



# Guinness Mahon Trust Corporation Limited (in administration)

Joint administrators' progress report for the period from 17  
February 2020 to 16 August 2020

14 September 2020



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# 1. Glossary

Abbreviation	Description
the Company/GMTC	Guinness Mahon Trust Corporation Limited
the administrators/joint administrators	Adam Henry Stephens and Nicholas Myers
SIP	Statement of Insolvency Practice (England & Wales)
IA86	Insolvency Act 1986 If preceded by S this denotes a section number
Sch B1	Schedule B1 to the Insolvency Act 1986 If preceded by P this denotes a paragraph number
IR16	Insolvency (England and Wales) Rules 2016 If preceded by R this denotes a rule number
SOA	Statement of Affairs
HMRC	HM Revenue & Customs
S&W	Smith & Williamson LLP
FCA	Financial Conduct Authority
CVL	Creditors Voluntary Liquidation
FOS	Financial Ombudsman Service
CVL	Creditors Voluntary Liquidation
Hartley	Hartley Pensions Limited
SIPP	Self-Invested Personal Pensions
FURBS	Funded Unapproved Retirement Benefit Schemes
FSCS	Financial Services Compensation Scheme
TUPE	Transfer of Undertakings (Protection of Employment) Regulations 2006
GDPR	General Data Protection Regulation
Lloyds	Lloyds Bank plc
Metro	Metro Bank plc
RBS	The Royal Bank of Scotland

## 2. Introduction & Summary

This report provides an update on the progress in the administration of the Company for the six-month period ended 16 August 2020. It should be read in conjunction with any previous reports. By way of reminder, we, Adam Henry Stephens and Nicholas Myers, both of Smith & Williamson LLP, 25 Moorgate, London, EC2R 6AY, were appointed administrators by the directors of the Company on 17 February 2020.

- A pre-packaged sale of the Company's business and certain assets to Hartley was completed on 17 February 2020 for £1,170,000 (including £117,000 of deferred consideration). Full details around the sale process was provided with the Administrators' Report & Statement of Proposals dated 9 April 2020 which is available for viewing and download on the secure web portal [www.ips-docs.com](http://www.ips-docs.com).
- Objective P3(1)(b) Sch B1 continues to be pursued, namely a better result has been achieved for the creditors than would have been the case had the Company been wound up.
- All staff were transferred to Hartley under TUPE and there are no known preferential claims in the administration at present.
- A decision by correspondence of the creditors was held on 24 April 2020, the creditors approved the administrators' proposals, S&W's pre appointment cost and expenses and the administrators discharge from liability.
- We are now seeking approval of the basis of the administrators' remuneration and category 2 disbursements as set out in section 6 of this report from the creditors by way of a decision by correspondence as set out in section 10.
- The joint administrators expect surplus funds to be available for a liquidator to pay a dividend and creditors voluntary liquidation will be the chosen exit route from administration.

## 3. Progress of the administration

Attached at Appendix I is our receipts and payments account for the period from 17 February 2020 to 16 August 2020.

The receipts and payments account also includes a comparison with the directors' SOA values.

### 3.1 Pre-packaged sale

Following the completion of the pre-packaged sale of the Company's business and certain of its assets on 17 February 2020 to Hartley, the joint administrators were obliged to provide information on the sale pursuant to the requirements of insolvency regulations called SIP 16, Pre-packaged Sales in Administration.

The joint administrators' SIP 16 statement was uploaded to view and download on the secure web portal [www.ips-docs.com](http://www.ips-docs.com) within seven days of the Administrators' appointment and was included within the Joint Administrators' Report and Statement of Proposals which is also available at [www.ips-docs.com](http://www.ips-docs.com).

The consideration paid by Hartley on 17 February 2020 was £1,053,000 (with £117,000 of deferred consideration), which was apportioned as follows:

Assets	Consideration £
Client database & records	1,052,997
Goodwill	1
Information Technology	1
Intellectual Property	1
<b>Total</b>	<b>1,053,000</b>

The deferred consideration is being held in an escrow account operated by the administrators' solicitors. After six months (i.e. 17 August 2020) Hartley is required to calculate a client attrition rate to reflect reduced income as a result of clients that have moved their SIPP to an alternative provider rather than Hartley. The amount of the deferred consideration is then agreed with the administrators and released from the escrow account. We are currently awaiting the attrition rate calculation from Hartley.

Following the sale to Hartley the administrators have been continuing to work with Hartley to implement the provisions of the sale agreement. This involves ongoing communications with the FCA, FSCS and FOS to ensure all clients are able to transfer their SIPPs to Hartley or an alternative provider.

SIPP Customer queries should be directed to Hartley in the first instance. They can be contacted by telephone on 0117 316 9991.

### 3.2 Cash at Bank

The Company operated an office accounts with Lloyds, NatWest and Metro. We have corresponded with the three banks to arrange for the Company's accounts to be frozen and the credit balances as at the date of administration to be transferred to the administrators. The SOA showed cash at bank with an estimated to realise value of £324,348. Funds totalling £331,518 have been received from Lloyds and NatWest in the reporting period.

A further £23,070 was received from Metro shortly after the end of the reporting period, which is therefore not included in the balance on the receipts & payments account to 16 August 2020 at Appendix I.

### 3.3 Book Debts

The Company's debtor book at the date of administration amounted to c£418k in respect of fees which had been invoiced by the Company to scheme members that were outstanding.

The debtors were analysed and split between annual fees for SIPPs, FURBS and Security Trustee Services as follows:

Debtor type	Amount £
SIPP annual fees	336,050
FURBS annual fees	46,800
Security Trustee annual fees	35,400
<b>Total</b>	<b>418,250</b>

We have entered into a consultancy arrangement with the former Senior Trust Manager at GMTC to assist with the collection of the debtor ledger as he has background knowledge of the accounts.

### SIPP Annual Fees

Of the £336k SIPP debtors £73k should be recovered by realising assets from the members fund under the terms and conditions of the SIPP to provide funds to pay the debts. Accordingly instructions to realise the assets have been sent to Hartley, who administer the SIPPs under the terms of the services agreement between GMTC, the administrators and Hartley that was entered into at the time of the sale to Hartley. Once the assets have been realised the monies will be transferred to the administration bank account.

A further £23k has been identified where the member has been asked to settle their fees outside of the pension fund and pay them directly to the administrators. Contact has been made with the members' appointed representatives and advisors in order to arrange this.

The sum of £228k is due from members who have invested in investments that have entered insolvency proceedings, namely:

- (i) AIGO Holdings PCC, a company in Mauritius that went into liquidation in January 2019.
- (ii) Dolphin Capital which has recently placed a number of its companies into insolvency proceedings in Germany.

We are monitoring the insolvency proceedings to determine the likelihood of a return to creditors in order to determine the best strategy to maximise debtor realisations.

- (iii) Beaufort Securities Discretionary Portfolio, which represent investment by individual SIPP's into a Discretionary Investment Portfolio which were subsequently invested in assets by the portfolio manager.

Beaufort Securities Ltd ("BSL") went into administration in March 2018 and was then dissolved in June 2020. Beaufort Asset Clearing Services Ltd ("BACSL") was also placed into special administration in March 2018 and these proceedings remain ongoing at present. BACSL provided clearing and custody services to BSL, all client money and client assets were therefore held by BACSL and were ring fenced from the rest of BACSL's assets.

