

LIQ03

Notice of progress report in voluntary winding up



Companies House

WEDNESDAY



A16 *A7817QVF* 13/06/2018 #250
COMPANIES HOUSE

ase
ise

1 Company details

Company number 01427632

Company name in full Bergen Transport (Holdings) Limited

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

2 Liquidator's name

Full forename(s) Steve

Surname Markey

3 Liquidator's address

Building name/number Leonard Curtis

Street Leonard Curtis House

Elms Square, Bury New Road

Post town Whitefield

County/Region Greater Manchester

Postcode M457TA

Country

4 Liquidator's name ①

Full forename(s) Andrew

Surname Poxon

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

5 Liquidator's address ①

Building name/number Leonard Curtis

Street Leonard Curtis House

Elms Square, Bury New Road

Post town Whitefield

County/Region Greater Manchester

Postcode M457TA

Country

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

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6 Period of progress report

From date	^d 2	^d 0	^m 0	^m 4	^y 2	^y 0	^y 1	^y 7
To date	^d 1	^d 9	^m 0	^m 4	^y 2	^y 0	^y 1	^y 8

7 Progress report

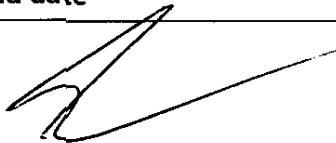
☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d1 ^d2 ^m8 ^m6 ^y2 ^y0 ^y1 ^y8

LIQ03

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**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 **Lauren Fitton**Company name **Leonard Curtis**Address **Leonard Curtis House****Elms Square, Bury New Road****Whitefield**Post town **Greater Manchester**

County/Region

Postcode **M 4 5 7 T A**

Country

DX

Telephone **0161 413 0930****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 or email 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



LEONARD CURTIS
BUSINESS RESCUE & RECOVERY

**Bergen Transport (Holdings) Limited
(In Members' Voluntary Liquidation)**

Company Number: 01427632

Former Registered Office and Trading Address:

c/o Percy Westhead & Co, Greg's Building, 1 Booth Street, Manchester M2 4AD

**Joint Liquidators' Second Progress Report
prepared pursuant to Section 92A(1) of the Insolvency Act 1986 (as amended)
and Rule 18.3 of the Insolvency (England and Wales) Rules 2016**

12 June 2018

**Leonard Curtis
Leonard Curtis House, Elms Square, Bury New Road, Whitefield
Greater Manchester M45 7TA
Tel: 0161 413 0930 Fax: 0161 413 0931
recovery@leonardcurtis.co.uk
Ref: K/40/LF/NB946D/1010**

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TO ALL MEMBERS AND THE REGISTRAR OF COMPANIES

1 INTRODUCTION

- 1.1 Steve Markey and Andrew Poxon were appointed joint liquidators of Bergen Transport (Holdings) Limited ("the Company") by the members on 20 April 2015.
- 1.2 Steve Markey and Andrew Poxon are authorised to act as insolvency practitioners in the UK by the Institute of Chartered Accountants in England and Wales.
- 1.3 There has been no change in office holder since the date of liquidation.
- 1.4 This report provides an update on the conduct of the liquidation for the period from 20 April 2017 to 19 April 2018, as required by Section 92A(1) of the Insolvency Act 1986 (as amended) and Rule 18.3 of the Insolvency (England and Wales) Rules 2016 ("the Rules"). It shows how the liquidation has been conducted and the Company's property disposed of, the outcome for members and other information that the liquidators are required to disclose and should be read in conjunction with the previous progress report dated 16 June 2016.
- 1.5 All figures are stated net of VAT.

2 CONDUCT OF THE LIQUIDATION

- 2.1 The Company's registered office was changed to Leonard Curtis House, Elms Square, Bury New Road, Whitefield, Greater Manchester M45 7TA on 12 May 2015.

Assets Realised

S455 Refund

- 2.2 A S455 refund of £100,037 was estimated to be realised from HM Revenue & Customs ("HMRC"). £100,103 was received from HMRC during April and May 2017. No further realisations are anticipated.

HMRC Interest

- 2.3 £63 was received from HMRC in respect of interest earned on the above S455 refund.

Assets Still to be Realised

- 2.4 There are no remaining assets to be realised.

3 RECEIPTS AND PAYMENTS ACCOUNT

- 3.1 A summary of the joint liquidators' receipts and payments for the entire period of the liquidation, including the period from 20 April 2017 to 19 April 2018, is attached at Appendix A.

4 PAYMENTS TO CREDITORS

- 4.1 As detailed in the declaration of solvency, liabilities were estimated to total £7,703.
- 4.2 A notice for creditors to submit claims was advertised on 1 May 2015.

