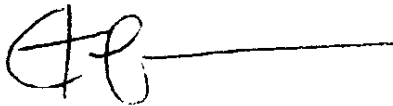
The Insolvency Service has established a central gateway for considering complaints in respect of Insolvency practitioners. In the event that you make a complaint to me but are not satisfied with the response from me then you should visit <https://www.gov.uk/complain-about-insolvency-practitioner> where you will find further information on how you may pursue the complaint.

The Joint Liquidators are bound by the Insolvency Code of Ethics when carrying out all professional work relating to this appointment. A copy of the code is at <http://www.icaew.com/en/members/regulations-standards-and-guidance/ethics/code-of-ethics-d>.

Members may access information setting out the rights in respect of the approval of Joint Liquidators' remuneration at <https://www.r3.org.uk/what-we-do/publications/professional/fees>.

Please contact me or my colleague Alice Denmark at BRCMT@bdo.co.uk if you require further information.

Yours faithfully
for and on behalf of
Wyndham York Limited



Edward Kerr
Joint Liquidator
Authorised by the Institute of Chartered Accountants in England & Wales in the UK

Enclosures

Receipts and Payments Account
SIP 9 Time Cost Report for the Period of Report
SIP 9 Time Cost Report for the Period of Liquidation
BDO LLP Policy in Respect of Fees and Disbursements
Notice of Final Account
Statement of Creditors' Rights in respect of Fees and Disbursements

Wyndham York Limited
(In Liquidation)
Joint Liquidators' Summary of Receipts & Payments

Declaration of Solvency £		From 18/03/2018 To 12/05/2019 £	From 18/03/2013 To 12/05/2019 £
	ASSET REALISATIONS		
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80,000.00	Stock	NIL	NIL
		NIL	91,370.15
	COST OF REALISATIONS		
	Agents/Valuers Fees	NIL	1,065.00
	Bank Charges	25.75	25.75
	Corporation Tax	NIL	512.88
	Motor & Travel	NIL	83.62
	Non-Reclaimable VAT	NIL	45.22
	Office Holders Expenses	NIL	17.49
	Office Holders Fees	NIL	21,386.19
	Pre-appointment accountancy fees	NIL	3,097.50
	Solicitors' Disbursements	NIL	225.00
	Solicitors' Fees	NIL	2,500.00
	Specific Bond	NIL	175.00
	Stationery & Postage	NIL	230.64
	Statutory Advertising	NIL	226.11
		(25.75)	(29,590.40)
	UNSECURED CREDITORS		
(24,724.00)	Trade & Expense Creditors	NIL	3,619.30
		NIL	(3,619.30)
	DISTRIBUTIONS		
	Ordinary Shareholders	10,360.44	58,160.45
		(10,360.44)	(58,160.45)
95,457.00		(10,386.19)	(0.00)
	REPRESENTED BY		

NIL

Note:

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4. A third cash distribution of £10,360.44 was declared on 17 April 2018 and represented a return of £0.0027 per share.

Name of Assignment

Wyndham York Limited - MVL

00226761

Summary of Time Charged and Rates Applicable for the Period From 18/03/2018 to 12/05/2019

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		AV. RD
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	
D. General Administration	0.40	208.00	4.65	1,189.45	0.20	24.80	0.50	63.50	9.25	655.85	2.85	195.95	17.85	2,337.55	130.9
F. Assets Realisation/Dealing			0.10	26.10									0.10	26.10	26.10
G. Employee Matters	0.20	104.00											0.20	104.00	520.0
H. Creditor Claims			2.25	622.05									2.25	622.05	276.4
I. Reporting	1.50	793.00	1.45	356.70	2.05	254.20	1.05	121.80	2.20	147.40			8.25	1,673.10	202.8
J. Distribution and Closure	1.10	572.00	3.95	1,152.85	1.00	127.00	0.40	50.80	2.35	168.65	0.25	17.25	9.05	2,088.55	230.7
	3.20	1,677.00	12.40	3,347.15	3.25	406.00	1.95	236.10	13.80	971.90	3.10	213.20			

Net Total

Secretarial Expense

Other Disbursements

Billed

Grand Total

37.70	6,851.35
	0.00
	0.00
	0.00
	6,851.35

Name of Assignment

Wyndham York Limited – MVL

00226761

Detail of Time Charged and Rates Applicable for the Period From 18/03/2013 to 12/05/2019