We have been in communication with the special administrators of BACSL who have advised that the available client money and client assets of GMTC clients have been transferred to an alternative broker or to the SIPP bank accounts being administered by Hartley under the services agreement (see paragraph one above). Work is now being undertaken to establish whether there are sufficient funds available in the clients' SIPPs to pay the outstanding debts due to GMTC.

Finally, there are debtors amounting to £12k that cannot be recovered direct from the members' SIPP as the member has either transferred their pension scheme to another provider or the assets within the fund have been confirmed as having a nil value. Realisations in respect of these debtors is uncertain at present.

### FURBS Annual Fees

Of the £46.8k owed by the FURBS clients, it is anticipated that £43k will be recovered by realising assets from the funds held in the FURBS, accordingly instructions to sell assets to raise these funds have been submitted to the various investment managers and we await the receipt of these monies.

£2.4k has been written off as a result of the FURBS being wound up prior to the administration where fees had not been collected.

### Security Trustee Fees

An amount of £35.4k is owed to the company by Security Trustee Clients, it is unlikely that these debts can be recovered due to the companies going into liquidation with very little assets available to realise for the benefit of unsecured debtors.

### Other debtors

The directors' SOA included 'other debtors' with a book value of £283k with an estimated to realise value of £202k. These debts primarily relate to legal fees incurred by the Company in relation to legal action taken in respect of SIPP investments in AIGO Holdings PCC (referred to above under the heading "SIPP Annual Fees"). The recovery of this debt is dependent on any dividend paid from the AIGO Holdings PCC liquidation in Mauritius and therefore remains uncertain at present.

### 3.4 Client Monies

The Company operated individual bank accounts for its client investments with Lloyds and NatWest alongside dedicated client office accounts.

Following our appointment the client accounts remained operational in order to enable Hartley to continue to operate the them during the transfer of clients to Hartley or another provider.

NatWest transferred the sum of £250,136 into the administration bank account from the Company's client account. These funds have been paid to the relevant beneficiary.

The sum of £3,660 was received by cheque from Equiniti Financial Services Limited in relation to a specific client investment, which has been paid over to the relevant beneficiary.

Lloyds also transferred the sum of £306,604 into the administration bank account from a Company client account, these funds were moved into a separate client account operated by the administrators and £306,000 has been paid out to the relevant beneficiary. The remaining balance of £650 represents bank interest earned on the monies whilst they were held in the Company's client account with Lloyds that requires reconciling to determine which clients are entitled to the monies.

### 3.5 FURBS and Security Trusteeships

The administrators have made arrangements for a suitable alternative Trustee to replace the Company in relation to both of these matters. This may result in realisations for the benefit of the administration estate, however this is currently confidential and we are not able to disclose further information at present.

Until a replacement trustee is appointed to ensure support and continuity on all processes we have entered into a consultancy arrangement with the former Senior Trust Manager at GMTC and we have utilised Irwin Mitchell Trustees Limited who act as trustee of a wide range of trust arrangements for a large number of businesses.

### 3.6 Bank Interest Gross

Bank Interest Gross received on the balance in the administration bank account operated by RBS totalled £1,586 in the reporting period.

### 3.7 Investments

The Company is a 100% shareholder of Blackfriars Pension Trustees Ltd, a company incorporated in Ireland. The SOA showed this investment with an estimated to realise value of £nil and no realisations have been received or are expected as this subsidiary never traded and has no income.

### 3.8 FSCS

As a result of GMTC going into administration the FSCS is accepting claims against the Company. However, although it is accepting claims against GMTC, the FSCS will not immediately pass these to their claims processing teams for assessment.

The FSCS first needs to establish whether there are valid claims against GMTC. For this to happen it needs to confirm that its eligibility criteria have been met in respect of the failed firm's activities and the client's claim.

In conjunction with the solicitors acting for the Company's professional indemnity insurers the administrators have been working closely with the FSCS to provide a significant amount of documentation from the Company's records to assist with its investigations into the practices of GMTC, which will enable the FSCS to determine whether its eligibility criteria have been met.

The most recent update from the FSCS on 14 August 2020 states that it has received further documents from the administrators to assist with its investigation. Once it has reviewed these documents, the FSCS hopes to be able to decide if its eligibility criteria have been met, which would determine whether claims against GMTC will be passed to the FSCS processing team for assessment.

Further information about claims relating to the Company can be found at <https://www.fscs.org.uk/failed-firms/guinness-mahon/>.

### 3.9 Case Specific Matters

The administrators have received a significant number of enquiries direct from the Company's clients or their representatives regarding their SIPPs. We have been liaising with Hartley in relation to these enquiries so that Hartley provide the information requested.

Enquiries have also been received from representatives of clients requesting information under the Third Parties (Rights Against Insurers) Act 2010. The administrators have been communicating with the solicitors acting for the Company's professional indemnity insurers, who have dealt with the enquiries directly with the clients' representatives.

### 3.10 Administration strategy

There have been no changes to the administrators' strategy, as documented in the Report and Statement of Proposals dated 9 April 2020, which is to achieve a better result for the Company's creditors as a whole than would be likely if the Company were wound up (without first being in administration).

The administrators are continuing to pursue this objective; the outstanding matters to be concluded in the administration are set out in section 9 of this report.

## 4. Investigations

Under the Company Directors Disqualification Act 1986 we have a duty to make a submission to the Secretary of State for Business, Energy & Industrial Strategy on the conduct of all those persons who were directors at the date the Company entered administration or who held office at any time during the three years immediately preceding the administration.

We have complied with our duty in this regard. As all submissions are strictly confidential we are unable to disclose their content.

Additionally, we have a duty to investigate transactions to establish whether there may be any worth pursuing for the creditors' benefit from, for example, legal proceedings. Shortly after appointment, we made an initial assessment of whether there could be any matters that might lead to recoveries for the estate and what further investigations may be appropriate. This assessment took into account information provided by creditors either at the initial meeting (where held) or as a response to our request to complete an investigation questionnaire. Our investigations have not revealed any issues requiring further work.

## 5. Pre-administration costs

On 24 April 2020 the following amounts in respect of pre-administration costs were approved by creditors by decision procedure by correspondence:

Recipient	Brief description of services provided	Amount approved £	Amount paid £
Smith & Williamson LLP	Pre appointment fee	30,353	Nil
Irwin Mitchell	Pre appointment legal fees	66,161	62,632
Irwin Mitchell	Pre appointment legal disbursements	614	614
Sanderson Weatherall	Pre appointment agents' fees	5,000	5,000



The outstanding pre-administration costs will be settled from the administration in due course.

## 6. Administrators' remuneration

Insolvency Practitioners are required to provide stakeholders with details of the work they propose to do and the expenses that are likely to be incurred. Prior to drawing any fees, these details must be provided to creditors and approval given. Alternatively, creditors may form a committee and, if so, it is up to the majority of committee members to give consent.

Where it is proposed that fees are drawn from the insolvent estate on a time costs basis, a fees estimate will also need to be provided. Where it is unrealistic to estimate the work to be done at the outset, an estimate may be provided for a designated period or up to a particular milestone.

Creditors should be aware that the fees estimate is based on information available at present and may change due to unforeseen circumstances arising. If any approved fees estimate is exceeded, a revised estimate will need to be provided and approval given before any fees may be drawn in excess of the original approved estimate.

Some of the work required by Insolvency Practitioners is required by law and may not necessarily result in any financial benefit for creditors (or members). For example the investigations required under the Company Directors' Disqualification Act 1986.

