

NOTICE OF AN INVITATION TO CREDITORS TO FORM A CREDITORS' COMMITTEE

Re: **Metrix Commercial Interiors Limited – In Administration (“the Company”)**
Registered number: 04299332
High Court of Justice CR-2020-002115

NOTICE IS HEREBY GIVEN, IN ACCORDANCE WITH PARAGRAPH 57 OF SCHEDULE B1 INSOLVENCY ACT 1986, RULE 3.39 AND PART 17 OF THE INSOLVENCY (ENGLAND AND WALES) RULES 2016, THAT

Creditors are invited to decide whether a creditors' committee should be established if sufficient creditors are willing to be members of that committee. Virgil Harsham Levy of LA Business Recovery Limited, 1 Beasley's Yard, 126 High Street, Uxbridge, Middlesex, UB8 1JT and Danny Allen of 360 Insolvency Limited, 1 Castle Hill Court, Rochester, Kent, ME1 1LF invites creditors to put forward their nominations for membership of the committee, such nominations must be received by the date specified in this notice. The Administrators can only accept nominations if they are satisfied as to the creditors' eligibility under r17.4 of the Insolvency (England and Wales) Rules 2016 (a copy of which is enclosed).

Company Name and Number:	Metrix Commercial Interiors Limited (in Administration) 04299332
Court Name & Reference:	High Court of Justice No: CR-2020-002115
Joint Administrators:	Virgil Harsham Levy of LA Business Recovery Limited and Danny Allen of 360 Insolvency Limited
Nominations MUST be received by:	25 June 2020
Contact Details of the Joint Administrators:	Virgil H Levy of LA Business Recovery Limited 1 Beasley's Yard, 126 High Street, Uxbridge, Middlesex, UB8 1JT 01895 819460 Danny Allen of 360 Insolvency Limited 1 Castle Hill Court, Rochester, Kent, ME1 1LF 01634 475546

Dated: 9 June 2020

Signed



Virgil Harsham Levy
Joint Administrator

Extract from the Insolvency (England and Wales) Rules 2016

Rule 17.4

Eligibility for membership of creditors' or liquidation committee

17.4.—(1) This rule applies to a creditors' committee in an administration, an administrative receivership, and a bankruptcy and to a liquidation committee in a creditors' voluntary winding up and a winding up by the court.

(2) A creditor is eligible to be a member of such a committee if—

- (a) the person has proved for a debt;
- (b) the debt is not fully secured; and
- (c) neither of the following apply—
 - (i) the proof has been wholly disallowed for voting purposes, or
 - (ii) the proof has been wholly rejected for the purpose of distribution or dividend.

(3) No person can be a member as both a creditor and a contributory.

(4) A body corporate may be a member of a creditors' committee, but it cannot act otherwise than by a representative appointed under rule 17.17.

GUIDANCE NOTE FOR CREDITORS EXPLAINING THE PROCEDURE FOR ESTABLISHING A CREDITORS' COMMITTEE

Functions of a Committee

In addition to any functions conferred on a Committee by any provisions of the Insolvency Act 1986, the Committee is to –

- (a) assist the office-holder in discharging the office-holder's functions; and
- (b) act in relation to the office-holder in such manner as may from time to time be agreed.

Purpose of the Committee

The purpose of the Committee is to represent the interests of the creditors as a whole, not just the interests of its individual members. The principal function of the Committee is to fix the Administrator's remuneration. In addition, the Committee may also serve to assist the Administrator generally and act as a sounding board for them to obtain views on matters in the Administration.

The Administrator is required to report to the Committee on matters relating to the Administration and to submit copies of his/her accounts when required. Meetings are generally held when determined by the Administrator, and voting is by majority in number. Votes may also be taken by post.

Committee members are not entitled to remuneration, but they may be reimbursed for reasonable travelling expenses incurred on Committee business.

Although the Administrator should normally have regard to the views of the creditors' Committee, they may always refer matters of contention to a general body of creditors or to the court. It has been held, in a liquidation case, that the court has a residual discretion not to follow the wishes of a Committee where the special circumstances of the case warrant it.

Establishment of Committee – Insolvency (England & Wales) Rules 2016

Where the Administrator seek any decision from the creditors, the Administrator must, at the same time, deliver to the creditors a notice inviting them to decide whether a Creditors' Committee should be established if sufficient creditors are willing to be members of the Committee.

Where the creditors decide that a creditors' Committee should be established, notice should be given to the convener or chair of the decision procedure.

Before a creditor may act as a member of the Committee that person must agree to do so.

Where a creditor has duly appointed a proxy-holder or representative, that proxy-holder or representative who is attending a meeting to establish the Committee, may give the appointing creditor's agreement to act as a member of the Committee (unless the proxy or instrument conferring authority contains a statement to the contrary).

Where a decision has been made to establish a Committee but not as to its membership, the Administrator must seek a decision from the creditors about creditor members of the Committee.

The Committee is not established and cannot act until the Administrator has delivered a notice of its members to the Registrar.

The notice which must be delivered by the Administrator to the Court and to the Registrar must contain the following:

- A statement that the Committee has been duly constituted;
- Identification details for any company that is a member of the Committee;
- The full name and address of each member that is not a company.

The notice must also be signed and dated by the Administrator.

This notice must be delivered as soon as reasonably practicable after the minimum number of persons, being at least 3 members but not more than five members, have agreed to act as members and been elected.