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL	
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £
B. Steps on Appointment														
12 Setting up Internal Files			0.25	63.75									0.25	63.75
sub total -														
B. Steps on Appointment														
C. Planning and Strategy														
05 Review Options Available														
07 Strategy Planning	0.25	115.25	0.30	126.30									0.30	126.30
08 Reporting	1.00	461.00	0.45	171.00									0.70	286.25
09 Other Matters					3.00	786.00							3.00	786.00
sub total -	1.25	576.25	0.75	297.30	3.00	786.00							5.00	1,659.55
C. Planning and Strategy														
D. General Administration														
01 Insurance Matters			0.20	51.00									0.20	51.00
02 VAT			1.75	455.25									1.75	455.25
03 Taxation	0.40	184.40	3.10	776.15	4.75	1,290.55							8.25	2,251.10
04 Instruct Case Solutions			3.80	969.30									3.80	969.30
07 Receipts Payments Accounts	0.20	104.00	8.30	2,032.85	2.10	423.15	7.70	1,304.10	19.10	1,747.50	6.60	444.45	44.00	6,146.05
08 Remuneration Issues	0.10	52.00	1.05	295.35					0.20	13.40			1.35	360.75

Detail of Time Charged and Rates Applicable for the Period From 18/03/2013 to 12/05/2019

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL	
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £
09 Statutory Matters	0.25	115.25	5.25	1,337.25	5.25	1,060.50			0.90	58.20			11.65	2,571.20
14 General Discussions			0.35	84.70	1.25	341.50							1.60	426.20
15 Gen Admin Correspondence	2.65	1,307.75	4.65	1,149.15	4.45	1,167.15	0.50	63.50	4.00	344.60	0.45	31.05	16.70	4,063.20
16 Maintain Internal Files			0.10	33.30	0.35	43.40					0.35	17.85	0.80	94.55
99 Other Matters	0.20	92.20											0.20	92.20
sub total -	3.80	1,855.60	28.55	7,184.30	18.15	4,326.25	8.20	1,457.60	24.20	2,163.70	7.40	493.35	90.30	17,480.80
D General Administration														
E Assets Realisation/Deeding														
01 Establishing Control					5.10	1,551.00							5.10	1,551.00
02 Evaluation/Reconciliation					5.50	1,613.25							5.50	1,613.25
03 Asset Tracing					0.75	228.75							0.75	228.75
04 Agent Instruction Filing			0.40	96.80	0.25	86.00							0.65	182.80
06 Property Related Matters			32.45	8,107.95									32.45	8,107.95
07 Debt Collection			0.40	96.80									0.40	96.80
09 Dealing with other Assets			2.90	703.10									2.90	703.10

Name of Assignment

Wyndham York Limited - MVL

00226761

Detail of Time Charged and Rates Applicable for the Period From 18/03/2013 to 12/05/2019

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL	
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £
sub total - I Reporting	2.75	1,369.25	7.60	1,864.25	11.30	2,916.95	1.05	121.80	4.30	3,45.70	0.30	20.70	27.30	6,638.65
J. Distribution and Closure														
01 Closure Planning			1.10	305.05	0.75	95.25							1.85	400.30
02 Distributions	3.30	1,586.20	2.90	734.20	15.10	3,884.45					0.25	17.25	21.55	6,222.10
03 Shareholder Rights Letters	0.90	398.40											0.90	398.40
04 Closure Documentation			1.95	612.30					2.35	168.65			4.30	780.95
06 Closing Statutory Duties					0.25	31.75	0.40	50.80					0.65	82.55
99 Other Matters					0.50	138.00							0.50	138.00
sub total - J. Distribution and Closure	4.20	1,984.60	5.95	1,651.55	16.60	4,149.45	0.40	50.80	2.35	168.65	0.25	17.25	29.75	8,022.30
												Net Total	50,158.90	
												Secretarial Expense	0.00	
												Other Disbursements	0.00	
												Billed	0.00	
												Grand Total	50,158.90	



Wyndham York Limited - In Members' Voluntary Liquidation

In accordance with best practice I provide below details of policies of BDO LLP in respect of fees and expenses for work in relation to the above insolvency.

The current charge out rates per hour of staff within my firm who may be involved in working on the insolvency, follows:

GRADE	£
Partner	533-760
Manager	235-411
Assistant Manager	212
Senior Administrator	200-212
Administrator	71-180
Other Staff	75

This in no way implies that staff at all such grades will work on the case. The rates charged by BDO LLP are reviewed periodically and are adjusted to take account of inflation and the firm's overheads.