On some occasions, third parties may be instructed to provide expert advice on tax, legal or property matters to produce a financial benefit to creditors.

Each aspect of the work undertaken will require different levels of expertise and, therefore, cost. To make it clear, we have given the rates for each grade of staff with estimates of the total hours to be spent on each aspect in the table provided.

The basis of the joint administrators' remuneration may be fixed on one or more of the following bases and different bases may be fixed in respect of different things done by them:

- as a percentage of the value of the assets they have to deal with, or
- by reference to time properly spent by the joint administrators and their staff in attending to matters arising in the administration, or
- as a set amount

In this case, we are seeking approval for the basis of our remuneration as joint administrators (and joint liquidators when the Company exists administration into CVL) by reference to the time properly spent by the joint administrators (and joint liquidators) and their staff arising in attending to matters arising in the 12 month period from 17 February 2020 to 16 February 2021.

As we will be seeking approval to draw fees on this basis, a fees and expenses estimate is attached at Appendix III. This details the estimated fees according to the grade of staff, expected number of hours to perform specific tasks, some of which are mandatory, irrespective of the nature of the company, and some of which are specific to this case, and the average hourly rate. The joint administrators (and joint liquidators) fees for the period from 17 February 2020 to 16 February 2021 are estimated at £283,392.25. This represents 800.65 hours at an average of £354 per hour.

It should be noted that due to complexity of the outstanding matters to be deal with it is anticipated that these tasks will require a significant amount of time to be spent by more senior members of the administrators' staff in dealing with these matters.

Please note that the fees and expenses estimate is based on present information and may change due to unforeseen circumstances arising. In the event that the fees estimate is likely to be exceeded, the joint administrators will need to provide an update and seek approval from the appropriate creditors before drawing any additional sums. Fee estimates may be given up to a certain milestone or for a designated period if it is not possible to provide an accurate estimate at any given point.

Included in the fees estimate given in Appendix III is the accrued joint administrators' time costs for the period from the date that the Company went into administration on 17 February 2020 to 16 August 2020.

A breakdown of the joint administrators' time costs from 17 February 2020 to 16 August 2020 is provided at Appendix II. This provides details of the activity costs incurred by staff grade during the period of this report. Details of work carried out in the period are also included in the body of this report. The joint administrators time costs for this period total £149,447.25. This represents 425.65 hours at an average of £351 per hour.

Where no creditors' committee is appointed, approval of the joint administrators' remuneration shall be fixed using the decision making process either at a virtual creditors' meeting or by electronic and/or postal voting. Please see section 10 for further details of the decision being sought from creditors in relation to the administrators' remuneration.

A copy of "A Creditor's Guide to Administrator's Fees", as produced by the ICAEW, is available free on request or can be downloaded from their website as follows:

<https://www.icaew.com/-/media/corporate/files/technical/insolvency/creditors-guides/2017/administration-creditor-fee-guide-6-april-2017.ashx?la=en>

Details of Smith & Williamson LLP's charge out rates and policies in relation to the use of staff are provided at Appendix IV.

Please be aware that the charge out rates are subject to an annual review.

## 7. Administration expenses

We are required to provide details of the expenses we consider will be, or are likely to be, incurred in the administration and liquidation. These may include expenses such as agent's costs for assisting in the disposal and realisation of the Company's assets or other routine expenses such as statutory advertising costs or the office holders' specific penalty bond.

### 7.1 Subcontractors

We have utilised the services of the following subcontractors during the current period:

Provider/Service(s)	Basis of fee Arrangement	Costs incurred in current period £	Costs paid in current period £	Total costs outstanding at period end £
Former Senior Trust Manager at GMTC (assistance with debtor collections, FURBS & Security Trusteeships (see sections 3.3 & 3.5 respectively)	Hourly rate	2,000	2,000	Nil
JG Collections (collection of Company records from former trading premises)	Hourly rate and disbursements	258	258	Nil
RICOH (mail handling)	Daily rates	340	Nil	340

Note: Total costs outstanding may include costs incurred in prior periods, but not yet paid.

### 7.2 Professional advisers

On this assignment we have used the professional advisers listed below. We have also indicated alongside the basis of our fee arrangement with them, which is subject to review on a regular basis.

Name of professional adviser/Service(s)	Basis of fee arrangement	Costs incurred in current period £	Costs paid in current period £	Total costs outstanding at period end £
Spiderweb Systems.net – (assistance with the collection of the Company’s electronic records)	Fixed fee	760	760	Nil
Waterfront Solicitors LLP (legal advice in relation to employee matters)	Hourly rate and disbursements	1,500	1,500	Nil
Irwin Mitchell LLP	Hourly rate and disbursements	34,327	Nil	34,327

Note: Total costs outstanding may include costs incurred in prior periods, but not yet paid.

Irwin Mitchell LLP’s time costs relate to:

- Dealing with post-completion matters and discharge of completion undertakings following the sale of the business and assets to Hartley
- Dealing with queries on draft deeds of novation
- Advice on FSMA and FSCS obligations in relation to discharge of Transitional Services Agreement requirements.
- Drafting documentation regarding transferring Security Trusteeships.
- General GDPR and data protection advice
- TSA review and advice on PAYE obligations for pensioners
- Advice on FURBS and Security Trusteeship transfers
- Advice on unfair dismissal and Employment Tribunal claims by a former employee
- Advice on expired banking facility and proposed refinance for a FURBS client
- Advice on moratorium and proposed lease documents
- Advice on 2<sup>nd</sup> trustee appointment for the entity incorporated to facilitate the sale to Hartley
- Advice on assignment of certain contracts to Hartley
- Advice on amendments to certain Deeds that required the administrators signature
- Advice on specific SIPP client emails and documents, including costs undertakings and indemnities
- Advice on AD litigation claims
- Advice on various FURBS matters
- Advice on shareholder issues, name change and change of control following enquiries received from Hartley
- Advice on HMRC FURBS taxation issues
- Advice on specific SIPP lease transfers

### 7.3 Administrators’ disbursements

We have paid and/or incurred the following disbursements in the current period:

Description	Incurred in current period £	Paid in current period £	Total costs outstanding at period end £
Statutory advertising	182	Nil	182
Administrators' bonds	140	Nil	140
Date protection fee	40	40	Nil
Storage Costs	263	Nil	263
Data Room fees	259	Nil	259
Category 2 disbursements (see next section)	Nil	Nil	Nil
Total	884	40	844

Note: Total costs outstanding may include costs incurred in prior periods, but not yet paid.

#### 7.4 Category 2 disbursements

We have not paid any Category 2 disbursements to date. In accordance with SIP9 we are seeking approval from the creditors to draw Category 2 disbursements as and when funds are available.

#### 7.5 Policies regarding use of third parties and disbursement recovery

Appendix IV provides details of Smith & Williamson LLP's policies in relation to the use of subcontractors and professional advisers, and the recovery of disbursements.

#### 7.6 Other costs

The Company instructed its bank to pay the monthly employee and employer pension contributions shortly before entering administration on 17 February 2020 as part of the terms of the sale agreement with Hartley. These payments amounting to £1,199 were paid by the bank on 21 February 2020 and therefore have been posted as a post administration cost on the administrators' receipts and payments account.

## 8. Estimated outcome for creditors

The estimated outcome for each class of creditors is set out below.

#### 8.1 Secured creditors

There are multiple charges registered against the Company, however these are registered over individual SIPP assets not the Company assets and therefore there are no secured creditors in the administration.

