# Liquidator's Progress Report

**S.192** 

Pursuant to Sections 92A and 104A and 192 of the Insolvency Act 1986

of the Insolvency Act 1986	
To the Registrar of Companies	
	Company Number
	33221
Name of Company	
Pılkıngton's Tıles Ltd	
I / We	
Paul Andrew Flint, 1 St Peter's Square, Manchester, M2 3AE	
Brian Green, 1 St Peter's Square, Manchester, M2 3AE	
the liquidator(s) of the company attach a copy of my/our Progress Report	

under section 192 of the Insolvency Act 1986

The Progress Report covers the period from 16/06/2014 to 15/06/2015

Signed Date 16 July 2015

KPMG LLP 1 The Embankment Neville St Leeds LS1 4DW

Ref PB621B4103/SPC/AJS/CF/LS



## Pilkington's Tiles Ltd (In Liquidation) Liquidators' Abstract of Receipts & Payments

Statement of Affairs		From 16/06/2014 To 15/06/2015	From 14/06/2011 To 13/06/2015
	FIXED CHARGE ASSETS		
300,000 00	Fixed assets	NIL	NIL
120,000 00	Land and buildings	NIL	NIL
3,602,294 00	Book debts	NIL	NIL
0,000,00	Administration surplus - fixed	NIL	245,664 54
		NIL	245,664 54
	FIXED CHARGE COSTS		
	Liquidators' fees	NIL	68,664 00
	Legal fees	NIL	22,954 00
	Legal expenses	NIL	1 24
	Debt collection costs	NIL	700 00
		NIL	(92,319 24
	FIXED CHARGE CREDITORS		
	Fixed charge creditor	NIL	143,672 0
	·	NIL	(143,672 00
	ASSET REALISATIONS .		
2,830,421 00	Stock	NIL	NII
	Book debts	NIL	10,142 79
	Ceramic tiles	NIL	13,860 0
	VAT refunds (pre-liq )	NIL	281,517 7
22,383 00	Petty cash	NIL	NII
-	Corporation tax refund	206 56	206 50
	·	206 56	305,727 10
	OTHER REALISATIONS		
	Sundry refunds	40 00	40 00
	ISA interest gross	2,807 58	11,485 0
	Tax paid on ISA interest	(561 52)	(2,297 03
	Administration surplus - floating	NIL	1,198,468 6
	·	2,286 06	1,207,696 6
	COST OF REALISATIONS		
	Cheque/Payable order fees	2 20	182 60
	Liquidators' fees	NIL	150,000 0
	Irrecoverable VAT	589 02	786 4 <sup>-</sup>
	Agents'/Valuers' fees	NIL	5,719 68
	Legal fees	NIL	35,378 8
	Storage costs	260 16	1,172 90
	Administration costs	NIL	160,533 5
	Other property expenses	NIL	50 00
	Bank charges	100 00	367 00
	ŭ	(951 38)	(354,191 05
	PREFERENTIAL CREDITORS		
	Subrogated EP(C)A claim	NIL	379,142 2°
(429,815 00)	Employees' wage arrears & holiday pa	NIL	60,121 7
•		NIL	(439,263 96
	FLOATING CHARGE CREDITORS		

## Pilkington's Tiles Ltd (In Liquidation) Liquidators' Abstract of Receipts & Payments

Statement of Affairs		From 16/06/2014 To 15/06/2015	From 14/06/2011 To 13/06/2015
		NIL	(350,000 00)
(22,976,615 00)	UNSECURED CREDITORS Trade & expense	NIL NIL	NIL NIL
(3,334,500 00)	DISTRIBUTIONS Preference shareholders	NIL NIL	NIL NIL
(24,428,701 00)		1,541.24	379,642 08
	REPRESENTED BY		
	VAT receivable ISA VAT payable Floating ch VAT control Fixed charge VAT control		49,632 67 379,590 05 (1,304 00) (58,276 64) 10,000 00
			379,642.08



Progress Report for the period from 16 June 2014 to 15 June 2015

> KPMG LLP 14 July 2015

This report contains 5 pages

Appendices contain 5 pages

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#### **About this report**

This Report has been prepared by Paul Andrew Flint and Brian Green, the Joint Liquidators of this company, solely to comply with their statutory duty to report to members and creditors under the Insolvency Act and Rules 1986 on the progress of the liquidation, and for no other purpose It is not suitable to be relied upon by any other person, or for any other purpose, or in any other context

This Report has not been prepared in contemplation of it being used, and is not suitable to be used, to inform any investment decision in relation to the debt of or any financial interest in the company. Any estimated outcomes for creditors included in this Report are illustrative only and cannot be relied upon as guidance as to the actual outcomes creditors.