Time spent on casework is recorded directly to the relevant case using a computerised time recording system and the nature of the work undertaken is recorded at that time. Units of time can be as small as 3 minutes. BDO LLP records work in respect of insolvency work under the following categories:-

Pre Appointment
Steps upon Appointment
Planning and Strategy
General Administration
Asset Realisation/Management
Trading Related Matters
Employee Matters
Creditor Claims
Reporting
Distribution and Closure
Other Issues.

Under each of the above categories the work is recorded in greater detail in sub categories. Please note that the 11 categories provide greater detail than the six categories recommended by the Recognised Professional Bodies who are responsible for licensing and monitoring insolvency practitioners.

Where an officeholder's remuneration is approved on a time cost basis the time invoiced to the case will be subject to VAT at the prevailing rate.

Where remuneration has been approved on a time costs basis a periodic report will be provided to any committee appointed by the creditors or in the absence of a committee to the creditors. The report will provide a breakdown of the remuneration drawn and will enable the recipients to see the average rates of such costs.

Other Costs

Where expenses are incurred in respect of the insolvent estate they will be recharged. Such expenses can be divided into two categories.

1) Category 1

This heading covers expenses where BDO LLP has met a specific cost in respect of the insolvent estate where payment has been made to a third party. Such expenses may include items such as advertising, couriers, travel (by public transport), land registry searches, fees in respect of swearing legal documents etc. In each case the recharge will be reimbursement of a specific expense incurred.

2) Category 2

We propose to recover from the estate the cost of travel where staff use either their own vehicles or company cars in travelling connected with the insolvency. In these cases a charge of 45p per mile is raised which is in line with the HM Revenue & Customs Approved Mileage Rates (median - less than 10,000 miles per annum) which is the amount the firm pays to staff. Where costs are incurred in respect of mileage, approval will be sought in accordance with the Insolvency (England and Wales) Rules 2016 to recover this disbursement.

Where applicable, all disbursements will be subject to VAT at the prevailing rate.

BDO LLP
24 May 2019



NOTICE OF FINAL ACCOUNT UNDER SECTION 94 OF THE INSOLVENCY ACT 1986 & RULE 5.10 OF THE INSOLVENCY (ENGLAND AND WALES) RULES 2016 ('the Rules')

Wyndham York Limited - In Members' Voluntary Liquidation ('the Company')
Registered number: 05202385

NOTICE THAT:

The Company's affairs are fully wound up.

The members have not objected to the Joint Liquidators' release, and therefore the Joint Liquidators will vacate office under Section 171 of the Insolvency Act 1986 when they deliver the attached account and report to the registrar of companies.

The Joint Liquidators will be released under Section 173 of the Insolvency Act 1986 at the same time as vacating office.

The Joint Liquidators are Edward Kerr (officeholder number: 9021) of BDO LLP, Two Snowhill, Snow Hill Queensway, Birmingham, B4 6GA and Malcolm Cohen (officeholder number: 6825) of BDO LLP, 55 Baker Street, London, W1U 7EU. As stated in previous reports, there have been a number of changes to the Joint Liquidators since the original appointment on 18 March 2013. The Joint Liquidators may also be contacted via Alice Denmark at BRCMT@bdo.co.uk.

Dated: 24 May 2019

A handwritten signature in black ink, appearing to be 'EK', followed by a horizontal line.

Edward Kerr (officeholder number: 9021)
Joint Liquidator
of BDO LLP, Two Snowhill, Snow Hill Queensway, Birmingham, B4 6GA



Statement from the Insolvency (England and Wales) Rules 2016 regarding the rights of members and creditors in respect of the Joint Liquidators' fees and expenses:

Creditors' and members' requests for further information in administration, winding up and bankruptcy

18.9.—(1) The following may make a written request to the office-holder for further information about remuneration or expenses (other than pre-administration costs in an administration) set out in a progress report under rule 18.4(1)(b), (c) or (d) or a final report under rule 18.14—