#### 8.2 Prescribed Part

The Company did not grant any floating charges and the Prescribed Part requirements do not therefore apply.

### 8.3 Preferential creditors

There are no known preferential creditors in the administration at present.

### 8.4 Unsecured creditors

We have received claims totalling £98,025 from 4 creditors. Total claims as per the directors' SOA were £273,162. There are a number of creditors that have not submitted claims and creditor claims received have not yet been admitted.

If the FSCS determines that claims against GMTC can be passed to its processing team for assessment (see section 3.8 for further details) when compensation has been paid to a client the FSCS will take an assignment of the client's total claim against the Company and would submit a subrogated claim in the administration to rank as a creditor in place of the client in respect of any dividend paid to creditors. In these circumstances the FSCS would become a significant creditor once the compensation process has been completed.

Clients who believe they have a complaint against the Company should contact the FSCS in the first instance, the FSCS has confirmed it is now accepting claims against the Company: <https://www.fscs.org.uk/failed-firms/guinness-mahon/>

Based on current information we anticipate that a dividend will be paid to unsecured creditors. The timing and amount of the dividend is uncertain at present and will depend on the final value of asset realisations, the amount of preferential creditor claims, the costs and expenses of the administration and CVL and the final amount of unsecured creditor claims.

## 9. Outstanding matters

Details of the remaining actions to be concluded in the administration can be found in the fees and expenses estimate at Appendix III. In summary the key actions to be completed are:

- Agreeing with Hartley the amount of the deferred consideration from the pre-package sale of the business and assets to be released to the administration estate (see section 3.1)
- Collection of the remaining outstanding book debts (see section 3.3)
- Arranging a replacement Trustee to be appointed for the FURBS and Security Trusteeships where applicable (see section 3.5)
- Liaising with the FSCS and the solicitors for the Company's professional indemnity insurers in relation to the provision of information to enable the FSCS to determine whether it will pass client claims to its processing team for assessment (see section 3.8)
- Obtaining tax clearance
- Exit administration into CVL and closure of the administration including preparing and issuing the final report

## 10. Creditors decisions

The joint administrators are seeking approval of their remuneration and category 2 disbursements by means of voting by correspondence. Notice of a decision being sought by correspondence and a voting form for the approval of the administrators' remuneration and category 2 disbursements are provided at Appendices V and VI respectively together with the steps required by creditors.

Creditors who meet certain thresholds prescribed by the Insolvency Act 1986, namely 10% in value of creditors, 10% in number of creditors or 10 creditors, may request a physical meeting to be held to consider the Proposed Decisions (incorporating the approval of our fees). However, such a request must be made in writing to the Convener within 5 business days from 14 September 2020.

# 11. Privacy and data protection

As part of our role as joint administrators, I would advise you that we may need to access and use data relating to individuals. In doing so, we must abide by data protection requirements. Information about the way that we will use and store personal data in relation to insolvency appointments can be found at

<https://smithandwilliamson.com/rsgdpr>

If you are unable to download this, please contact my office and a hard copy will be provided free of charge.

To the extent that you hold any personal data of the Company's data subjects provided to you by the Company or obtained otherwise, you must process such data in accordance with data protection legislation. Please contact us if you believe this applies.

# 12. Ending the administration

It is anticipated the Company will exit the administration into CVL by 16 February 2021 at the latest, being the date that the administration would end if it were not extended. Following which an unsecured distribution will be made to creditors from the funds available.

The administrators will be discharged from liability under P98(3) of Sch B1 immediately upon their appointment as administrators ceasing to have effect. Authorisation for discharge from liability was granted by the creditors on 24 April 2020 via a decision procedure carried out by correspondence.

# 13. Creditors' rights

Within 21 days of the receipt of this report, a secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors or otherwise with the court's permission) may request in writing that the administrators provide further information about their remuneration or expenses which have been itemised in this report.

Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors or otherwise with the court's permission) may within 8 weeks of receipt of this report make an application to court on the grounds that, in all the circumstances, the basis fixed for the administrators' remuneration is inappropriate and/or the remuneration charged or the expenses incurred (including any paid) by the administrators, as set out in this report, are excessive.

The above rights apply only to matters which have not been disclosed in previous reports.

On a general note, if you have any comments or concerns in connection with our conduct, please contact Adam Henry Stephens or Nicholas Myers in the first instance. If the matter is not resolved to your satisfaction, you may contact our Head of Legal by writing to 25 Moorgate, London EC2R 6AY or by telephone on 020 7131 4000.

Thereafter, if you wish to take the matter further you may contact the Insolvency Services directly via Insolvency Complaints Gateway. They can be contacted by email, telephone or letter as follows:

i) Email: [insolvency.enquiryline@insolvency.gsi.gov.uk](mailto:insolvency.enquiryline@insolvency.gsi.gov.uk)

ii) Telephone number: +44 300 678 0015

iii) Postal address: The Insolvency Service, IP Complaints, 3rd Floor, 1 City Walk, Leeds LS11 9DA.

## 14. Next report

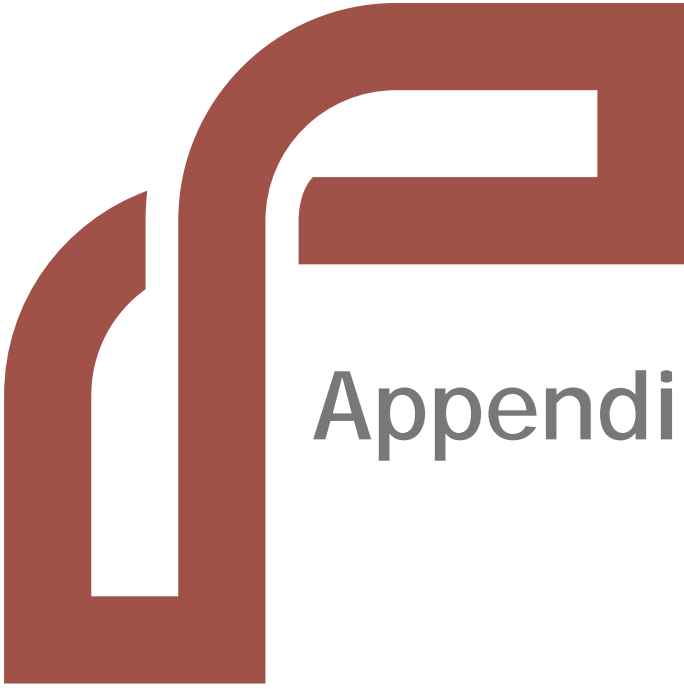
We are required to provide a further report on the progress of the administration within one month of the end of the next six month period of the administration unless we have concluded matters prior to this, in which case we will write to all creditors with our final report.



Adam Henry Stephens and Nicholas Myers

Joint Administrators

Date: 14 September 2020



# Appendices





**Guinness Mahon Trust Corporation Limited  
(In Administration)  
Joint Administrators' Summary of Receipts & Payments  
To 16/08/2020**

S of A £	£	£
REPRESENTED BY		
VAT Receivable Fit Chg		14,152.84
Clients Deposit (Int Bear) DES. TRUS		650.02
Clients Deposit (Int Bearing)		1,298,258.48
		<b>1,313,061.34</b>

### Notes and further information required by SIP 7

- The administrators' remuneration has not yet been approved.
- No payments have been made to us from outside the estate.
- Details of significant expenses paid are provided in the body of our report.
- Details of payments made to sub-contractors are shown in the body of our report.
- Information concerning our remuneration and disbursements incurred is provided in the body of the report.
- Information concerning the ability to challenge remuneration and expenses of the administration is provided in our report.
- All bank accounts are interest bearing.
- There are no foreign currency holdings.
- All amounts in the receipts and payments account are shown exclusive of any attributable VAT. Where VAT is not recoverable it is shown as irrecoverable VAT.

