

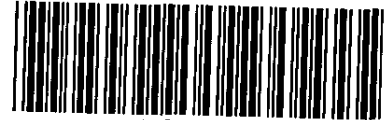
# LIQ03

## Notice of progress report in voluntary winding up



Companies House

THURSDAY



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A15

30/01/2020

#77

COMPANIES HOUSE

### 1 Company details

Company number 0 0 7 9 9 4 3 9  
Company name in full HARBRUC ENGINEERING CO. LTD

→ Filling in this form  
Please complete in typescript or in  
bold black capitals.

### 2 Liquidator's name

Full forename(s) TIM ALEXANDER  
Surname CLUNIE

### 3 Liquidator's address

Building name/number BALTIC HOUSE  
Street 4-5 BALTIC STREET EAST  
Post town LONDON  
County/Region  
Postcode E C 1 Y 0 U J  
Country

### 4 Liquidator's name ①

Full forename(s)  
Surname

① Other liquidator  
Use this section to tell us about  
another liquidator.


### 5 Liquidator's address ②

Building name/number  
Street  
Post town  
County/Region  
Postcode  
Country

② Other liquidator  
Use this section to tell us about  
another liquidator.

LIQ03

Notice of progress report in voluntary winding up

<b>6</b>	<b>Period of progress report</b>																
From date	d	2	d	9	m	1	m	1	y	2	y	0	y	1	y	8	
To date	d	2	d	8	m	1	m	1	y	2	y	0	y	1	y	9	
<b>7</b>	<b>Progress report</b>																
<input checked="" type="checkbox"/> The progress report is attached																	
<b>8</b>	<b>Sign and date</b>																
Liquidator's signature	Signature X  X																
Signature date	d	2	d	4	m	0	m	1	y	2	y	0	y	2	y	0	

# LIQ03

## Notice of progress report in voluntary winding up



### Presenter information

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name **CARL LEE-SANG**

Company name **SG BANISTER & CO**

Address **BALTIC HOUSE**

**4-5 BALTIC STREET EAST**

Post town **LONDON**

County/Region

Postcode **E C 1 Y 0 U J**

Country **UK**

DX

Telephone **020 7250 0555**



### Checklist

**We may return forms completed incorrectly or with information missing.**

**Please make sure you have remembered the following:**

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.



### Important information

**All information on this form will appear on the public record.**



### Where to send

**You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:**

The Registrar of Companies, Companies House,  
Crown Way, Cardiff, Wales, CF14 3UZ.  
DX 33050 Cardiff.



### Further information

For further information please see the guidance notes on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto:enquiries@companieshouse.gov.uk)

**This form is available in an alternative format. Please visit the forms page on the website at [www.gov.uk/companieshouse](http://www.gov.uk/companieshouse)**

## **LIQUIDATOR'S ANNUAL PROGRESS REPORT**

[Period: Year ended 28 November 2019]

### **RE: HARBRUC ENGINEERING CO. LTD (IN CREDITORS' VOLUNTARY LIQUIDATION)**

#### **INTRODUCTION**

This Combined Annual Progress Report and Final Account has been prepared by the liquidator of **Harbruc Engineering Co. Ltd** ("the company") to comply with the provisions of section 104A and 106(1)(a) of the Insolvency Act 1986 (As Amended) ("the Act") and Rule 18.3 and 18.14 of The Insolvency (England and Wales) Rules 2016 ("the Rules") and covers the winding up period for the year ended **28 November 2019** and from **29 November 2019** to Closure.

#### **EXECUTIVE SUMMARY**

The company was placed into creditors' voluntary liquidation on 29 November 2016 and Tim Clunie of SG Banister & Co was appointed liquidator of the company by the members and creditors on 29 November 2016.

##### ***Pre-Liquidation***

A detailed narrative of the company's trading history and financial results was reported in my initial circular to creditors. I do not, therefore, propose to reproduce the said information that covered the pre-liquidation period.

##### ***Post-Liquidation***

During the course of the administration of this liquidation there have been numerous matters that have required further investigation and action. Again, I do not propose to reproduce the said information that covered the post-liquidation period if this has already been reported to creditors. However, below is a summary of those events and issues that have been covered in the relevant period: -

##### ***Book Debts***

There was one book debt owed by a client who had paid an associated company by mistake. Due to the client outsourcing its accounts payable overseas, there has been considerable time spent pursuing the debt of £1,057.20 that was eventually paid in December 2019.