Bergen Transport (Holdings) Limited – In Members' Voluntary Liquidation

4.3 No trade and expense creditors have been received. As detailed in the last report, HMRC have been paid £102 in respect of PAYE and £441 in respect of corporation tax.

4.3 Creditor claims totalling £544 were paid in full.

5 DISTRIBUTIONS TO MEMBERS

5.1 The Company's share capital consists of 38,750 ordinary £1 shares and distributions to the members have been made as follows:

Date	Dividend	Type	£	£ / Share
20 April 2015	First Interim	Distribution In Specie	1,683,564.00	43.44
4 June 2015	Second Interim	Cash	5,000.00	0.13
28 February 2017	Third Interim	Cash	5,169.24	0.13
5 May 2017	Fourth Interim	Cash	44,499.42	1.15
10 May 2017	Fifth Interim	Cash	55,667.81	1.44
			<u>1,793,900.47</u>	<u>46.29</u>

6 JOINT LIQUIDATORS' REMUNERATION, EXPENSES, DISBURSEMENTS AND MEMBERS' RIGHTS

Remuneration

6.1 On 20 April 2015, the members resolved that the joint liquidators' remuneration be payable as a set amount of £3,500.

6.2 The full amount of £3,500 has been drawn.

Expenses and Disbursements

6.3 A summary of the joint liquidators' expenses from 20 April 2015 to 19 April 2018 is attached at Appendix B. To assist members' understanding of this information, it has been separated into the following two categories:

- *Standard Expenses*: this category includes expenses payable by virtue of the nature of the liquidation process and / or payable in order to comply with legal or regulatory requirements.
- *Case Specific Expenses*: this category includes expenses likely to be payable by the joint liquidators in carrying out their duties in dealing with issues arising in this particular liquidation. Included within this category are costs that are directly referable to the liquidation but are not paid to an independent third party (and which may include an element of allocated costs). These are known as 'category 2 disbursements' and they may not be drawn without creditor approval.

6.4 Authority to take category 2 disbursements was approved by members on 20 April 2015.

6.5 Attached at Appendix C is additional information in relation to the firm's policy on staffing, the use of subcontractors, disbursements and details of current charge-out rates by staff grade.

6.6 No professional advisors, including subcontractors, have been used during the liquidation.

Members' Rights

- 6.7 Under Rule 18.9 of the Rules, within 21 days of receipt of this report, members with either at least five per cent of the total voting rights of all the members having the right to vote at general meetings of the Company, or with the permission of the court, may request in writing that the joint liquidators provide further information about their remuneration or expenses which have been itemised in this report.
- 6.8 Under Rule 18.34 of the Rules, members with at least 10 per cent of the total voting rights of all the members having the right to vote at general meetings of the Company, or with the permission of the court, may within eight weeks of receipt of the progress report that first reports the fee basis, the charging of the remuneration or the incurring of the expenses in question, make an application to court on the grounds that, in all the circumstances, the basis fixed for the joint liquidators' remuneration is inappropriate and/or the remuneration charged or the expenses incurred by the joint liquidators, as set out in the progress report, are excessive.
- 6.9 Unless the court orders otherwise, the costs of the application shall be paid by the applicant and are not payable as an expense of the liquidation.
- 6.10 Further guidance may be found in "A Guide to Liquidators' Fees" which may be downloaded from www.r3.org.uk/what-we-do/publications/professional/fees. If you would prefer this to be sent to you in hard copy form, please contact Lauren Fitton of this office on 0161 413 0930.

7 MATTERS STILL TO BE DEALT WITH

- 7.1 Matters still to be dealt with before conclusion of the liquidation include the following:

- Ongoing matter which may result in further realisations;
- A final distribution to the members; and
- The final report

8 OTHER MATTERS

Data Protection

- 8.1 When submitting details of your claim in the liquidation, you may disclose personal data to us. The processing of personal data is regulated in the UK by the General Data Protection Regulation EU 2016/679 as supplemented by the Data Protection Act 2018, together with other laws which relate to privacy and electronic communications. We act as Data Controller in respect of personal data we obtain in relation to this liquidation and are therefore responsible for complying with Data Protection Law in respect of any personal data we process. Our privacy notice, which is attached at Appendix D, explains how we process your personal data. Terms used in this clause bear the same meanings as are ascribed to them in Data Protection Law.
- 8.2 The joint liquidators are bound by the Insolvency Code of Ethics, which can be found at:
<https://www.gov.uk/government/publications/insolvency-practitioner-code-of-ethics>