# II Time analysis for the period

From 17 February 2020 to 31 July 2020

Classification of work function	Hours					Total hours	Time cost	Average hourly rate
	Partner / Director	Associate director	Manager/ Assistant Manager	Other professional staff	Assistants & support staff			
<b>Administration and planning</b>								
Statutory returns, reports & meetings	1.80	26.65	0.00	43.10	0.00	71.55	£22,916.20	320.28
Initial post-appointment notification letters, including creditors	4.00	3.15	0.00	13.50	0.45	21.10	£7,015.50	332.49
Cashiering general, including bonding	0.95	3.40	1.50	6.00	0.00	11.85	£5,318.35	448.81
Job planning, reviews and progression (inc 6 month reviews and planning meetings, checklist & diary)	2.55	4.00	0.95	17.10	0.25	24.85	£7,617.55	306.54
Post-appointment taxation (VAT, PAYE/NIC, Corp Tax that are not trading related)	0.00	0.85	0.00	0.55	0.00	1.40	£512.60	366.14
Filing, file and information management	0.00	0.00	0.00	0.00	0.25	0.25	£31.25	125.00
Agents and advisers, general	0.00	0.35	0.00	0.00	0.10	0.45	£169.00	375.56
Director/manager review, approval and signing	0.20	0.00	0.00	0.00	0.00	0.20	£136.75	683.75
Other	0.00	0.00	0.00	1.50	0.00	1.50	£318.00	212.00
<b>Investigations</b>								
Directors' correspondence & conduct questionnaires	1.15	1.55	0.00	0.00	0.00	2.70	£1,458.25	540.09
Statutory books and accounting records review	0.00	1.25	0.00	0.00	0.00	1.25	£550.00	440.00
Investigation of legal claims	0.15	0.00	0.00	0.00	0.00	0.15	£101.25	675.00
SIP2 and SIP4 obligations (inc CDDA86 forms)	0.25	12.55	0.00	16.30	0.00	29.10	£9,146.35	314.31
Enquiries of advisers	0.25	0.00	0.00	0.00	0.00	0.25	£168.75	675.00
<b>Realisation of assets</b>								
Debtors not financed (includes reassigned debtors)	0.00	22.20	0.00	0.00	0.00	22.20	£9,843.60	443.41
Other chattel assets	0.15	0.00	0.00	0.00	0.00	0.15	£101.25	675.00
Cash at Bank	0.55	3.05	0.00	1.05	0.00	4.65	£1,975.45	424.83
Sale of business-post completion matters	0.95	1.70	0.00	0.00	0.00	2.65	£1,389.25	524.25
Other	0.00	18.05	0.00	0.00	0.00	18.05	£7,982.80	442.26
<b>Trading</b>								
Accounting	1.00	0.00	0.00	0.00	0.00	1.00	£675.00	675.00
Shutdown or handover	3.60	0.00	0.00	0.00	0.00	3.60	£2,438.75	677.43
<b>Creditors</b>								
RPO and ERA claims & tribunals	0.00	0.95	0.00	0.00	0.00	0.95	£440.80	464.00
Employees & pension (other) (incl Jobcentre/CSA etc)	0.40	2.15	0.00	0.50	0.00	3.05	£1,332.00	436.72
Crown (not RPO etc)	0.00	0.40	0.00	0.00	0.00	0.40	£176.00	440.00
Unsecured creditors	0.80	7.15	0.30	3.75	0.00	12.00	£4,650.50	387.54
Other	0.00	1.75	0.00	0.00	0.00	1.75	£770.00	440.00
<b>Case-Specific Matters</b>								
General compliance, e.g. review ethics checks, update AML etc (internal)	0.00	0.00	0.00	0.25	0.00	0.25	£63.00	252.00
SAR Strategy & Planning	0.00	0.00	0.00	0.10	0.00	0.10	£25.20	252.00
Institutions - FCA/FSCS/FOS	0.00	15.90	0.00	0.00	0.00	15.90	£7,044.00	443.02
Client Communications	0.00	39.05	1.50	79.40	0.00	119.95	£34,868.50	290.69
Client Statements	0.00	6.90	0.00	0.00	0.00	6.90	£3,055.20	442.78
Client Identification and Tracing	0.00	0.00	0.00	1.00	0.00	1.00	£212.00	212.00
Reconciliations	0.00	0.65	0.00	0.00	0.00	0.65	£286.00	440.00
Corporate Actions	0.00	0.30	0.00	0.00	0.00	0.30	£132.00	440.00
Transfers>Returns/Sales	0.00	14.30	0.00	0.00	0.00	14.30	£6,301.60	440.67
Trading Matters	0.00	1.10	0.00	0.00	0.00	1.10	£484.00	440.00
Data protection/Subject Access Requests	0.00	3.05	0.00	3.25	0.00	6.30	£2,049.40	325.30
Reporting	0.00	0.30	0.00	0.00	0.00	0.30	£132.00	440.00
<b>Forensics</b>								
Forensics	0.00	0.00	0.00	8.45	0.00	8.45	£1,563.75	185.06
<b>Total</b>	<b>18.75</b>	<b>196.65</b>	<b>4.90</b>	<b>195.80</b>	<b>1.05</b>	<b>417.15</b>	<b>145,391.35</b>	<b>348.53</b>

## From 1 August 2020 to 16 August 2020

Classification of stage of work	Classification of work function	Hours					Total hours	Time cost	Average hourly rate
		Partner / Director	Associate director	Manager / Assistant Manager	Other professional staff	Assistants & support staff			
<b>Administration and planning</b>									
Case administration	Cashiering & bonding	0.25	0.00	0.00	0.25	0.00	0.50	293.50	587.00
<b>Realisation of assets</b>									
Other assets	Debtors - trade	0.00	1.95	0.00	0.00	0.00	1.95	904.80	464.00
Other assets	Debtors - other	0.00	1.35	0.00	0.00	0.00	1.35	626.40	464.00
<b>Creditors</b>									
Unsecured creditors	Other	0.00	0.40	0.00	0.00	0.00	0.40	185.60	464.00
<b>Case-Specific</b>									
Customers	Customer queries and correspondence	0.00	4.30	0.00	0.00	0.00	4.30	2,045.60	475.72
<b>Total</b>		<b>0.25</b>	<b>8.00</b>	<b>0.00</b>	<b>0.25</b>	<b>0.00</b>	<b>8.50</b>	<b>4,055.90</b>	<b>477.16</b>
<b>Grand Total for period to 16 August 2020</b>		<b>19.00</b>	<b>204.65</b>	<b>4.90</b>	<b>196.05</b>	<b>1.05</b>	<b>425.65</b>	<b>149,447.25</b>	<b>351.10</b>

Note - from 1 August 2020 S&W changed to a new time recording system

## Explanation of major work activities undertaken

The following narrative gives details of tasks undertaken within the above headings. Details of the work carried out are also included in the body of this report.