As previously reported, prior to liquidation, the company was primarily involved in the manufacture of two large hoists for a major client. Given the complex nature of the contract coupled with client's grievances that are contained in the their counter-claim, no recovery of monies from the client materialised.

##### ***Aviva Pension Scheme***

As previously reported, following submission of forms on the insolvency to the Pension Protection Fund (PPF), the PPF assessment process was completed and an unsecured claim of £812,000 has been lodged arising under provisions of section 75 of the Pensions Act 1995.

#### **STATUTORY INFORMATION**

Details of the Company's statutory information are shown in **Appendix 1**.

#### **LIQUIDATORS' ACTIONS SINCE APPOINTMENT/LAST REPORT**

Since my appointment as liquidator, I have realised the company's assets and liaise with creditors in connection with their claims in the insolvency

There is certain work that I am required by the insolvency legislation to undertake work in connection with the liquidation that provides no financial benefit for the members and/or creditors. A description of the routine work undertaken since my appointment as liquidator is shown at **Appendix 2**.

#### **RECEIPTS AND PAYMENTS ACCOUNT**

My Receipts & Payments Accounts for the year ended 28 November 2019 and from 29 November 2019

to Closure is attached at **Appendix 3(i)** and **3(ii)** respectively. These accounts have been reconciled with the liquidation bank operated by liquidator in respect of the liquidation, in accordance with the requirements the Statement of Insolvency Practice 7 (England & Wales) ("SIP").

## **ASSET REALISATIONS**

Assets realisations in the liquidation have been as follows: -

### Plant, Machinery & Office Equipment

The plant, machinery, tools and materials situated at the workshop were eventually sold by auctioneers prior to the premises being handed back to the landlord.

### Cash at Bank

The credit balance as held on the company's bank accounts has been received.

### Insurance Refund

A rebate was made by the company's insurers on account of an adjustment of premiums paid on its insuring its chattel assets.

Details of those assets shown on the company's statement of affairs and, as yet, unrealised are specifically referred to above under the heading 'Executive Summary'.

I would state that there were no specific matters raised by creditors in relation to the company's assets.

## **LIABILITIES**

With reference to the Statement of Affairs prepared at the outset of the liquidation, I would comment on liabilities as follows: -

Secured Creditor(s) - An examination of the Company's mortgage register held by the Registrar of Companies showed that the Company has outstanding charges over its assets in favour of NatWest Bank plc but there is no liability due as the company's bank accounts were all in credit as at the date of liquidation.

Preferential Creditors - Preferential creditors in respect of staff claims and pension contributions had been estimated on the company's statement of affairs at £10,464.06. Claims totalling £3,016.00 proved in the liquidation.

Non-Preferential Unsecured Creditors - The proven unsecured creditors, comprising crown, trade, expense and pension claims amounting to £879,271.27.

## **DIVIDENDS & DISTRIBUTIONS**

Secured Creditor(s) - As stated above, there was no secured creditor remaining and proven in the liquidation.

Preferential & Crown Creditors - As stated above, there were no preferential creditors remaining and proven in the liquidation.

Non-Preferential Unsecured Creditors - There were sufficient funds to make a first 1p/£ dividend to non-preferential unsecured creditors. A 2<sup>nd</sup> and final 0.0031p/£ dividend payment has now been declared and payments and notice thereof is being sent to non-preferential unsecured creditors under separate cover.

## **LAST NOTICE ABOUT DIVIDEND**

In accordance with the provisions of section 330(1)(b) of the Act, notice is hereby given to creditors that the liquidator has realised all the company assets or so much of it as can, in his opinion, be realised without needlessly protracting the winding up. The liquidator therefore gives notice in the prescribed manner pursuant to rule 14.37(2) of the Rules that no further dividend will be declared in the winding up and that the funds realised have already been distributed or used or allocated for paying the 2<sup>nd</sup>/final dividend and expenses of the insolvency proceedings.

**PRE-APPOINTMENT REMUNERATION**

The Board previously authorised the payment of a statement of affairs fee of £8,000.00 plus VAT and this fee was paid after my appointment and is included in the enclosed Receipts and Payments Account within the payments section.

**LIQUIDATOR'S REMUNERATION**

Attached at **Appendix 4** is a summary of my firm's charge out rates by grades of staff, as contained in the Practice Fee Recovery Policy, based on our prevailing charge out rates for the period in question.

