

JERSEY / JUDGMENT

In the Matter of the Representation of James Pirie and Alan Roberts as Provisional Liquidators of RTI Limited (in Provisional Liquidation) and in the Matter of the Companies (Jersey) Law 1991

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Companies - reasons for approving the costs. [2026]JRC216 Royal Court (Samedi) 18 August 2026
Before : M. J. Thompson, Esq., Commissioner, sitting alone IN THE MATTER OF THE REPRESENTATION OF JAMES PIRIE AND ALAN ROBERTS AS PROVISIONAL LIQUIDATORS OF RTI LIMITED (IN PROVISIONAL LIQUIDATION) AND IN THE MATTER OF THE COMPANIES (JERSEY) LAW 1991 Advocate B. E. Gibb for the Representors.

judgment

the commissioner: 1. This judgment contains my reasons for approving the costs of Mr James Pirie and Mr Alan Roberts as the provisional liquidators of RTI Limited (“the Provisional Liquidators” and “the Company” respectively). 2. The Provisional Liquidators were appointed in respect of the Company by an Act of Court dated 17 July 2025. The reasons for appointing the Provisional Liquidators was set out in a judgment of the Royal Court dated 8 August 2025, reported at [2025] JRC 204. The general background leading to the appointment of the Provisional Liquidators was set out at paragraphs 2 to 26 of the 8 August 2025 judgment. It is not necessary to refer to the detail of the 8 August 2025 judgment (or any decisions that preceded it) for the purposes of this decision. 3. By an Act of Court dated 22 September 2025, remuneration and expenses incurred by the Provisional Liquidators since their appointment were sanctioned and approved by the Royal Court up to that date. A budget provided by the Provisional Liquidators was also approved. 4. The Court further sanctioned payment of amounts approved or following a part of the budget because such approval could also be made subject to the duty of the Provisional Liquidators to account to the Court and the right of the Company and / or any creditor to challenge the quantum of such remuneration. 5. The appointment of the Provisional Liquidators came to an end on 8 January 2026 when the Court ordered a creditors’ winding up of the Company and appointed the Provisional Liquidators as liquidators of the Company (see the Court’s judgment dated 8 January 2026 reported at [2026] JRC 155). 6. The present application was made by the Provisional Liquidators on 12 February 2026 where the Provisional Liquidators both in that capacity and as the liquidators of the Company sought approval of the Provisional Liquidators’ costs from 12 September 2025 to 8 January 2026. 7. In making their application, the Provisional Liquidators filed the third affidavit of Mr Pirie. This affidavit:- (i) explained the expanded scope of the actions taken by the Provisional Liquidators (paragraphs 20 to 29). It is not

necessary for this judgment to set out the detail of the steps taken; (ii) set out the fee rates charged by the Provisional Liquidators; and (iii) exhibited a spreadsheet identifying the various workstreams and investigations. This included the fees of the various law firms retained by the Provisional Liquidators. 8. In addition, a confidential schedule was filed with the Court but not the Company or any creditors because of concerns about waiver of privilege and to prevent potential prejudice being caused to the investigations of the liquidators. 9. The Company (represented by Baker & Partners) and OWH S.E. iL who had petitioned for the winding up of the Company, were notified of the application of the Provisional Liquidators.

10. I was asked to consider the application on the papers and indicated that I would do so if there was no response to any notification given to the Company or OWH.
11. Secondly, the Provisional Liquidators quite properly drew my attention to the decision of the Privy Council in *Attorney General of Trinidad and Tobago v CL Financial* [2025] UKPC 41 and, in particular, the following paragraphs: “104. First, it appears that, at least in large insolvencies, time spent is either the only means by which remuneration is assessed or, more usually, it is a major component and the starting point. In many of the cases cited above, although time was the basis for remuneration, there was an overriding requirement that the remuneration should be fair and reasonable. This not only acts as an overall control, providing some link between time spent and the results achieved, but it may also benefit the liquidators in that it may lessen to some extent the level of detail required to support their claims: see *Templeton v ASIC*.
105. Secondly, while the officeholder must establish that the hours claimed were indeed worked, that is rarely the issue with a reputable officeholder who has maintained proper time records. Courts should proceed on the basis that officeholders have acted with integrity, unless there is reason to believe otherwise.
106. Thirdly, and crucially, the officeholder must establish that the time costs were reasonably incurred. The authorities cited above from many jurisdictions support the view expressed by Ferris J in *Maxwell* that the officeholder “must explain the nature of each main task undertaken, the considerations which led them to embark upon that task and ... to persevere in it. The time spent needs to be linked to this explanation, so that it can be seen what time was devoted to each task”: see *Venetian Nominees*, *Conlan v Adams*, and *Templeton v ASIC* in Australia, *Re Medforce* and *Re Roslea* in New Zealand, *Re Econ* and *Kao v Fong* in Singapore, *Re Peregrine* in Hong Kong, *Re Mouldpro CA* in Ireland, and *Re Nortel* in Canada.
107. It is interesting to note that in *Templeton v ASIC*, the receivers themselves asserted that they needed to demonstrate that (a) it was necessary and appropriate for the work claimed to be done, (b) the work was done at an appropriate level of seniority and (c) the work was done efficiently in the sense that a reasonable time was taken to do it, taking account of the quality and complexity of the work.