### Administration & Planning

This encompasses the costs of the office holders and their staff in complying with their statutory obligations, internal compliance requirements, and all tax matters. This work includes the following:

- Finalising and issuing to creditors the administrators' SIP16 report on the pre-package sale;
- Preparing the administrators report and statement of proposals dated 9 April 2020;
- Liaising with the directors and Company's accountants regarding the directors' SOA and filing the same at Companies House;
- Preparing and issuing the statutory notification of the administrators' appointment;
- Arranging for the advertisement of the Liquidators' appointment in the London Gazette;
- Dealing with routine correspondence and enquiries by post, email and telephone;
- Maintaining physical case files and electronics case details on case management software;
- Undertaking case reviews in-line with firm internal procedures;
- Case planning, administration, and general case progression, including adjustments to the initial strategy;
- Maintaining and managing the administrators' cash book and bank accounts and all cashiering functions;
- Preparing fees budgets & monitoring costs; and
- Periodic case reviews.

### Investigations

Investigations include work carried out as a consequence of the obligations placed upon us to investigate the Company's affairs. The work undertaken is that described in Statement of Insolvency Practice 2 ("SIP2") which govern the investigation of the Company's failure and also examine the conduct of the directors.

This work includes the following:

- Undertaking an initial review of the Company's books and records for any potential matters that might lead to recoveries for the estate;
- Issuing director conduct questionnaires to all directors and reviewing the same on receipt of the completed forms; and

- Submitting a return to the Secretary of State for Business, Energy & Industrial Strategy on the conduct of all those persons who were directors at the date the Company entered administration or who held office at any time during the three years immediately preceding the administration.

### Realisation of assets

This section refers to the realisation of the company's assets and includes the following:

- Analysing the Company's debtor ledger and liaising with the former Senior Trust Manager in relation to book debtor recovery strategies (see section 3.3);
- Corresponding with Lloyds, NatWest and Metro to arrange for the Company's accounts to be closed and the credit balances transferred to the administration bank account; and
- The time recorded under the sub-heading 'Other' relates to work undertaken with our solicitors in relation to transferring the FURBS and Security Trusteeships (see section 3.5) which may result in realisations for the estate. Further details will be provided in our next report.

### Trading

Whilst the Company did not trade in administration due to the pre-package sale the relatively small amount of time recorded under trading relates to the work undertaken as part of the handover of the business to Hartley following the sale.

### Creditors

Work under this section includes correspondence and other contact with the creditors of the Company. The work under this section includes:

- Communications with a former employee regarding a potential claim to the Employment Tribunal
- Updating the Pension Regulator regarding the administration;
- Corresponding with solicitors regarding a litigation claim against the Company;
- Dealing with creditor correspondence via post, email and telephone;
- Maintaining creditors' information on our case management software;
- Recording and maintaining the list of creditors; and
- Dealing with creditor claim queries and recording proof of debt forms received.

### Case Specific matters

Work under this section includes relates to matters that are specific to this assignment, primarily the work undertaken has included:

- Issuing notification of the administration and pre-packaged sale to Hartley to all the Company's c3,700 SIPP clients and informing the clients of the implications for their SIPP;
- Dealing with enquiries by email, telephone and letter from the SIPP clients and/or their representatives;
- Liaising with Hartley to ensure the continuation of services to the clients during the transitional period in which their SIPPs are dealt with;
- Communicating with the FSCS and the solicitors acting for the Company's professional indemnity insurers regarding existing and new complaints from clients against the Company and the provision of information from the Company's records to the FSCS and the Company's insurers to assist them in considering client complaints;
- Liaising with Irwin Mitchell in relation to the above with regards to any GDPR considerations;
- Actioning instructions received from FURBS clients in relation to their assets and investments;
- Working with IMTL to arrange a replacement Trustee for the FURBS and security trusteeship positions held by the Company;
- Keeping the FCA updated on the initial communications with the SIPP clients and the transition of their SIPPs to Hartley or another provider; and
- Providing periodic updates to the FCA, FSCS and FOS

- Dealing with Data Subject Access Requests

#### Forensics

The work carried out by S&W Forensics relates to obtaining a copies of the Company's electronic records, which has assisted with the provision of information to the FSCS.

# III Fees & expenses estimate

For the period 17 February 2020 to 16 February 2021

Guinness Mahon Trust Corporation - In Administration										
Fees estimate according to number of hours, grade of staff and expected work to be undertaken										
Fee estimate period - 16 February 2020 to 17 February 2021										
	Partner / Director	Associate Director	Manager / Assistant Manager	Other professional staff	Assistants and support staff	Cashiers				
Hourly rate (£)	710	464	500	252	125	580				
	Hours						Total hours	Total estimated time costs (£)	Average hourly rate	
<b>Classification of work function</b>										
<b>Administration and planning</b>										
Statutory returns, reports & meetings	5.00	20.00		30.00			55.00	12,830.00	233.27	
Initial post-appointment notification letters, including creditors	3.00	3.00		12.00			18.00	3,522.00	195.67	
Cashiering general, including bonding	2.00	3.00		7.00		5.00	17.00	5,712.00	336.00	
Job planning, reviews and progression (inc 6 month reviews and planning meetings, checklist & diary)	3.00	4.00		8.00	1.00		16.00	4,111.00	256.94	
Filing, file and information management				1.00	4.00		5.00	500.00	100.00	
Director/manager review, approval and signing	2.00	2.00					4.00	2,348.00	587.00	
<b>Realisation of assets</b>										
Debtors not financed (includes reassigned debtors)	5.00	30.00		3.00			38.00	17,470.00	459.74	
Sale of business & goodwill	1.00	4.00					5.00	2,566.00	513.20	
Other	3.00	15.00					18.00	9,090.00	505.00	
<b>Creditors</b>										
Unsecured creditors	1.00	10.00		5.00			16.00	5,350.00	334.38	
Other	1.00	3.00					4.00	2,102.00	525.50	
<b>Case Specific</b>										
General compliance, e.g. review ethics checks, update AML etc (internal)				1.00			1.00	252.00	252.00	
Institutions - FCA/FSCS/FOS	5.00	20.00					25.00	12,830.00	513.20	
Client Communications		40.00		60.00			100.00	33,680.00	336.80	
Client Statements		7.00		5.00			12.00	4,508.00	375.67	
Transfers>Returns/Sales	5.00	15.00					20.00	10,510.00	525.50	
Data protection/Subject Access Requests		5.00		15.00			20.00	6,100.00	305.00	
Reporting		1.00					1.00	464.00	464.00	
<b>Total</b>	<b>36.00</b>	<b>182.00</b>	<b>-</b>	<b>147.00</b>	<b>5.00</b>	<b>5.00</b>	<b>375.00</b>	<b>133,945.00</b>	<b>357.19</b>	
<b>Time costs for the period from 17.02.2020 to 16.08.2020</b>	<b>19.00</b>	<b>204.65</b>	<b>4.90</b>	<b>196.05</b>	<b>1.05</b>	<b>-</b>	<b>425.65</b>	<b>149,447.25</b>	<b>351.10</b>	
<b>Grand Total for the period from 17.02.20 to 16.02.2021</b>	<b>55.00</b>	<b>386.65</b>	<b>4.90</b>	<b>343.05</b>	<b>6.05</b>	<b>5.00</b>	<b>800.65</b>	<b>283,392.25</b>	<b>353.95</b>	

Guinness Mahon Trust Corporation - In Administration		
Estimated expenses in accordance with Categories 1 & 2 (SIP 9) and payable to third parties *		
<b>Estimated expenses applicable to all cases</b>		<b>Total</b>
Specific bond		140.00
Statutory advertising costs		91.00
<b>Case specific costs - where applicable</b>		
Consultancy fees		5,000.00
Legal fees		30,000.00
Storage costs		500.00
Bank charges		300.00
<b>Total</b>		<b>36,031.00</b>
Category 1 expenses, in accordance with Statement of Insolvency Practice 9 are specific costs payable to an independent third party and relate directly to the case in question. Category 2 expenses are payable to the office holder's firm and are shared or allocated costs, most notably business mileage.		