The basis of the liquidator's remuneration was agreed, by the creditors, as a fixed fee, pursuant to rule 18.16(2), 'as at set amount' of £25,000 plus VAT with a 1<sup>st</sup> tranche payment of £20,000 plus VAT becoming payable (upon approval by creditors) with the balance and 2<sup>nd</sup> tranche payment of £5,000 plus VAT becoming payable only if a distribution is made to non-preferential creditors. My time as liquidator has been recorded on a time costs basis that is calculated in six-minute units. Notwithstanding the remuneration being fixed, I have provided a copy of last year's summary of my firm's time costs by grade and by task at **Appendix 5**, which reflects overall hours worked at 92.70, this gives an overall cost of £32,495.00, with an average hourly rate of £350.54 as at 28 November 2018. The liquidator's charge for either remuneration and/or expenses/disbursements for the period in question (as approved) are indicated on the said receipts and payments account.

Further information about creditors' rights can be obtained by visiting the creditors' information published by the Association of Business Recovery Professionals (R3) at <https://www.r3.org.uk/what-we-do/publications/professional/creditors-guides>. Details about how an office holder's fees may be approved for each case type are available in a series of Guidance Notes issued with Statement of Insolvency Practice 9, and they can be accessed at <http://www.icaew.com/en/technical/insolvency/sips-regulations-and-guidance/statements-of-insolvency-practice/statements-of-insolvency-practice-sips-england>. Please note that there are different versions of the Guidance Notes and in this case you should refer to the version effective from **1 December 2015**.

**LIQUIDATOR'S DISBURSEMENTS**

My disbursements incurred (paid or unpaid) for the liquidation and the period in question are scheduled below and also indicated on the receipts and payments account, as follows: -

<u>Type of Expense</u>	<u>Amount Incurred (ex. VAT) (£)</u>
Specific Bond	900.00
Agents/Valuers Fees	951.25
Storage & Removal Costs	967.39
Statutory Advertising (TSO)	79.40
Statutory Advertising (Courts)	152.00
Room Hire Charge (Birds of Smithfields)	179.58
Destruction of Records & Office Furniture	345.00
Storage Boxes (S4B Biz)	60.00
Travel & Parking Costs (Rail)	35.80
Travel & Parking Costs (Car)	94.50
Postage Charges (1)	52.50
Photocopying Charges	24.50
Postage Charges (2)	11.90
	<u>£3,853.82</u>

The agents and/or professional advisors that have been engaged on this case are as follows: -

<u>Agents &amp; Professional Advisors</u>	<u>Nature of Work</u>	<u>Fees Arrangement (ex. VAT)</u>
John Pye & Sons Ltd	Agents Costs & Commission	£691.25 (paid in full)
David Lightfoot (Removal)	Collection & Removal Charges	£260.00 (paid in full)
IGS Logistics Ltd	Storage & Inventory Charges	£967.39 (paid in full)

The choice of professionals was based on my perception of their experience and ability to perform this type of work and the complexity and nature of the assignment. I also considered that the basis on which they will charge their fees represented value for money. I have reviewed the charges they have made and I am satisfied that they are reasonable in the circumstances of this case.

Details of my category 2 disbursement recovery policy are included within our practice fee recovery sheet. I am seeking a decision from creditors approving category 2 disbursements.

In addition to the expenses and disbursements already incurred, I do not anticipate that there will be further such costs incurred but if there are then this will be reported in future circulars.

Expenses do not have to be approved, but when reporting to the committee and creditors during the Liquidation (where applicable) the actual expenses incurred will be compared with the original estimate provided and I will explain any material differences (e.g. where legal costs rise due to escalated recovery action).

#### **FURTHER INFORMATION**

An unsecured creditor may, with the permission of the Court, or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question), request further details of the Joint Liquidators' remuneration and disbursements within 21 days of their receipt of this report. Any secured creditor may request the same details in the same time limit.

An unsecured creditor may, with the permission of the Court, or with the concurrence of 10% in value of the unsecured creditors (including the creditor in question), apply to Court to challenge the amount of remuneration charged by the Joint Liquidators as being excessive, and/or the basis of the Joint Liquidators' remuneration, and/or the amount of the disbursements incurred as being excessive, within 8 weeks of their receipt of this report. Any secured creditor may make a similar application to court within the same time limit. To comply with the Provision of Services Regulations, some general information about SG Banister & Co can be found in the attached summary sheet at **Appendix 6**.

