
STATUTORY INSTRUMENTS

2021 No. 1178

The Payment and Electronic Money Institution
Insolvency (England and Wales) Rules 2021

PART 3

Process of Special Administration

CHAPTER 9

Progress reports

Content of progress report

87.—(1) A progress report must include—

- (a) a statement that the proceedings are being held in the court and the court reference number,
- (b) the full name, registered address and registered number of the institution,
- (c) the full name and business address of the administrator,
- (d) the date of appointment of the administrator and (subject to paragraph (8)) details of any changes in the administrator since the previous report,
- (e) where there are joint administrators, details of the apportionment of functions,
- (f) details of the basis fixed for the remuneration of the administrator under rule 163 (or if not fixed at the date of the report, the steps taken during the period of the report to fix it),
- (g) if the basis of remuneration has been fixed, a statement of—
 - (i) the remuneration charged by the administrator during the period of the report (subject to paragraph (3), and
 - (ii) where the report is the first to be made after the basis has been fixed, the remuneration charged by the administrator during the periods covered by the previous reports (subject to paragraph (3)), together with a description of the things done by the administrator during those periods in respect of which the remuneration was charged, irrespective in either case of whether payment was made in respect of that remuneration during the period of the report,
- (h) a statement of the expenses incurred by the administrator during the period of the report, irrespective of whether payment was made in respect of them during that period: the statement to contain a breakdown of expenses incurred in respect of the administrator pursuing Objective 1 of the special administration objectives,
- (i) whether the FCA have given a direction under regulation 38 and whether that direction has been withdrawn,
- (j) details of progress during the period of the report, including a receipts and payments account (as detailed in paragraph (2) below),
- (k) details of any assets of the institution that remain to be realised,

- (l) details of whether a bar date has been set and progress made in pursuit of Objective 1 of the special administration objectives,
 - (m) where no distribution plan has been approved by the court, how the administrator proposes that the expenses of the special administration, to be paid out of the relevant funds in accordance with Part 4, are to be allocated where the institution has more than one asset pool,
 - (n) a statement of the creditors' right to request information under rule 166 and their right to challenge the administrator's remuneration and expenses under rule 167, and
 - (o) any other relevant information for the creditors or the customers.
- (2) A receipts and payments account must be in the form of an abstract showing receipts and payments during the period of the report and, must also include a statement as to the amount paid to unsecured creditors by virtue of the application of section 176A of the IA 1986.
- (3) Where the basis for the remuneration is a set amount under rule 163(2)(c), it may be shown as that amount without any apportionment to the period of the report.
- (4) Where the administrator has made a statement of pre-administration costs under rule 26(2)
- (p)—
- (a) if they are approved under rule 100 the first progress report after the approval must include a statement setting out the date of the approval and the amounts approved,
 - (b) each successive report, so long as any of the costs remain unapproved, must include a statement either—
 - (i) of any steps taken to get approval, or
 - (ii) that the administrator has decided, or (as the case may be) another insolvency practitioner entitled to seek approval has told the administrator of that practitioner's decision, not to seek approval.
- (5) The progress report must cover the period of six months commencing on the date on which the institution entered special administration and every subsequent period of six months.
- (6) The periods for which progress reports are required under paragraph (5) are unaffected by any change in the administrator.
- (7) However, where an administrator ceases to act the succeeding administrator must, as soon as is reasonably practicable after being appointed, deliver a notice to the creditors of any matters about which the succeeding administrator thinks the creditors should be informed.
- (8) Where the current administrator is seeking repayment of pre-administration expenses from a former administrator, the change in office-holder must be noted in each report until the claim is settled.

Delivering a progress report

88.—(1) The administrator must, within one month of the end of the period covered by the report, deliver—

- (a) a copy to the creditors and to the customers, and
- (b) a copy to the registrar of companies,

but this paragraph does not apply when the period covered by the report is that of a final progress report under rule 182.

- (2) The copy sent under paragraph (1)(a) must be accompanied by a statement setting out—
 - (a) that the proceedings are being held in the court and the court reference number,
 - (b) the full name, registered address and registered number of the institution,

- (c) the full name and business address of the administrator,
- (d) the period covered by the progress report.

(3) The court may, on the administrator's application, extend the period of one month mentioned in paragraph (1), or make such other order in respect of the content of the report as it thinks just.

(4) If the administrator makes default in complying with this rule, the administrator is liable to a fine and, for continued contravention, to a daily default fine in each case as set out in the Schedule to these Rules.