108. Whether time costs were reasonably incurred depends principally on two factors. First, it must be shown that the work in question was reasonably undertaken. Secondly, it must be shown that the work was performed by a person of appropriate seniority.”
12. I also refer to paragraphs 111, 112, 114 to 115 and 123 as follows: “111. The officeholder must be able to show that work was performed at an appropriate level of seniority. The simpler or more routine tasks should be undertaken by more junior staff, leaving the more senior members of the team to do those things which require their level of experience and expertise, recognising that the officeholder and other senior personnel will have an important supervisory role over the insolvency process as a whole. It is for this reason that orders appointing officeholders, including the order in this case, set charging rates for different levels of staff. The information provided to the court must therefore contain details of the grade of staff undertaking particular tasks, but the Board does not consider that it will usually be necessary to identify the particular individuals concerned or to state the particular dates on which tasks were undertaken or the hours worked on each day.
112. The information presented to the court must be sufficient for the court to be satisfied that the liquidator's work did not unnecessarily duplicate work done by other members of staff or by outside advisers such as lawyers. ...
114. At the same time, the court should not be burdened with an overwhelming amount of detailed evidence, nor should the estate be burdened with the cost of producing it. It will not usually be necessary to provide all the contemporaneous time records. It is the officeholder's duty to maintain such records if their remuneration is to be wholly or partly based on time spent: see Maxwell at page 649 (quoted at para 51 above), *Re Peregrine Investments Holdings Ltd* at pages 72-73 (quoted at para 95 above). However, they need be produced only to meet points raised by the court or reasonably raised by a creditor or shareholder: see *Re Econ* at para 61(d). The suggestion occasionally made in some authorities that the evidence put forward by the officeholder should contain the level of detail found in a solicitor's bill of costs (see, for example, *Re Solfire Pty Ltd (in liq) (No 2)* [1999] 2 Qd R 182, 191 quoted in Korda) is not generally supported by decisions in any jurisdiction and is, in the Board's view, wrong.
115. Likewise, there is near unanimity in all comparable jurisdictions that the court should not engage in a line by line analysis of the officeholder's claim. In view of the burden that it would impose on the resources of both the court and the (usually insolvent) estate, this would be a wholly disproportionate way to proceed. See, in particular, in this respect *Templeton v ASIC* and other Australian cases, *Re Roslea* in New Zealand and *Re Nortel* in Canada.
123. Applying the principles that have been developed in the authorities from other common law jurisdictions, the Board has no hesitation in concluding that the Liquidators' remuneration report, supplemented by affidavit evidence, provides far from sufficient information to support their application. The description of work undertaken is, for the most part, very

general and very brief. It is impossible to identify in most cases the tasks which the Liquidators have in fact undertaken and, without more information on those tasks, it is impossible to assess whether they were reasonably undertaken. It is also impossible to see how long was spent on any particular task. It may well be the case that much, perhaps all, the work was reasonable, but that cannot be tested in any particular instance. Further, there is no breakdown as to the grade(s) of partners and staff working on any task. Only the most generic information is supplied. It is therefore impossible to assess whether the tasks were undertaken at the right level. The Board is of the view that it was not open to the judge to hold, as he did at para 34, that the remuneration report goes into sufficient detail as to the work done by the Liquidators and their staff or that it provided sufficient information so that the court can ascertain the work done and by whom.”

13. In light of the above paragraphs, which I concluded should also be the practice applied in this jurisdiction, I asked for a breakdown of the grades of partners and staff working on any task to enable me to assess whether the tasks were undertaken at the right level. I therefore asked for the sort of detail that is provided on a summary assessment of costs by the Court, having regard to Practice Direction RC17/11 at paragraphs 4(a)-(4(d). I further ruled that the question of a factor B uplift did not apply.
14. I also asked for the time of the Provisional Liquidators and those assisting them to be broken down by reference to the headings set out in the third affidavit of Mr Pirie at paragraphs 20 to 29 and the time spent by each of the law firms referred to in the confidential schedule.
15. Finally, I accepted that all of this information should be provided on a confidential basis.
16. In light of these directions, Mr Pirie swore a fourth affidavit which provided the information I requested, including the breakdowns of the time spent by the Provisional Liquidators and employees of Grant Thornton as requested and the time incurred by the lawyers.
17. I reviewed this schedule carefully and was satisfied that I had been provided with the information that I had requested on 16 April. From this review, I was satisfied that I had enough information to evaluate the costs incurred of the Provisional Liquidators and that, taking into account my knowledge of this case given my previous involvement, that it was appropriate to approve the Provisional Liquidators’ costs.
18. Finally, I should refer to the fact that as part of the fourth affidavit, Mr Pirie exhibited all the correspondence that Walkers had had with Advocates for OWH and the Company which established that nothing further had been received. Accordingly, I was also satisfied that it was appropriate to determine the application the papers.
19. For all these reasons, I approved the costs incurred by the Provisional Liquidators and the draft order they provided. Authorities Companies (Jersey) Law 1991. Representation of OWH SE i.L v RTI Limited [2025] JRC 204. Representation of OWH SE iL re RTI Limited [2026] JRC 155. Attorney General of Trinidad and Tobago v CL Financial [2025] UKPC 41.

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Prepared on 22 October 2026 · Esheria