Paul Andrew Flint and Brian Green are authorised to act as insolvency practitioners by the Institute of Chartered Accountants of England and Wales The appointments of the Joint Liquidators are personal to them and, to the fullest extent permitted by law, KPMG LLP does not assume any responsibility and will not accept any liability to any person in respect of this Report or the conduct of the liquidation



Progress Report KPMG LLP 14 July 2015

#### **Contents**

1	Executive summary	1
2 2 1	Progress of the liquidation Realisations	<b>2</b> 2
2 2	Ongoing issues	2
23	Expenses for the period	3
3 3 1	Estimated outcome for creditors Secured creditors	<b>4</b> 4
3 2	Preferential creditors	4
3 3	Prescribed part	4
3 4	Unsecured creditors	5

## Appendices: -

**Appendix 1: Statutory information** 

Appendix 2: Office holders' receipts and payments account for the period

Appendix 3: Analysis of office holders' time costs

Appendix 4: Schedule of expenses for the period



### 1 Executive summary

- This progress report covers the fourth 12 month period of the liquidation of Pilkington's Tiles Limited ("the Company") from 16 June 2014 to 15 June 2015 ("the Period")
- Preferential claims amounted to £439,264 and have previously been paid in full
- Based on the expected level of realisations and the amounts owed to the secured creditor, there is likely to be a small dividend to unsecured creditors from the prescribed part fund, although the quantum and timing is dependent on the outcome of the Turkish legal proceedings and are not known at this stage
- Full details of the Joint Liquidators' Progress Report are attached together with all the relevant information included by way of Appendices
- Any additional information regarding office holders' remuneration and / or other
  expenses charged for the period is available from the office holder upon request by
  any secured creditor or any unsecured creditor(s) with at least 5% in value of the
  unsecured debt, in accordance with Rule 4 49(E) of the Insolvency Rules 1986 This
  request must be made within 21 days of receipt of this report. The full text of this rule
  can be provided upon request.

Paul Andrew Flint

Pano Fir

Joint Liquidator



#### 2 **Progress of the liquidation**

The Joint Liquidators were previously appointed as Joint Administrators of the Company on 16 June 2010. The administration was not fully concluded before the first automatic end date and, in line with Insolvency Rules, was converted to a liquidation to allow the Joint Liquidators to finalise book debt collections, disclaim the lease of a Property in Poole, agree creditor claims, pay a dividend to preferential and unsecured creditors and make final distributions to the secured creditor.

Please note that the reporting period of this and subsequent reports has been amended in line with the actual appointment date of the Joint Liquidators as confirmed by Companies House

#### 2.1 Realisations

#### 2 1 1 Bank interest

The sum of £2,808\_has\_been received\_in the Period on the monies held in the Insolvency Services Account, less tax of £562

#### 2 1 2 Corporation Tax Refund

The sum of £207 has been received from HM Revenue & Customs in respect of a Corporation Tax retund

#### 2 2 Ongoing issues

#### 2 2 1 Turkish retention of title claim

As previously reported, a Turkish supplier, Intervo, has issued proceedings in Turkey regarding a rejected retention of title ("RoT") claim of circa £60,000. The contract is governed by Turkish law and as such the Joint Liquidators are having to await the outcome of the Turkish legal process.

Two hearings have found in favour of the Joint Liquidators and ruled that the claim for the RoT to be met as a cost of the liquidation is invalid. However, Intervo have chosen to appeal these rulings and we are currently awaiting the outcome of what we are advised should now be a final hearing.

The Joint Liquidators continue to request regular updates but at this stage are not able to provide a definite timescale within which this matter will be fully resolved



#### 2 3 Expenses for the period

The receipts and payments for the period are set out in the attached Receipts and Payments Account (see Appendix 2) The figures on this account are shown net of VAT

#### 2 3 1 Joint Liquidators' remuneration

The office holders' time costs for the period of this report are also attached (see Appendix 3)

Fees are being calculated and drawn on a time and costs basis. To date time of 1,361, hours at a cost of £411,427 has been incurred, with 217 hours, at a cost of £66,339, incurred in the Period

Rule 4 127(5A) of IA86 states that where a liquidation follows on directly from an administration in which the liquidator had acted as administrator (as in this case), the basis of remuneration fixed in the administration continues to apply in the liquidation (The statutory provisions relating to administrators' remuneration are set out in Rule 2 106 of the IA86)

As there is no prospect of a distribution to the unsecured creditors (other than via the prescribed part fund), the administrators' fees (and subsequently the liquidators' fees), require the approval of the secured and preferential creditors. The Joint Liquidators have the approval of GMAC and the requisite number of preferential creditors to draw fees and a total of £218,664 has been drawn to date, with £68,664 drawn from fixed charge assets and £150,000 from floating charge assets. No remuneration has been drawn in this Period.