#### **SUMMARY**

The winding up of the Company is now for all practical purposes complete and I am seeking the release of myself as liquidator of the Company. Creditors should note that provided no objections to my release is received I shall obtain my release as liquidator following the delivery of the final notice to the Registrar of Companies, following which the case files will be placed in storage.

I enclose at **Appendix 7** formal notice to creditors pursuant to rule 6.28 et. seq. of the Rules that it appears to the liquidator that the administration of the company's affairs are fully wound up and is for practical purposes complete.

If creditors have any queries regarding the conduct of the liquidation, or if they want hard copies of any of the documents provided, they should contact Carl Lee-Sang by email at cleesang@sgbanister.co.uk or by telephone on 020 7250 0555.

Dated: 24 January 2020

Tim Clunie  
**LIQUIDATOR**

## Appendix 1

**STATUTORY INFORMATION**

Company Name: Harbruc Engineering Co. Ltd  
Company Number: 00799439  
Date of Incorporation: 3 April 1964  
Previous Names: N/a  
Nature of Business: Engineering Company  
Trading Address: Unit 8 Bulrushes Business Park, Coombehill Road, East Grinstead, Sussex RH19 4LZ  
VAT Reg. No: 209-7281-55  
Current Registered Office: Baltic House, 4-5 Baltic Street East, London EC1Y 0UJ  
Previous Registered Office: The Old Wheel House  
 31-37 Church Street  
 Reigate  
 Surrey RH2 0AD

<u>Director(s):</u>	<u>Name</u>	<u>Appointed</u>	<u>Resigned</u>
(Previous 3 Years)	Alan Piolet	1981	N/a

<u>Company Secretary:</u>	<u>Name</u>	<u>Appointed</u>	<u>Resigned</u>
(Previous 3 Years)	Mrs Eli J Piolet	12 July 1994	N/a

Authorised Share Capital: 15,000 Ordinary Shares with a nominal value of £1 each

<u>Shares Issued:</u>	<u>Name</u>	<u>No. of Shares</u>
	Alan Piolet	<u>15,000</u>

Associated, Parent & Subsidiary Companies:  
Name  
 Harbruc Controls Ltd

Bankers:  
 Natwest Bank plc  
 The Boulevard Branch  
 16 The Boulevard  
 Crawley  
 West Sussex RH10 1XU

Accountants:  
 Coveney Nicholls  
 The Old Wheel House  
 31-37 Church Street  
 Reigate  
 Surrey RH2 0AD



## Appendix 2

### DESCRIPTION OF THE ROUTINE WORK UNDERTAKEN IN THE INSOLVENCY

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#### 1. Administration and Planning

- Case planning - devising an appropriate strategy for dealing with the case and giving instructions to the staff to undertake the work on the case.
- Setting up physical & electronic case files.
- Setting up the case on the practice's electronic case management system and entering data.
- Issuing the statutory notifications to creditors and other required on appointment as office holder, including gazetting the office holder's appointment.
- Obtaining a specific penalty bond.
- Convening and holding general meetings of creditors and members (as applicable).
- Dealing with all routine correspondence and emails relating to the case.
- Opening, maintaining and managing the office holder's estate bank account.
- Creating, maintaining and managing the office holder's cashbook.
- Undertaking regular bank reconciliations of the bank account containing estate funds.
- Reviewing the adequacy of the specific penalty bond on a quarterly basis.
- Undertaking periodic reviews of the progress of the case.
- Overseeing and controlling the work done on the case by case administrators.
- Preparing, reviewing and issuing annual progress reports to creditors and members.
- Filing returns at Companies House.
- Preparing and filing VAT returns.
- Preparing and filing Corporation Tax returns.

#### 2. Creditors

- Obtaining information from the case records about employee claims.
- Completing documentation for submission to the Redundancy Payments Office.
- Corresponding with employees regarding their claims.
- Liaising with the Redundancy Payments Office regarding employee claims.
- Obtaining information from the case records about pension claims.
- Corresponding with the pension company regarding their claims.
- Liaising with the Redundancy Payments Office regarding pension claims.
- Corresponding with the pension protection fund regarding their claims.
- Communicating with various professional advisors and solicitors on pension matters.
- Dealing with creditor correspondence, emails and telephone conversations regarding their claims.
- Maintaining up to date creditor information on the case management system.
- Reviewing proofs of debt received from creditors, adjudicating on them and formally admitting them for the payment of a dividend (if applicable).
- Requesting additional information from creditors in support of their proofs of debt in order to adjudicate on their claims.
- Calculating and paying dividends to creditors, and issuing the notice of declaration of dividends.

