R3 HELPSHEETS

PROGRESS REPORTS

ADMINISTRATION

Legal and Best Practice Requirements

Period to be covered

Generally	The report must cover the period of 6 months from the date the company went into administration and every subsequent period of 6 months, or the period until the administrator ceases to act.	r.2.47(3)
Where administrator ceases to act	The period to be covered by a progress report ends on the date when an administrator ceases to act, and the period to be covered by each subsequent progress report is each successive period of 6 months beginning immediately after that date.	r.2.47(3A)
When requesting extension	The sending of a progress report to creditors under Rule 2.112 when requesting an extension also satisfies the requirement to submit a progress report. The period to be covered is the period since the last progress report.	r.2.47(3B) r.2.112
	The period to be covered by each subsequent progress report is each successive period of 6 months beginning with the end of the period covered by the report under Rule 2.112.	r.2.47(3B)
Ending administration	The period to be covered is the period since the last progress report.	r.2.112

When report to be sent

Generally	The report must be sent within one month of the end of the period which it covers.	r.2.47(4)
Court may extend period	On the application of the administrator, the court may extend the period of one month.	r.2.47(5)
Final progress report	The final progress report must be submitted as follows: • Automatic ending of administration – Filed with notice of automatic ending of administration (Forms 2.30B & 2.30B(CH)) • Where purpose of administration achieved – Sent with	r.2.111

Form 2.32B (Notice of end of administration) r.2.113

- Application to court for order ending administration – Attached to application to court r.2.114
- Court order ending administration – Sent with notice of court order (Form 2.33B) r.2.116
- Moving from administration to CVL – Sent with notice of move from administration to CVL (Form 2.34B) r.2.117A
- Moving from administration to dissolution – Attached to notice of move from administration to dissolution (Form 2.35B) r.2.118

Those to whom report to be sent

Generally

A copy of the progress report must be sent to:

- the creditors (attached to Form 2.24B), and
- the registrar of companies (attached to Form 2.24B(CH)) r.2.47(4)

Final progress report

The final progress report must be sent as follows:

- Automatic ending of administration –
  - Filed at court with notice of automatic ending of administration (Form 2.30B)
  - Sent to registrar of companies with notice of automatic ending of administration (Form 2.30B(CH)
  - Sent to all persons who received a copy of the administrator's proposals with copy of Form 2.30 r.2.111
- Where purpose of administration achieved – Sent with Form 2.32B (Notice of end of administration) to:
  - Registrar of companies
  - Two copies to the court
  - All creditors and all those who were notified of the administrator's appointment r.2.113
- Application to court for order ending administration – Attached to application to court r.2.114
- Court order ending administration –
  - Sent with notice of court order (Form 2.33B) to registrar of companies
  - Sent with copy of notice of court order to all other persons who received notice of the administrator's appointment r.2.116

- Moving from administration to CVL – Sent to:
  - Registrar of companies with Form 2.34B (notice of move from administration to CVL)
  - All those who received notice of the administrator's appointment r.2.117A
- Moving from administration to dissolution – Sent t
  - Registrar of companies, attached to Form 2.35B (notice of move from administration to dissolution)
  - All other persons who received notice of the administrator's appointment r.2.118

Matters to be included

Generally

The progress report is a report must include:

- details of the court and the proceedings;
- details of the company;
- details of the administrator;
- details of any extensions to the initial period of appointment;
- details of the basis fixed for the remuneration of the administrator (or if not fixed at the date of the report, the steps taken during the period of the report to fix it);
- if the basis has been fixed, the remuneration charged during the period of the report, irrespective of whether it was actually paid during that period (except where it is fixed as a set amount, in which case it may be shown as that amount without any apportionment for the period of the report);
- if the report is the first to be made after the basis has been fixed, the remuneration charged during the periods covered by the previous reports, together with a description of the work done during those periods, irrespective of whether payment was actually made during the period of the report;
- a statement of the expenses incurred by the administrator during the period of the report, irrespective of whether payment was actually made during that period;
- details of progress during the period of the report;
- an abstract of the administrator's receipts and payments for the period of the report, including a statement of the amount paid to unsecured creditors

out of the prescribed part;

- details of unrealised assets;
- a statement of the creditors' rights to request further information, as explained below, and their right to challenge the administrator's remuneration and expenses;
- any other relevant information r.2.47(1)

Receipts and payments account	The receipts and payments account referred to above must be in the form of an abstract showing receipts and payments for the period of the report and where administrator ceased to act, a statement of the amount paid to unsecured creditors out of the prescribed part under section 176A.	r.2.47(2)
Pre-administration costs	• Where the administrator has to obtain approval for the payment of pre-administration costs, the first report after the approval must include a statement setting out the date of the approval and the amounts approved. • As long as any such pre-administration costs remain unapproved, each successive report must include a statement either of any steps taken to get approval or that the administrator or other insolvency practitioner has decided not to seek approval.	r.2.47(2B)
Final progress report	The final progress report must also include a summary of: • the administrator's proposals; • any major amendments to, or deviations from, the proposals; • the steps taken during the administration; and • the outcome.	r.2.110

Request for further information

Within 21 days of receipt of a progress report a creditor may request the administrator to provide further information about the remuneration and expenses (other than pre-administration costs) set out in the report. A request must be in writing, and may be made either by a secured creditor, or by an unsecured creditor with the concurrence of at least 5% in value of unsecured creditors (including himself) or the permission of the court. r.2.48A(1)

The administrator must provide the requested information within 14 days, unless he considers that:

- the time or cost involved in preparing the information would be excessive, or

- disclosure would be prejudicial to the conduct of the administration or might reasonably be expected to lead to violence against any person, or
- the administrator is subject to an obligation of confidentiality in relation to the information requested,

in which case he must give the reasons for not providing the information. r.2.48A(2)

Any creditor may apply to the court within 21 days of the administrator's refusal to provide the requested information, or the expiry of the 14 days time limit for the provision of the information. r.2.48A(3)