Creditors are advised that under Rule 4 131 IA86 any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the creditors (or with the permission of the court) who thinks that the remuneration and or expenses that have been incurred by the liquidator are excessive or inappropriate in all circumstances, may apply to the court for one or more of the following orders

- (a) an order reducing the amount of remuneration which the liquidator is entitled to charge,
- (b) an order fixing the basis of remuneration at a reduced rate or amount,
- (c) an order changing the basis of remuneration,
- (d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the liquidation,
- (e) an order that the liquidator or the liquidator's personal representative pay to the company the amount of the excess of remuneration or expenses or such part of the excess as the court may specify

The full text of this rule can be provided upon request

A creditors' guide to fees can be found at



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http://www.r3 org.uk/media/documents/publications/professional/Guide to Liquidators Fees Nov2011 pdf

However, if you are unable to access this guide and would like a copy, please contact Carolyn Foden on 0151 473 5132

#### 2 3 2 Statement of expenses

Expenses for the Period total £75,476 including amounts accrued but not yet paid (see Appendix 4 for details)

#### 3 Estimated outcome for creditors

#### 3.1 Secured creditors

As previously reported, at the date of the Joint Administrators' appointment, GMAC had an outstanding debt of approximately £7.3 million due in respect of its lending to the Pilkington Group GMAC holds a debenture and guarantee over the Company's assets dated 28 May 2004

#### 3 2 Preferential creditors

As previously reported claims in respect of outstanding wages and holiday pay amounted to £439,264 and have been paid in full

#### 3.3 **Prescribed part**

The Insolvency Act 1986 (Prescribed Part) Order 2003 applies in this case as the security held by GMAC was created after 15 September 2003. The prescribed part is calculated as a percentage of the Company's net property, which is the net amount available to the floating charge holder(s) after payment of costs and preferential creditors.

The prescribed part fund is currently estimated to be in the region of £125,000 subject to the outcome of the Turkish legal action and confirmation and settlement of outstanding costs, including the Joint Liquidators' remuneration



#### 3.4 Unsecured creditors

In their Statement of Affairs, the directors estimated that the Company had unsecured liabilities totalling £22,976,615

To date, claims totalling £29,534,083 have been received from 480 unsecured creditors and have been agreed. Additional claims totalling £2,736,721 have been received and are in the process of being agreed.

Agreement of unsecured claims remains ongoing and a dividend will be declared once the matters referred to in paragraph 2 2 above are resolved

At this stage the quantum of the dividend is not known. However, from the estimated prescribed part fund and claims above, the dividend paid is likely to be less than 1 pence in the pound.

Any creditor who has yet to submit a claim should do so now to ensure that they can participate in future distributions



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### **Appendix 1: Statutory information**

Appointment

Company name & trading style

Pilkington's Tiles Limited

Liquidation

The Company was placed into creditors' voluntary liquidation on registration of Form 2 34B (notice of move from administration to creditors' voluntary liquidation) at Companies

House on 16 June 2011

Date of appointment

16 June 2011

Office holders details

Paul Andrew Flint was appointed on 16 June 2011 and is authorised to act as an insolvency practitioner by the Institute of

Chartered Accountants of England and Wales

Brian Green was appointed on 16 June 2011 and is authorised to act as an insolvency practitioner by the Institute of Chartered

Accountants of England and Wales

Application of EC regulations

EC regulations apply and these proceedings will be the Main Proceedings as defined in Article 3 of the EC regulations

#### **Company Information**

Company registration

number

00033221

Previous registered

office

PO Box 4, Rake Lane, Clifton, Manchester M27 8LP

Present registered

office

c/o KPMG LLP, St James Square, Manchester M2 6DS



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## Appendix 2: Office holders' receipts and payments account for the Period