#### 3. Investigations

- Submission of a return/report on the conduct of the directors as required by the Company Directors Disqualification Act.

#### 4. Realisation of Assets

- Realising chattel assets and communicating with the company's bankers on its accounts.
- Participating in negotiations for the sale of the company's IPR.
- Debt recovery work.

## Appendix 3(i)

**LIQUIDATOR'S SUMMARY OF RECEIPTS AND PAYMENTS [ANNUAL]**

RECEIPTS	Statement of Affairs (£)	From 29/11/2016 To 28/11/2018 (£)	From 29/11/2018 To 28/11/2019 (£)	Total (£)
Plant, Machinery & Office Equipment	1,800.00	2,325.00	0.00	2,325.00
Book Debts	11,057.20	0.00	0.00	0.00
Property Rights Patents	5,000.00	0.00	0.00	0.00
Tax Refund (PAYE & NI)	240.71	0.00	0.00	0.00
Insurance Refund		507.39	0.00	507.39
Cash at Bank	38,012.60	47,577.39	0.00	47,577.39
Bank Interest Gross		66.45	0.00	66.45
		<b>50,476.23</b>	<b>0.00</b>	<b>50,476.23</b>
<b>PAYMENTS</b>				
Specific Bond		900.00	0.00	900.00
Preparation of S of A		8,000.00	0.00	8,000.00
Office Holders Fees		0.00	25,000.00	25,000.00
Agents Valuers Fees (1)		1,048.75	0.00	1,048.75
Storage Costs		1,312.39	0.00	1,312.39
Statutory Advertising		79.40	82.60	162.00
DE Arrears & Holiday Pay	(2,984.10)	0.00	2,326.57	2,326.57
Employee Arrears Hol Pay	(15,384.60)	0.00	689.43	689.43
Pension Schemes	(3,007.94)	0.00	0.00	0.00
Trade & Expense Creditors	(55,291.91)	0.00	8,792.70	8,792.70
DE - Pay in Lieu Claims	(10,745.52)	0.00	0.00	0.00
Other - Pay in Lieu Claims	(18,461.52)	0.00	0.00	0.00
Customs & Excise	(3,851.41)	0.00	0.00	0.00
DE - Redundancy Pay	(13,661.50)	0.00	0.00	0.00
Other - Redundancy Pay	(66,153.78)	0.00	0.00	0.00
Ordinary Shareholders	(15,000.00)	0.00	0.00	0.00
		<b>11,340.54</b>	<b>36,891.30</b>	<b>48,231.84</b>
<b>Net Receipts/(Payments)</b>		<b>39,135.69</b>	<b>(36,891.30)</b>	<b>2,244.39</b>
<b>MADE UP AS FOLLOWS</b>				
Bank I Current		37,564.58	(36,336.71)	1,227.87
VAT Receivable (Payable)		1,571.11	(554.59)	1,016.52
		<b>39,135.69</b>	<b>(36,891.30)</b>	<b>2,244.39</b>