Bergen Transport (Holdings) Limited – In Members' Voluntary Liquidation

Yours faithfully

STEVE MARKEY
JOINT LIQUIDATOR

Steve Markey and Andrew Poxon are authorised to act as insolvency practitioners in the UK by the Institute of Chartered Accountants in England and Wales under office holder numbers 14912 and 8620, respectively

APPENDIX A

SUMMARY OF JOINT LIQUIDATORS' RECEIPTS AND PAYMENTS FROM 20 APRIL 2015 TO 19 APRIL 2018

	Estimated to Realise	As at 19 April 2017	Movements in the Period	As at 19 April 2018
	£	£	£	£
RECEIPTS				
Book Debts - Trade - DLA	1,683,562.00	1,683,562.00	-	1,683,562.00
Subsidiaries	2.00	2.00	-	2.00
Balance at Bank	5,000.00	15,285.94	-	15,285.94
S455 Refund	100,037.00		100,103.79	100,103.79
HMRC Refund	3,102.00	-	-	-
	1,791,703.00	1,698,849.94	100,103.79	1,798,953.73
HMRC Interest	-	-	63.44	63.44
Bank Interest	-	3.30	-	3.30
		1,698,853.24	100,167.23	1,799,020.47
PAYMENTS				
Joint Liquidators' Remuneration		3,500.00	-	3,500.00
Tax on Bank Interest		119.19	-	119.19
Bank Charges		15.00	15.00	30.00
Client ID Check		5.00	-	5.00
Software Licence		87.00	-	87.00
Bordereau Fee		375.00	-	375.00
Companies House		12.00	-	12.00
Statutory Advertising		253.80	-	253.80
TOTAL COSTS AND CHARGES PAID		4,366.99	15.00	4,381.99
DISTRIBUTIONS				
HMRC - PAYE and NIC		544.44	-	544.44
Distribution in specie and Subsidiaries - 15/05/2016 - 43.44/share		1,683,564.00	-	1,683,564.00
Capital Distribution - 4/6/2015 - £0.13/share		5,000.00	-	5,000.00
Capital Distribution - 28/02/2017 - £0.13/share		5,169.24	-	5,169.24
Capital Distribution - 5/05/2017 - £1.15/share		-	44,499.42	44,499.42
Capital Distribution - 10/05/2017 - £1.44/share		-	55,667.81	55,667.81
		1,694,277.68	100,167.23	1,794,444.91
BALANCE		208.57	(15.00)	193.57
MADE UP AS FOLLOWS				
Balance at Bank		208.57	(15.00)	193.57
VAT Receivable		-	-	-
		208.57	(15.00)	193.57

APPENDIX B

SUMMARY OF JOINT LIQUIDATORS' EXPENSES FROM 20 APRIL 2015 TO 19 APRIL 2018

Type	Charged by	Description	Total Amount Incurred to Date £	Amount Incurred in This Period £	Amount Paid £	Amount Unpaid £
AML Checks	Business Tax Centre	Electronic client verification	5.00	-	5.00	-
Bond Fee	AUA Insolvency Services Limited	Insurance bond	375.00	-	375.00	-
Company Searches	Companies House	Extraction of company information from Companies House	12.00	-	12.00	-
Software Licence Fee	Pelstar	Case management system licence fee	87.00	-	87.00	-
Statutory Advertising	Courts Advertising	Advertising	253.80	-	253.80	-
		Total standard expenses	732.80	-	732.80	

Case Specific Expenses

Type	Charged by	Description	Total Amount Incurred to Date £	Amount Incurred in This Period £	Amount Paid £	Amount Unpaid £
Bank Charges	Allied Irish Bank	CHAPS Fee	30.00	15.00	30.00	-
Tax on Bank Interest	Allied Irish Bank	Tax on Deposit Interest	119.19	-	119.19	-
		Total case specific expenses	149.19	15.00	149.19	-

LEONARD CURTIS POLICY REGARDING FEES, EXPENSES AND DISBURSEMENTS

The following Leonard Curtis policy information is considered to be relevant to creditors:

Staff Allocation and Charge Out Rates

We take an objective and practical approach to each assignment which includes active director involvement from the outset. Other members of staff will be assigned on the basis of experience and specific skills to match the needs of the case. Time spent by secretarial and other support staff on specific case related matters, e.g. report despatching, is not charged.

Where it has been agreed by resolution that the office holders' remuneration will be calculated by reference to the time properly given by the office holders and their staff in attending to matters as set out in a fees estimate, then such remuneration will be calculated in units of 6 minutes at the standard hourly rates given below. In cases of exceptional complexity or risk, the insolvency practitioner reserves the right to obtain authority from the appropriate body of creditors that their remuneration on such time shall be charged at the higher complex rate given below.