### Explanation of the above categories

#### Administration and Planning

This section of the analysis encompasses the cost of the office holders and their staff in complying with their statutory obligations, internal compliance requirements, and all tax matters.

This work includes the following:

- Preparing this 6 month progress report to creditors & filing at Companies House
- Preparing the administrators' final progress report to creditors & filing at Companies House & the Court
- Closure of the administration and conversion to CVL
- Statutory notifications and advertising in relation to the CVL.
- Dealing with routine correspondence.
- Maintaining physical case files and electronics case details on IPS (case management software).
- Case reviews (including 6 month reviews).
- Case bordereau and reviews.
- Case planning; administration; and general case progression, including adjustments in appointment strategy.
- Maintaining and managing the appointment's cash book and bank accounts.
- Submitting VAT returns (when due).

#### Realisation of assets

This section is in relation to the realisation of the Company's assets, which is explained in detail through the contents of our report.

The work generally includes the following:

- Book debt collection and management.
- Agreeing with Hartley the amount of the deferred consideration payable to the Company.
- Dealing with the transfer of the FURBS and Security Trusteeships which could result in further realisations for the estate.

#### Creditors

Work under this section includes correspondence and other contact with the creditors of the Company. The work includes the following:

- Dealing with creditor correspondence via email and telephone.
- Maintaining creditors' information on our insolvency database.
- Liaising with solicitors in relation to the potential litigation claim against the Company.

#### Case Specific

Work under this section includes matters that are specific to the case. The work includes the following:

- Communications with the FSCS, FCA, FOS and other regulatory bodies as appropriate.
- Liaising with the FSCS and the solicitors for the Company's professional indemnity insurers in relation to the information required to enable the FSCS to determine whether it will pass claims for assessment.
- Dealing with client enquiries received.
- Actioning FURBS clients' requests and arranging for a new Trustee to replace to GMTC for each of the FURBS and Security Trusteeship held.
- Arranging & issuing annual scheme accounts to FURBS clients.
- Dealing with Data Subject Access Requests.



# IV Staffing, charging, subcontractor and adviser policies and charge out rates

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## Introduction

Detailed below are:

- Smith & Williamson LLP's policies in relation to:
  - Staff allocation and the use of subcontractors
  - Professional advisers
  - Disbursement recovery
- Smith & Williamson LLP's current charge out rates

## Staff allocation and the use of subcontractors

Our general approach to resourcing our assignments is to allocate staff with the skills and experience to meet the specific requirements of the case.

The constitution of the case team will usually consist of a partner and a partner or director or associate director as joint office holders, a manager, and an administrator or assistant. The exact constitution of the case team will depend on the anticipated size and complexity of the assignment and the experience requirements of the assignment. The charge out rate schedule below provides details of all grades of staff and their experience level.

We may use subcontractors to perform work which might ordinarily be carried out by us and our staff where it is cost effective to do so and/or where the specific expertise offered by the subcontractor is required and where this will add best value and service.

Details of any subcontractors' services utilised in the period covered by this report are set out in the body of this report.

Any such arrangements will be reviewed periodically to ensure that best value and service continue to be obtained.

## Use of professional advisers

We select professional advisers such as agents and solicitors on the basis of balancing a number of factors including:

- The industry and/or practice area expertise required to perform the required work.
- The complexity and nature of the assignment.
- The availability of resources to meet the critical deadlines in the case.
- The charge out rates or fee structures that would be applicable to the assignment.
- The extent to which we believe that the advisers in question can add best value and service to the assignment.
- The expertise and experience of the service provider;
- The provider holds appropriate regulatory authorisations;
- The professional and ethical standards applicable to the service provider.

Arrangements will be reviewed periodically to ensure that best value and service continue to be obtained.

## Disbursements

Category 1 disbursements do not require approval by creditors. The type of disbursements that may be charged as a Category 1 disbursement to a case generally comprise external supplies of incidental services specifically identifiable to the case, such as postage, case advertising, invoiced travel and external printing, room hire and document storage. Also chargeable will be any properly reimbursed expenses incurred by personnel in connection with the case.

Category 2 disbursements do require approval from creditors. These are costs which are directly referable to the appointment in question but are not payments which are made to an independent third party and may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis such as internal room hire, document storage or business mileage.

Since 7 July 2012 Smith & Williamson LLP's policy is to recover only one type of Category 2 disbursement, namely business mileage at HMRC's approved mileage rates at the relevant time. Current mileage rates are 45p per mile plus 5p per passenger per mile. Prior to 7 July 2012 approval may have been obtained to recover other types of Category 2 disbursements.

Details of any Category 2 disbursements incurred and/or recovered in the period covered by this report are set out in the body of this report.

## Charge out rates

The rates applicable to this appointment are set out below. Changes to the charge out rates during the period of this report were applied with effect from 1 July 2020.

Smith & Williamson LLP Restructuring & Recovery Services Charge out rates as at 1 July 2019	London office £/hr	Regional offices £/hr
Partner / Director	590-675	472-540
Associate Director	550	440
Managers	340-475	272-380
Other professional staff	225-475	180-240
Support & secretarial staff	125	100

Smith & Williamson LLP Restructuring & Recovery Services Charge out rates as at 1 July 2020	London office £/hr	Regional offices £/hr
Partner / Director	620-710	496-568
Associate Director	580	464
Managers	360-500	288-400
Other professional staff	235-580	188-252
Support & secretarial staff	130	140

1. Time is recorded in units representing 3 minutes or multiples thereof.
2. It may be necessary to utilise staff from both regional and London offices, subject to the requirements of individual cases.
3. The firm's cashiering function is centralised and London rates apply. The cashiering function time is incorporated within "Other professional staff" rates.

Smith & Williamson LLP Forensics Charge out rates as at 1 July 2019	London office £/hr
Partner / Director	470
Associate Director	-
Managers	320-410
Other professional staff	185-240
Support & secretarial staff	-

Smith & Williamson LLP Forensics Charge out rates as at 1 July 2020	London office £/hr
Partner	688
Associate Director	-
Managers	485
Other professional staff	180-315
Support & secretarial staff	-

# V Notice of a Decision being sought by a Decision Procedure

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**GUINNESS MAHON TRUST CORPORATION LIMITED - IN ADMINISTRATION (the Company)**  
Registered Number - 00224158

This notice is given pursuant to Rule 15.8 of the Insolvency (England and Wales) Rules 2016 (the Rules).