## Appendix 3(ii)

**LIQUIDATOR'S SUMMARY OF RECEIPTS AND PAYMENTS [FINAL]**

RECEIPTS	Statement of Affairs (£)	From 29/11/2016 To 28/11/2019 (£)	From 29/11/2019 To 24/01/2020 (£)	Total (£)
Plant Machinery & Office Equipment	1,800.00	2,325.00	0.00	2,325.00
Book Debts	11,057.20	0.00	1,057.20	1,057.20
Property Rights/Patents	5,000.00	0.00	0.00	0.00
Tax Refund (PAYE & NI)	240.71	0.00	0.00	0.00
Insurance Refund		507.39	0.00	507.39
Cash at Bank	38,012.60	47,577.39	0.00	47,577.39
Bank Interest Gross		66.45	0.00	66.45
		<b>50,476.23</b>	<b>1,057.20</b>	<b>51,533.43</b>
<b>PAYMENTS</b>				
Specific Bond		900.00	0.00	900.00
Preparation of S of A		8,000.00	0.00	8,000.00
Office Holders Fees		25,000.00	0.00	25,000.00
Office Holders Expenses		0.00	179.58	179.58
Agents/Valuers Fees (1)		1,048.75	0.00	1,048.75
Travel Costs		0.00	130.30	130.30
Stationery & Postage		0.00	88.90	88.90
Storage Costs		1,312.39	60.00	1,372.39
Statutory Advertising		162.00	152.00	314.00
DE Arrears & Holiday Pay	(2,984.10)	2,326.57	0.00	2,326.57
Employee Arrears Hol Pay	(15,384.60)	689.43	0.00	689.43
Pension Schemes	(3,407.94)	0.00	0.00	0.00
Trade & Expense Creditors	(55,291.91)	8,792.70	2,690.81	11,483.51
DE - Pay in Lieu Claims	(10,745.52)	0.00	0.00	0.00
Other - Pay in Lieu Claims	(18,461.52)	0.00	0.00	0.00
Customs & Excise	(3,051.41)	0.00	0.00	0.00
DE - Redundancy Pay	(13,661.50)	0.00	0.00	0.00
Other - Redundancy Pay	(56,153.78)	0.00	0.00	0.00
Ordinary Shareholders	(15,000.00)	0.00	0.00	0.00
		<b>48,231.84</b>	<b>3,301.59</b>	<b>51,533.43</b>
<b>Net Receipts/(Payments)</b>		<b>2,244.39</b>	<b>(2,244.39)</b>	<b>0.00</b>
<b>MADE UP AS FOLLOWS</b>				
Bank 1 Current		1,227.87	(1,227.87)	0.00
VAT Receivable - (Payable)		1,016.52	(1,016.52)	0.00
		<b>2,244.39</b>	<b>(2,244.39)</b>	<b>0.00</b>

## Appendix 4

### PRACTICE FEE RECOVERY POLICY FOR SG BANISTER & CO

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#### Introduction

The insolvency legislation was changed in October 2015, with one or two exceptions, for insolvency appointments made from that time. This sheet explains how we intend to apply the alternative fee bases allowed by the legislation when acting as office holder in insolvency appointments. The legislation allows different fee bases to be used for different tasks within the same appointment. The fee basis, or combination of bases, set for a particular appointment is/are subject to approval, generally by a committee if one is appointed by the creditors, failing which the creditors in general meeting, or the Court.

Further information about creditors' rights can be obtained by visiting the creditors' information micro-site published by the Association of Business Recovery Professionals (R3) at <http://www.creditorinsolvencyguide.co.uk/>. Details about how an office holder's fees may be approved for each case type are available in a series of guides issued with Statement of Insolvency Practice 9 (SIP 9) and can be accessed at <http://www.icaew.com/en/technical/insolvency/sips-regulations-and-guidance/statements-of-insolvency-practice/statements-of-insolvency-practice-sips-england>. Alternatively a hard copy may be requested from S G Banister & Co of Baltic House, 4-5 Baltic Street East, London EC1Y 0UJ. Please note that we have provided further details in this policy document.

Once the basis of the office holder's remuneration has been approved, a periodic report will be provided to any committee and also to each creditor. The report will provide a breakdown of the remuneration drawn. If approval has been obtained for remuneration on a time costs basis, i.e. by reference to time properly spent by members of staff of the practice at our standard charge out rates, the time incurred will also be disclosed, whether drawn or not, together with the average, or "blended" rates of such costs. Under the legislation, any such report must disclose how creditors can seek further information and challenge the basis on which the fees are calculated and the level of fees drawn in the period of the report. Once the time to challenge the office holder's remuneration for the period reported on has elapsed, then that remuneration cannot subsequently be challenged.

Under some old legislation, which still applies for insolvency appointments commenced before 6 April 2010, there is no equivalent mechanism for fees to be challenged.

#### Fixed fee

The legislation allows fees to be charged at a set amount. Different set amounts can be used for different tasks. In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and we now seek remuneration on a fixed fee basis more often. A report accompanying any fee request will set out the set fee that we proposed to charge and the work covered by that remuneration, as well as the disbursements that will be, or are likely to be, incurred. Disbursements can be incurred without approval, but must be disclosed to help put the remuneration request into context.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions, and the value and nature of the property with which the office holder has to deal.