Statement of Affairs		From 16/06/2014 To 15/06/2015	From 14/06/201 To 15/06/201
	FIXED CHARGE ASSETS		
300,000 00	Fixed assets	NIL	77
120 000 00	Land and buildings	NIL	N
3,602,294 00	Book debts	NIL.	N
3,002,231 00	Administration surplus - fixed	NIL	245 664 5
	Ammususaan supus - med	NIL	245,664 5
	FIXED CHARGE COSTS Liquidators fees	NIL	68,664 0
	Legal fees	NIL	22,954 0
	Legal expenses	NIL	1.2
	Debt collection costs	NIL NIL	700 C (92,319,2-
		2.12	(sathesia)
	FIXED CHARGE CREDITORS	3***	447.677.0
	Fixed charge creditor	NIL NII	143,672 0
			(115,0720)
	ASSET REALISATIONS		
2,830,421 00	Stock	NIL.	NE
	Book debts	NIL	10,142 7
	Ceramic tiles	NIL.	13,860 0
	\ AT refunds (pre-liq )	NIL	281,517 7
22,383 00	Petty cash	NIL	NI
	Corporation tax refund	206 56	206.5
	•	206.56	305,727 1
	OTHER REALISATIONS		
	Sundry refunds	40 00	40 0
	ISA interest gross	2,807.58	11,485 0
	Tax pand on ISA interest	(561 52)	(2,297 03
	Administration surplus - Bosting	NIL	1,198,468 6
	Administration stephes - hosting	2,286 06	1,207,696 6
		-,	
	COST OF REALISATIONS	2.20	103.6
	Cheque/Payable order fees	2.20	182 6
	Liquidators' fees	NIL	150,000 0
	Irrecoverable VAT	589 02	786 4
	Agents'/\aluers' fees	NIL	5 719 6
	Legal fees	NIL	35,378 8
	Storage costs	260 16	1,172.5
	Administration costs	NIL	160,533 5
	Other property expenses	NIL	50 0
	Bank charges	100 00	367 0
		(951 38)	(354,191 0
	PREFERENTIAL CREDITORS		
	Subrogated EP(C)A class	NIL	379,142.2
(429,815 00)	Employees' wage arrears & holiday pay	NIL.	60 121 7
	. , ,	NIL	(439,263.9
	FLOATING CHARGE CREDITORS		
(4,562,869 00)	Floating charge	NIL	350,000 0
		NII.	(350,000 00
		ra.	(300,000
22 624 414 600	UNSECURED CREDITORS	4***	
22,976,615 00)	Trade & expense	NIL NIL	NI NI
		•••	•
(3,334,500 00)	DISTRIBUTIONS Preference shareholders	NIL.	NI
(30 000,466,6)	Litterace surremoders	- \ <u>I</u>	
4,428,701 00)		1,541.24	379,642 0
.,,,			
	REPRESENTED BY		
	VAT receivable		52 0 270 500 0
	ISA		379,590 0
			379,642 0

## Appendix 3: Analysis of office holders' time costs

## Summary of time incurred for the Period

	Partner / Director	Manager	Administrator	Support	Total bours	Time cost	Average hourly rate
Administration & planning							
Cashiering							
General (Cashiermg)	0 00	0.00	4 85	0 00	4 85	£1,020 75	£210 46
Reconciliations (& IPS accounting review	0.00	0.00	110	0 00	1.10	£296 00	£269 09
General							
Books and records	0,00	0.00	615	0 00	6 15	£1,435 25	£233.37
Fees and WIP	0 50	0.00	0 00	0 00	0 50	£242.50	£485 00
Statutory and compliance							
Appointment and related formalines	110	0.00	0 00	0 00	1.10	£588 50	£535.00
Checklist & reviews	150	0.00	2.00	0.00	3.50	£1275 00	£364 29
Statutory receipts and payments account	0 00	000	0 30	0.00	0.30	£79 50	£265 00
Strategy documents	0 00	2,00	0.30	0.00	2.30	£1,037 50	£451.09
Tax							
Post appointment corporation tax	0 00	18.70	0 30	0.00	19.00	£7,615 00	£400 79
Post appointment VAT	000	0 00	100	100	200	£385 00	£192.50
Creditors							
Creditors and claims							
Agreement of unsecured claims	0.00	33,70	88 95	0.00	122.65	£32,65175	£266 22
General correspondence	6,50	6,50	7 20	0 00	20.20	£8,537 50	£422,65
Secured creditors	100	0.00	0.00	0.00	100	£535 00	£535 00
Statutory reports	0.00	1.50	15 60	0.00	17 10	£4,594 50	£268 68
Employees						•	
Correspondence	0.00	13 20	0 10	0.00	13 30	£5,352.50	£402.44
Pensions reviews	0.00	0.00	0 30	0.00	0 30	£79 50	£265 00
Realisation of assets							
Asset Realisation							
Debtors	0.00	100	0.00	0.00	100	£475 00	£475 00
Health & safety	0.00	000	0.50	000	0.50	£97 50	£195 00 T
Other assets	000	0.00	0 20	0.00	0.20	£4100	£205,00
Total in period					217 05	£66.339.25	£305,64
Total III period				_	Z II 00	200,000 20	1000.07
			Fees drawn		Hour	s/Costs to date	
	B./	Ī	£218,664 00		1,143,45	£345,087 50	£30179
		the penod	£0.00		217.05	£68,339,25	£305.64
	- CA		£218,664,00		1360.50	£411,426,75	£302.41