Court details	
<b>Court Name</b>	High Court of Justice Business and Property Courts in Birmingham Insolvency and Companies List
<b>Court Number</b>	000124

Office Holder details	
<b>Administrator's Name</b>	Adam Henry Stephens and Nicholas Myers
<b>Administrator's Firm Name</b>	Smith & Williamson LLP
<b>Date of Appointment of Administrator</b>	17 February 2020

## THE PROPOSED DECISIONS

The Joint Administrators (**the Convener**) are seeking approval of the following decisions from the Company's creditors by correspondence:

- 1. Under Rule 3.39, that a creditors' committee should NOT be established unless sufficient, eligible creditors are willing to be members of a committee.*
- 2. Under Rule 18.16 of the Insolvency (England and Wales) Rules 2016 and in the absence of a Creditors' Committee, the remuneration of the Joint Administrators (and Joint Liquidators) be fixed by reference to time properly given by them and their staff in attending to matters arising in the Administration and estimated to total £283,392.25 for the period 17 February 2020 to 16 February 2021.*
- 3. In accordance with Statement of Insolvency Practice No 9, issued by the Association of Business Recovery Professionals, the joint administrators be authorised to draw remuneration as and when funds are available.*
- 4. In accordance with Statement of Insolvency Practice No 9, issued by the Association of Business Recovery Professionals, the Joint Administrators' be authorised to draw Category 2 disbursements in accordance with their firm's published tariff.*

## **ENSURING YOUR VOTES ON THE PROPOSED DECISIONS ARE COUNTED**

In order for votes on the Proposed Decisions to be counted, a creditor must have delivered the Voting Form accompanying this notice, together with a proof in respect of their claim (unless one has already been submitted) to the Convener, whose contact details are below, on or before **30 September 2020 (the Decision Date)**, failing which their votes will be disregarded.

### **Appeal of Convener's decision**

Pursuant to Rule 15.35 of the Rules, any creditor may apply to the court to appeal a decision of the Convener. However, an appeal must be made within 21 days of the Decision Date.

### **Creditors' committee – nominations**

In relation to the proposed decision set out above concerning the formation of a committee, any nominations for membership of the committee must be received by the Convener by no later than the Decision Date and will only be accepted if the Administrator is satisfied as to the nominee's eligibility to be a member of such committee under Rule 17.4 of the Rules. Please note that nominations for membership can be made on the Voting Form accompanying this notice.

### **Creditors with a small debt**

An office holder may, depending on the circumstances of a case, decide to treat a 'small debt' of the Company (meaning a debt not exceeding £1,000 inclusive of VAT) as having proved, without the creditor having to submit a proof in respect of their claim. Where this is intended, notice will be given by the office holder to the affected creditors. Any creditor who has received such a notice, must still deliver a proof in respect of their claim (unless one has already been submitted) by no later than the Decision Date if they wish to vote on the Proposed Decisions.

### **Creditors who have opted out of receiving notices**

Any creditor who has opted out of receiving notices but still wishes to vote on the Proposed Decisions is entitled to do so. However, they must have delivered a completed Voting Form, together with a proof in respect of their claim (unless one has already been submitted) to the Convener, whose contact details are below, by no later than the Decision Date, failing which their votes will be disregarded.


### **Request for a physical meeting**

Creditors who meet certain thresholds prescribed by the Insolvency (England & Wales) Rules 2016, namely 10% in value of creditors, 10% in number of creditors or 10 creditors, may require a physical meeting to be held to consider the Proposed Decisions. However, such a request must be made in writing to the Convener within 5 business days from 14 September 2020 and be accompanied by a proof in respect of their claim (unless one has already been submitted).

### **Contact details**

Any documents required to be delivered to the Convener pursuant to this notice can be sent by post to Smith & Williamson LLP, 25 Moorgate, London. EC2R 6AY or alternatively by email to [tracey.elms@smithandwilliamson.com](mailto:tracey.elms@smithandwilliamson.com). Any person who requires further information may contact Tracey Elms by telephone on 0121 710 5200 or alternatively by e-mail at [Tracey.Elms@smithandwilliamson.com](mailto:Tracey.Elms@smithandwilliamson.com).

Dated: 14 September 2020

Signed:   
.....  
**Convener**

## VI Voting form

<p>Name of Company</p> <p>Guinness Mahon Trust Corporation Limited</p>	<p>Company number</p> <p>00224158</p>
<p>In the</p> <p>High Court of Justice Business and Property Courts in Birmingham Insolvency and Companies List</p>	<p>Court case number</p> <p>000124 of 2020</p>

Please indicate whether you are in favour or against each of the decisions set out below and return this form with a proof of debt to Smith & Williamson LLP, 25 Moorgate, London, EC2R 6AY or by email to tracey.elms@smithandwilliamson.com, on or before **30 September 2020** (the **Decision Date**) in order that approval may be determined.

	Decision	In Favour (√)	Against (√)
1	Under Rule 3.39, that a creditors' committee should NOT be established unless sufficient, eligible creditors are willing to be members of a committee.		
2	Under Rule 18.16 of the Insolvency (England and Wales) Rules 2016 and in the absence of a Creditors' Committee, the remuneration of the Joint Administrators (and Joint Liquidators) be fixed by reference to time properly given by them and their staff in attending to matters arising in the Administration and estimated to total £283,392.25 for the period 17 February 2020 to 16 February 2021.		
3	In accordance with Statement of Insolvency Practice No 9, issued by the Association of Business Recovery Professionals, the joint administrators be authorised to draw remuneration as and when funds are available.		
4	In accordance with Statement of Insolvency Practice No 9, issued by the Association of Business Recovery Professionals, the Joint Administrators' be authorised to draw Category 2 disbursements in accordance with their firm's published tariff.		

## Creditors' Committee

The Insolvency Rules require that where a decision is sought from creditors, it is necessary to invite creditors to decide on whether a creditors' committee should be established. The Insolvency Rules also state that where the creditors decide that a creditors' committee should be established, it cannot be established unless it has at least three (and no more than five) members. **Therefore, if you have voted against the first decision above, please nominate below a creditor who is prepared to represent you as a member of the committee, if not yourself.**

I wish to nominate \_\_\_\_\_ (insert name)

Representing \_\_\_\_\_ (insert name of creditor)

to be a member of the committee

**Please ensure you sign and date this form before returning it (see overleaf)**

**Please complete the section below before returning the form**

<b>Name of Creditor</b>	
<b>Signature on behalf of creditor</b>	
<b>Position with creditor or relationship to creditor or other authority for signature - please indicate</b>	
<b>Is the signatory the sole member of a body corporate?</b>	<b>YES / NO</b>
<b>Date of signing</b>	

# VII Proof of debt form

## Proof of Debt Form

Guinness Mahon Trust Corporation Limited - In Administration	
1	Creditor Name <i>(If a company, please also state company registration number)</i>
2	Address of creditor for correspondence
3	Email address for creditor
4	Total amount of claim, including VAT and outstanding uncapitalised interest  <i>Note: Any trade or other discounts (except discount for immediate or early settlement) which would have been available to the company but for the insolvency proceedings should be deducted from the above claim where relevant. Where any payment is made in relation to the claim or set-off applied after date of winding-up, this should be deducted</i>
5	If the amount in 4 above includes outstanding uncapitalised interest, please state the amount
6	Details of any documents by reference to which the debt can be substantiated (please attach copies)
7	Particulars of how and when the debt was incurred by the Company
8	Particulars of any security held, the value of the security, and the date it was given
9	Particulars of any reservation of title claimed, in respect of goods supplied to which the claim relates
10	Signature of creditor or person authorised to act on his behalf
11	Name in BLOCK CAPITALS
12	Date
13	Position with or in relation to creditor Address of person signing (if different from 2 above)
14	Are you the sole member of the (corporate) creditor?

ADM1408



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