With effect from 6 January 2014 the following hourly charge out rates apply to all assignments undertaken by Leonard Curtis:

6 Jan 2014 onwards	Standard £	Complex £
Director	450	562
Senior Manager	410	512
Manager 1	365	456
Manager 2	320	400
Administrator 1	260	325
Administrator 2	230	287
Administrator 3	210	262
Administrator 4	150	187
Support	0	0

Office holders' remuneration may include costs incurred by the firm's in-house legal team, who may be used for non-contentious matters pertaining to the insolvency appointment.

Subcontractors

Where we subcontract out work that could otherwise be carried out by the office holder or his/her staff, this will be drawn to the attention of creditors in any report which incorporates a request for approval of the basis upon which remuneration may be charged. An explanation of why the work has been subcontracted out will also be provided.

Professional Advisors

Details of any professional advisor(s) used will be given in reports to creditors. Unless otherwise indicated the fee arrangement for each is based on hourly charge out rates, which are reviewed on a regular basis, together with the recovery of relevant disbursements.

The choice of professional advisors is based around a number of factors including, but not restricted to, their expertise in a particular field, the complexity or otherwise of the assignment and their geographic location.

Expenses

We are required to provide creditors with an estimate of the expenses we expect to be incurred in respect of an assignment and report back to them on actual expenses incurred and paid in our periodic progress reports. There are two broad categories of expenses: standard expenses and case specific expenses. These are explained in more detail below:

- a) Standard Expenses – this category includes expenses which are payable in order to comply with legal or regulatory requirements and therefore will generally be incurred on every case. They will include:

Bergen Transport (Holdings) Limited – In Members' Voluntary Liquidation

Type	Description	Amount																								
AML checks	Electronic client verification in compliance with the Money Laundering Regulations 2007	£5.00 plus VAT per individual																								
Bond / Bordereau fee	Insurance bond to protect the insolvent entity against and losses suffered as a result of the fraud or dishonesty of the IP	£10.00 to £1,200.00 dependent on value of assets within case																								
Company searches	Extraction of company information from Companies House	£1.00 per document unless document can be accessed via the free service																								
Document hosting	Hosting of documents for creditors	<table> <tr> <th>Type</th><th>100 creds</th><th>Every addtl 10</th></tr> <tr> <td>ADM</td><td>£14.00</td><td>£1.40</td></tr> <tr> <td>CVL</td><td>£7.00</td><td>£0.70</td></tr> <tr> <td>MVL</td><td>£7.00</td><td>£0.70</td></tr> <tr> <td>CPL</td><td>£7.00</td><td>£0.70</td></tr> <tr> <td>CVA</td><td>£10.00</td><td>£1.00</td></tr> <tr> <td>BKY</td><td>£10.00</td><td>£1.00</td></tr> <tr> <td>IVA</td><td>£10 p.a. or £25 for life of case</td><td></td></tr> </table>	Type	100 creds	Every addtl 10	ADM	£14.00	£1.40	CVL	£7.00	£0.70	MVL	£7.00	£0.70	CPL	£7.00	£0.70	CVA	£10.00	£1.00	BKY	£10.00	£1.00	IVA	£10 p.a. or £25 for life of case	
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IVA	£10 p.a. or £25 for life of case																									
Post re-direction	Redirection of post from Company's premises to office-holders' address	0-3 months £160.00 3-6 months £240.00 6-12 months £390.00																								
Software Licence fee	Payable to software provider for use of case management system	£87.00 plus VAT per case																								
Statutory advertising	Advertising of appointment, notice of meetings etc. - London Gazette - Other	£83.02 plus VAT per advert Dependent upon advert and publication																								
Storage costs	Costs of storage of case books and records	£5.07 plus VAT per box per annum plus handling charges 3																								

- b) Case-specific expenses – this category includes expenses (other than office-holders' fees) which are likely to be payable on every case but which will vary depending upon the nature and complexity of the case and the assets to be realised. They will include:

Type	Description	Amount
Agents' fees	Costs of appointed agents in valuing and realising assets	Time costs plus disbursements plus VAT
Debt Collection fees	Costs of appointed debt collectors in realising debts	Generally agreed as a % of realisations plus disbursements plus VAT
Legal fees	Costs of externally appointed solicitors. Will generally comprise advice on validity of appointment, drafting of sale contracts, advice on retention of title issues and advice on any reviewable transactions.	Time costs plus disbursements plus VAT
Other disbursements	See disbursements section below	See disbursements section below

Disbursements

Included within both of the above categories of expenses are disbursements, being amounts paid firstly by Leonard Curtis on behalf of the insolvent entity and then recovered from the entity at a later stage. These are described as Category 1 and Category 2 disbursements.