- (a) a secured creditor;
 - (b) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question);
 - (c) members of the company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company;
 - (d) any unsecured creditor with the permission of the court; or
 - (e) any member of the company in a members' voluntary winding up with the permission of the court.
- (2) A request, or an application to the court for permission, by such a person or persons must be made or filed with the court (as applicable) within 21 days of receipt of the report by the person, or by the last of them in the case of an application by more than one member or creditor.
- (3) The office-holder must, within 14 days of receipt of such a request respond to the person or persons who requested the information by—
- (a) providing all of the information requested;
 - (b) providing some of the information requested; or
 - (c) declining to provide the information requested.
- (4) The office-holder may respond by providing only some of the information requested or decline to provide the information if—
- (a) the time or cost of preparation of the information would be excessive; or
 - (b) disclosure of the information would be prejudicial to the conduct of the proceedings;
 - (c) disclosure of the information might reasonably be expected to lead to violence against any person; or
 - (d) the office-holder is subject to an obligation of confidentiality in relation to the information.
- (5) An office-holder who does not provide all the information or declines to provide the information must inform the person or persons who requested the information of the reasons for so doing.
- (6) A creditor, and a member of the company in a members' voluntary winding up, who need not be the same as the creditor or members who requested the information, may apply to the court within 21 days of—
- (a) the office-holder giving reasons for not providing all of the information requested; or
 - (b) the expiry of the 14 days within which an office-holder must respond to a request.
- (7) The court may make such order as it thinks just on an application under paragraph (6).

Remuneration and expenses: application to court by a creditor or member on grounds that remuneration or expenses are excessive

18.34.—(1) This rule applies to an application in an administration, a winding-up or a bankruptcy made by a person mentioned in paragraph (2) on the grounds that—

- (a) the remuneration charged by the office-holder is in all the circumstances excessive;
 - (b) the basis fixed for the office-holder's remuneration under rules 18.16, 18.18, 18.19, 18.20 and 18.21 (as applicable) is inappropriate; or
 - (c) the expenses incurred by the office-holder are in all the circumstances excessive.
- (2) The following may make such an application for one or more of the orders set out in rule 18.36 or 18.37 as applicable—
- (a) a secured creditor,
 - (b) an unsecured creditor with either—
 - (i) the concurrence of at least 10% in value of the unsecured creditors (including that creditor), or
 - (ii) the permission of the court, or
 - (c) in a members' voluntary winding up—
 - (i) members of the company with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company, or
 - (ii) a member of the company with the permission of the court.

(3) The application by a creditor or member must be made no later than eight weeks after receipt by the applicant of the progress report under rule 18.3, or final report or account under rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report").

Applications under rules 18.34 and 18.35 where the court has given permission for the application

18.36.—(1) This rule applies to applications made with permission under rules 18.34 and 18.35.

- (2) Where the court has given permission, it must fix a venue for the application to be heard.
- (3) The applicant must, at least 14 days before the hearing, deliver to the office-holder a notice stating the venue and accompanied by a copy of the application and of any evidence on which the applicant intends to rely.
- (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 office-holder is entitled to charge;
 - (b) an order reducing any fixed 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 is not to be treated as expenses of the administration, winding up or bankruptcy;
 - (e) an order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by —
 - (i) the administrator or liquidator or the administrator's or liquidator's personal representative to the company, or
 - (ii) the trustee or the trustee's personal representative to such person as the court may specify as property comprised in the bankrupt's estate;
 - (f) any other order that it thinks just.
- (5) An order under paragraph (4)(b) or (c) may only be made in respect of periods after the period covered by the relevant report.
- (6) Unless the court orders otherwise the costs of the application must be paid by the applicant, and are not payable as an expense of the administration, winding up or bankruptcy.

Applications under rule 18.34 where the court's permission is not required for the application

18.37.—(1) On receipt of an application under rule 18.34 for which the court's permission is not required, the court may, if it is satisfied that no sufficient cause is shown for the application, dismiss it without giving notice to any party other than the applicant.

- (2) Unless the application is dismissed, the court must fix a venue for it to be heard.
- (3) The applicant must, at least 14 days before any hearing, deliver to the office-holder a notice stating the venue with a copy of the application and of any evidence on which the applicant intends to rely.
- (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 office-holder is entitled to charge;
 - (b) an order reducing any fixed 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 or winding up or bankruptcy;
 - (e) an order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by —
 - (i) the administrator or liquidator or the administrator's or liquidator's personal representative to the company, or
 - (ii) the trustee or the trustee's personal representative to such person as the court may specify as property comprised in the bankrupt's estate;
 - (f) any other order that it thinks just.
- (5) An order under paragraph (4)(b) or (c) may only be made in respect of periods after the period covered by the relevant report.
- (6) Unless the court orders otherwise the costs of the application must be paid by the applicant, and are not payable as an expense of the administration or as winding up or bankruptcy.