If the basis of remuneration has been approved on a fixed fee basis then an increase in the amount of the fixed fee can only be approved by the committee or creditors (depending upon who approved the basis of remuneration) in cases where there has been a material and substantial change in the circumstances that were taken into account when fixing the original level of the fixed fee. If there has not been a material and substantial change in the circumstances then an increase can only be approved by the Court.

#### All bases

With the exception of Individual Voluntary Arrangements and Company Voluntary Arrangements which are VAT exempt, the officeholder's remuneration invoiced to the insolvent estate will be subject to VAT at the prevailing rate.

#### Agent's Costs

Charged at cost based upon the charge made by the Agent instructed, the term Agent includes:

- Solicitors/Legal Advisors
- Auctioneers/Valuers
- Accountants
- Quantity Surveyors
- Estate Agents
- Other Specialist Advisors

In new appointments made after 1 October 2015, the office holder will provide details of disbursements to be incurred, or likely to be incurred, when seeking fee approval. When reporting to the committee and creditors during the course of the insolvency appointment the actual disbursements incurred will be compared with the original estimate provided.

### Disbursements

In accordance with SIP 9 the basis of disbursement allocation in respect of disbursements incurred by the Office Holder in connection with the administration of the estate must be fully disclosed to creditors. Disbursements are categorised as either Category 1 or Category 2.

Category 1 disbursements are directly referable to an invoice from a third party, which is either in the name of the estate or S G Banister & Co; in the case of the latter, the invoice makes reference to, and therefore can be directly attributed to, the estate. These disbursements are recoverable in full from the estate without the prior approval of creditors either by a direct payment from the estate or, where the firm has made payment on behalf of the estate, by a recharge of the amount invoiced by the third party. Examples of category 1 disbursements are statutory advertising, external meeting room hire, external storage, specific bond insurance, Company search fees, postage and travel costs.

Category 2 disbursements are incurred by the firm and recharged to the estate; they are not attributed to the estate by a third party invoice and/or they may include a profit element. These disbursements are recoverable in full from the estate, subject to the basis of the disbursement charge being approved by creditors in advance. Examples of category 2 disbursements are photocopying and mileage.

If appropriate, it is proposed that the following Category 2 disbursements are recovered:

- Photocopying 10p per page (creditor reports/notices)
- Mileage 45p per mile

### Chargeout Rates

Grade of staff	Current charge-out rate per hour £	Previous charge-out rate per hour £
Principal (Office Holder)	350.00 - 400.00	350.00 - 400.00
Manager (Senior)	350.00	350.00
Assistance & Support Staff	150.00	150.00

Please be advised that the minimum unit of time is 6 minutes. These charge-out rates charged are reviewed on 1<sup>st</sup> September each year and are adjusted to take account of inflation and the firm's overheads

## Appendix 5

## TIME &amp; CHARGEOUT SUMMARIES

[Period: 29 November 2016 to 28 November 2018]

## Re: Harbruc Engineering Co. Ltd - In Liquidation

HOURS							
Classification of work Function	Partner	Manager	Other Senior Professional	Assistants & Support Staff	Total Hours	Time Cost £0.00	Average Hourly Rate £0.00
Administration & Planning	1.00	35.70	0.00	0.00	36.70		
Investigations	0.00	2.20	0.00	0.00	2.20		
Realisation of Assets	0.00	39.50	0.00	0.00	39.50		
Trading	0.00	0.00	0.00	0.00	0.00		
Creditors	0.00	14.30	0.00	0.00	14.30		
Total Fees Claimed £	400.00	32,095.00	0.00	0.00		32,495.00	
Total Hours	1.00	91.70	0.00	0.00	92.70		
Average Rate £							350.54

**Important Note:** The above figures are to be read in conjunction with the information provided in this circular and specifically covers the period shown therein.

## Appendix 6

### PROVISION OF SERVICES REGULATIONS SUMMARY SHEET FOR SG BANISTER & CO

The following information is designed to draw the attention of interested parties to the information required to be disclosed by the Provision of Services Regulations 2009.

#### Licensing Body

Tim Clunie is licensed to act as an Insolvency Practitioner ('IP') in the United Kingdom by The Institute of Chartered Accountants in England and Wales (the 'ICAEW'). SG Banister & Co is also a member of the Insolvency Practitioners Association (the 'IPA').