- a) Category 1 disbursements: These are costs where there is specific expenditure directly referable both to the appointment in question and a payment to an independent third party. These may include, for example, advertising, room hire, storage, postage, telephone charges, travel expenses (excl. mileage), and equivalent costs reimbursed to the office holder or his or her staff. Category 1 disbursements may be drawn without prior approval.
- b) Category 2 disbursements: These are costs that are directly referable to the appointment in question but not to a payment to an independent third party. They may include shared or allocated costs that can be allocated to the appointment on a proper and reasonable basis, for example, business mileage. In the event of charging for category 2 disbursements the following items of expenditure are recharged on this basis and are believed to be in line with the cost of external provision:

Internal photocopying	10p per copy
General stationery, postage, telephone etc	£100 per 100 creditors/ members or part thereof
Storage of office files (6 years)	£70.40 per box
Business mileage	45p per mile

Category 2 disbursements may be drawn if they have been approved in the same manner as an office holder's remuneration.

PRIVACY NOTICE

LEONARD CURTIS PRIVACY NOTICE FOR CREDITORS

Information we collect and hold about you

By requesting details of your claim in this insolvency, we may collect Personal Data from you, particularly if you are a consumer creditor, a sole trader or are lodging a claim in your personal capacity.

Personal Data is information relating to a living individual. Whenever Personal Data is processed, collected, recorded, stored or disposed of it must be done within the terms of the General Data Protection Regulation ("the GDPR"). Examples of Personal Data include but may not be limited to your name, address, telephone number and email contact details.

If you do not provide us with the information we require, this may adversely affect our ability to deal with your claim, but we would ask you not to submit more Personal Data than we request from you.

Legal justification for processing your Personal Data

The processing of your Personal Data by us is necessary to enable us to comply with legal obligations under the Insolvency Act 1986 and associated legislation which we are subject to as Insolvency Practitioners.

How we use your information

All information you supply to us is required to enable us to comply with our duties under the Insolvency Act 1986 and associated legislation. It will be used to enable us to assess the extent of the insolvent entity's liabilities, to allow you to vote on any decision procedures, to enable us to communicate with you, to process your claim and to pay any dividends which may be due to you from the insolvent estate.

Who we share your information with

We may be required to share some of your Personal Data with other creditors. The data which will be shared with other creditors will be limited to that specifically required to be disclosed under insolvency legislation.

We may share some of your information with our Data Processors. Data Processors include solicitors, accountants and employment law specialists who assist us with our duties where required. We will only share your information with our Data Processors if we require their specialist advice. All of our Data Processors are subject to written contracts with us to ensure that your Personal Data is processed only in accordance with the GDPR.

How long will we hold your Personal Data for?

We will need to hold your Personal Data for a period of time after the insolvency has been concluded. This is to enable us to deal with any queries which might arise. Our Records Management Policy requires us to destroy our physical files 6 years after closure of the case. Electronic data files will be removed from our Case Management System 6 years after conclusion of the case but may be held on our server for a longer period of time but with restricted access.

Your rights in respect of your Personal Data

You have the right to request access to your Personal Data and to require it to be corrected or erased. You also have the right to request a restriction in the way we process your Personal Data or to object to its processing. You should be aware however that we may not be able to comply with your request if this would affect our ability to comply with our legal obligations.

You have the right to Data Portability. This is a right to have the Personal Data we hold about you to be provided to you in a commonly used and machine-readable format so that you can transfer that Data to another organisation in a way that is not too onerous to upload the Data.

Your right to complain

You have the right to be confident that we are handling your Personal Data responsibly and in line with good practice. If you have a concern about the way we are handling your Personal Data you should contact our Privacy Manager in the first instance.

If you are unable to resolve your concerns with us, you have the right to complain to the Information Commissioners' Office. The Information Commissioner can be contacted at Wycliffe House, Water Lane, Wilmslow, Cheshire SK6 5AF or on 0303 123 1113.

Contacting us

If you have any questions relating to the processing of your Personal Data, please write to our Privacy Manager at Leonard Curtis, Level 5, The Grove, 248A Marylebone Road, London NW1 6BB Alternatively our Privacy Manager can be contacted by telephone on 0207 535 7000 or by email: privacy@leonardcurtis.co.uk.

Data Controller: LEONARD CURTIS