Note Time is charged in minimum units of 6 minutes



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## Summary of hourly rates

Rate ID	Start Date	End Date	Grade	Grade	FSR
CRS	01/10/2013	30/09/2014	P1	Equity partner	565
CRS	01/10/2013	30/09/2014	A	Associate partner	485
CRS	01/10/2013	30/09/2014	P0	Director	485
CRS	01/10/2013	30/09/2014	Вl	Senior manager	475
CRS	01/10/2013	30/09/2014	Cl	Manager	385
CRS	01/10/2013	30/09/2014	Dl	Assistant manager	265
CRS	01/10/2013	30/09/2014	El	Senior associate	195
CRS	01/10/2013	30/09/2014	EA	Associate	120
CRS	01/10/2013	30/09/2014	DA	Support	120
CRS	01/10/2013	30/09/2014	E0	EWS	45
CRS	01/10/2014	30/09/2015	PI	Equity partner	595
CRS	01/10/2014	30/09/2015	Α	Associate partner	535
CRS	01/10/2014	30/09/2015	P0	Director	535
CRS	01/10/2014	30/09/2015	Bl	Senior manager	485
CRS	01/10/2014	30/09/2015	Cl	Manager	405
CRS	01/10/2014	30/09/2015	DI	Assistant manager	280
CRS	01/10/2014	30/09/2015	El	Senior associate	205
CRS	01/10/2014	30/09/2015	EA	Associate	125
CRS	01/10/2014	30/09/2015	DA	Support	125
CRS	01/10/2014	30/09/2015	E0	EWS	45

Discipline	Business Unit	Grade	2014 Mın	2014 Max	2015 Min	2015 Max
Audıt	Audit Sectors	E3 Senior Associate	195	195		
T&R	DA Restructuring	B1 Senior Manager			485	485
T&R	DA Restructuring	C1 Manager			405	405
T&R	DA Restructuring	D1 Assistant Manager			280	280
T&R	DA Restructuring	E2 Associate			205	205
T&R	DA Restructuring	P0 Associate Partner			535	535
T&R	Restructuring	B1 Senior Manager	475	485	485	485
T&R	Restructuring	C1 Manager	385	405	405	405
T&R	Restructuring	D1 Assistant Manager	265	280	280	280
T&R	Restructuring	E1 Associate	195	205		
T&R	Restructuring	E2 Associate			205	205
T&R	Restructuring	E3 Senior Associate	195	205		
T&R	Restructuring	P0 Associate Partner	485	485	535	535
T&R	Restructuring	B1 Senior Manager			485	485
T&R	Restructuring	C1 Manager			405	405
T&R	Restructuring	D1 Assistant Manager			280	280
T&R	Restructuring	E1 Associate			205	205
T&R	Restructuring	E2 Associate			205	205
T&R	Restructuring	E3 Senior Associate			205	205
T&R	Restructuring	P0 Associate Partner			535	535
TAX	Corporate Tax	B2 Senior Manager	475	475		
TAX	Corporate Tax	C1 Manager	385	385		
TAX	Corporate Tax	C2 Manager			405	405
TAX	Pensions	D3 Assistant Manager	265	265		



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## Appendix 4: Schedule of expenses for the Period

Section	Account	Accrued	Paid	Total
		£	£	£
Cost of realisations	Cheque/Payable order fees	-	2 20	2 20
	Storage costs	-	260 16	260 16
	Bank charges	-	100 00	100 00
	Ireecoverable VAT	-	589 02	589 02
	Liquidators' fees	66,339 25	-	66,339 25
	Legal fees*	8,185 12	_	8,185 12
TOTAL		74,524.37	951.38	75,475.75

<sup>\*</sup>Please note that the legal fees relate to the Turkish RoT claim referred to above and include costs of Euro 7,767 5 which, for the purposes of this report, have been converted into Sterling at an exchange rate of 0 71 on 14 July 2015