#### Rules Governing Actions

All IPs are bound by the rules of their professional body, including any that relate specifically to insolvency. The rules of the professional body that licences SG Banister & Co /IPs can be found at <https://www.icaew.com/technical/insolvency/sips-regulations-and-guidance/insolvency-licensing-regulations-and-guidance-notes>. In addition, IPs are bound by the Statements of Insolvency Practice (SIPs), details of which can be found at <http://www.icaew.com/en/technical/insolvency/sips-regulations-and-guidance/statements-of-insolvency-practice/statements-of-insolvency-practice-sips-england>.

#### Ethics

All IPs are required to comply with the Insolvency Code of Ethics and a copy of the ICAEW's Code can be found at <https://www.icaew.com/membership/regulations-standards-and-guidance/ethics/code-of-ethics-d>.

#### Complaints

At SG Banister & Co we always strive to provide a professional and efficient service. However, we recognise that it is in the nature of insolvency proceedings for disputes to arise from time to time. As such, should you have any comments or complaints regarding the administration of a particular case then in the first instance you should contact the IP acting as office holder.

If you consider that the IP has not dealt with your comments or complaint appropriately you should then put details of your concerns in writing to our address. This will then formally invoke our complaints procedure and we will endeavour to deal with your complaint.

Most disputes can be resolved amicably either through the provision of further information or following negotiations. However, in the event that you have exhausted our complaints procedure and you are not satisfied that your complaint has been resolved or dealt with appropriately, you may complain to the regulatory body that licences the insolvency practitioner concerned. Any such complaints should be addressed to The Insolvency Service, IP Complaints, 3rd Floor, 1 City Walk, Leeds, LS11 9DA, and you can make a submission using an on-line form available at [www.gov.uk/complain-about-insolvency-practitioner](http://www.gov.uk/complain-about-insolvency-practitioner); or you can email [insolvency.enquiryline@insolvency.gsi.gov.uk](mailto:insolvency.enquiryline@insolvency.gsi.gov.uk); or you may phone 0300 678 0015 - calls are charged at up to 10p per minute from a land line, or for mobiles, between 3p and 55p per minute if you are calling from the UK.

#### Professional Indemnity Insurance

SG Banister & Co's professional indemnity insurance is provided by OMNYY LLP writing on behalf of 4 syndicates, care of Lockton Profin Claims, The St Botolph Building, 138 Houndsditch, London EC3A 7AG.

#### VAT

SG Banister & Co is registered for VAT under registration no. 386 1253 44.

#### Applicable Law

English law, unless otherwise agreed, with the English Courts having exclusive jurisdiction in relation to any claim, dispute or difference concerning the services and any matter arising therefrom.

Final account prior to dissolution (section 106)

Rule 6.28 IR 1986

Appendix 7

## NOTICE TO CREDITORS OF FINAL ACCOUNT

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IN LIQUIDATION

### RE: HARBRUC ENGINEERING CO. LTD (IN CREDITORS' VOLUNTARY LIQUIDATION)

Notice is hereby given to the Company's creditors that, pursuant to rule 6.28 of The Insolvency (England and Wales) Rules 2016, the final account which the liquidator is required to make up under section 106(1)(a) of the Insolvency Act 1986 (As Amended) and deliver to members and creditors must comply with the requirements of rule 18.14.

A final account as delivered to the creditors of the liquidator's administration of the Company's affairs, which the liquidator is required to make under section 106(1)(a) must be accompanied by this notice and complies with the requirements of rule 18.14.

As vacation of office (by the liquidator) on completion of the winding up pursuant to section 173(2) is being sought, I would also state—

- (a) that the company's affairs are fully wound up;
- (b) that the creditors have the right to request information from the liquidator under rule 18.9;
- (c) that the creditors have the right to challenge the liquidator's remuneration and expenses under rule 18.34;
- (d) that a creditor may object to the release of the liquidator by giving notice in writing to the liquidator before the end of the prescribed period;
- (e) that the **prescribed period** is the period ending at the later of—
  - (i) eight weeks after delivery of the notice, or
  - (ii) if any request for information under rule 18.9 or any application to court under that rule or rule 18.34 is made when that request or application is finally determined;
- (f) that the liquidator will vacate office under section 171 on delivering to the registrar of companies the final account and notice saying whether any creditor has objected to release; and
- (g) that the liquidator will be released under section 173(b) at the same time as vacating office unless any of the company's creditors objected to the liquidator's release.

Dated: 24 January 2020

Signed:  .....

Tim Clunie  
LIQUIDATOR