

AM25

Notice of court order ending administration



Companies House

WEDNESDAY



A26 *A7BVCLQ2* 08/08/2018 #16
COMPANIES HOUSE

1 Company details

Company number 0 1 6 3 5 6 0 5

Company name in full T.W. Frizell (Haulage & Plant Hire) Limited

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

2 Administrator's name

Full forename(s) David

Surname Acland

3 Administrator's address

Building name/number Derby House

Street 12 Winckley Square

Post town Preston

County/Region

Postcode P R 1 3 J J

Country

4 Administrator's name ①

Full forename(s) Lila

Surname Thomas

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

5 Administrator's address ②

Building name/number Derby House

Street 12 Winckley Square

Post town Preston

County/Region

Postcode P R 1 3 J J

Country

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

AM25

Notice of court order ending administration

6 Administration end date

End date

^d	2	^d	5	^m	0	^m	7	^y	2	^y	0	^y	1	^y	8
--------------	---	--------------	---	--------------	---	--------------	---	--------------	---	--------------	---	--------------	---	--------------	---

7 Date of court order

Court order date

^d	2	^d	5	^m	0	^m	7	^y	2	^y	0	^y	1	^y	8
--------------	---	--------------	---	--------------	---	--------------	---	--------------	---	--------------	---	--------------	---	--------------	---

8 Attachments

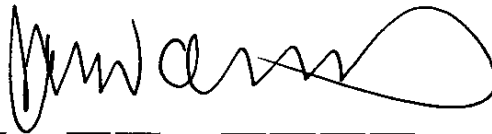
- ☒ I have attached a copy of the court order
- ☒ I have attached a copy of the final progress report

9 Sign and date

Administrator's
signature

Signature

X





X




Signature date

^d	2	^d	7	^m	0	^m	7	^y	2	^y	0	^y	1	^y	8
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AM25

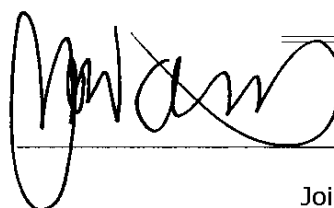
Notice of court order ending administration

 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	Joe Allen
Company name	FRP Advisory LLP
Address	
Derby House	
12 Winckley Square	
Post town	
Preston	
County/Region	
Postcode	P R 1 3 J J
Country	
DX	
Telephone	01772 440700
 Checklist	
We may return forms completed incorrectly or with information missing.	
Please make sure you have remembered the following:	
<input type="checkbox"/> The company name and number match the information held on the public Register.	
<input type="checkbox"/> You have attached all the required documents.	
<input type="checkbox"/> You have signed the form.	

 Important information	
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 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	

T.W. Frizell (Haulage & Plant Hire) Limited
(In Administration)
Joint Administrators' Summary of Receipts & Payments

Statement of Affairs £	From 22 /02/2018 To 25/07/2018 £	From 22/02/2017 To 25/07/2018 £
SECURED ASSETS		
Encumbered Plant & Machinery	NIL	521,271.74
Book Debts	341.64	529,154.56
	<u>341.64</u>	<u>1,050,426.30</u>
COSTS OF REALISATION		
Legal Fees	NIL	500.00
Agents Fees	NIL	9,101.55
Debt Collection Fees	NIL	27,881.19
Settlement to Finance Companies	NIL	455,256.27
	<u>NIL</u>	<u>(492,739.01)</u>
SECURED CREDITORS		
Santander UK PLC	NIL	495,355.49
	<u>NIL</u>	<u>(495,355.49)</u>
ASSET REALISATIONS		
Plant & Equipment	NIL	5,145.00
Motor Vehicles	NIL	7,541.66
Weighbridge & Cabin - Etruscan Stree	NIL	25,000.00
Sundry Refunds	75.12	803.45
Bank Interest Gross	46.07	227.55
	<u>121.19</u>	<u>38,717.66</u>
COST OF REALISATIONS		
Bordereau	NIL	125.00
Administrators' Remuneration - Pre	NIL	6,894.50
Administrators' Remuneration	12,500.00	52,500.00
Administrators' Disbursements	NIL	675.70
Agents Fees	NIL	1,368.67
Agents Disbursements	NIL	659.30
Legal Fees (1)	10,000.00	10,000.00
Legal fees - Pre-Administration	NIL	1,250.00
Corporation Tax	34.39	34.39
Stationery & Postage	NIL	361.98
Storage Costs	8.83	311.45
Statutory Advertising	NIL	84.60
Sundry Expenses	NIL	885.86
Insurance of Assets	784.00	3,007.50
Environment Agency	NIL	2,264.27
Accountancy Fees	NIL	200.00
	<u>(23,327.22)</u>	<u>(80,623.22)</u>
	<u>(22,864.39)</u>	<u>20,426.24</u>
REPRESENTED BY		
Vat Recoverable - Floating		4,501.77
IB Current Floating		15,924.47
		<u>20,426.24</u>



David Acland
Joint Administrator

T.W. Frizell (Haulage & Plant Hire) Limited (In Administration)
The Administrators' Final Report for the period 22 February
2018 – 25 July 2018

25 July 2018

Contents and abbreviations



Section	Content
1.	An overview of the Administration
2.	Progress of the Administration in the Period
3.	Outcome for creditors
4.	Administrators' Pre-Appointment Costs
5.	Administrators' Remuneration, Disbursements and Expenses
Appendix	Content
A.	Statutory information regarding the Company and the appointment of the Administrators
B.	Form AM25 – Notice of Court Order ending administration
C.	Schedule of work
D.	Details of the Administrators' disbursements for the Period and cumulatively
E.	Receipts and payments account for the Period and cumulatively
F.	Statement of expenses incurred in the Period

The following abbreviations may be used in this report:

FRP	FRP Advisory LLP
The Company	T.W. Frizell (Haulage & Plant Hire) Limited (In Administration)
The Administrators	David Acland and Lila Thomas of FRP Advisory LLP
The Period	The reporting period 22/02/18 – 25/07/18
CVL	Creditors' Voluntary Liquidation
SIP	Statement of Insolvency Practice
QFCH	Qualifying floating charge holder
HMRC	HM Revenue & Customs
The Proposals	The Administrators' proposals for achieving the purpose of the administration dated 13 April 2018
Secured Creditor /	
Santander	Santander (UK) PLC
Bond Dickinson	Womble Bond Dickinson LLP
Frizell Tipping	Frizell Tipping Limited (in Administration)

1. An overview of the Administration

The Proposals

The Administrators identified that the objective of the administration, as set out in the proposals approved on 13 April 2018, was to realise property in order to make a distribution to one or more secured or preferential creditors.

The objective was to be achieved by a sale of the Company's tangible assets and collection of the outstanding debtor ledger. Following the realisation of the Company's tangible assets and collection of the debtor ledger, a distribution of £495,355.49 has been paid to the Secured Creditor in accordance with their fixed and floating charge.

It was anticipated that the Company would exit from administration via dissolution, however, it was necessary for the Administrators to submit a Court application pursuant to Schedule B1 to the Act, to request that the Court end the Administration of the Company and to discharge the Administrators from any liability. Additionally, the Administrators requested that the Company be wound up by the Court immediately upon the end of the Administration and that David Acland and Lila Thomas be appointed as joint liquidators of the Company. The appointment of the liquidators will enable them to disclaim the environmental permit held by the Company, as previously reported.

Implementation of the Proposals

The Company ceased to trade immediately upon appointment of the Administrators and all remaining employees were made redundant.

Immediately following appointment, the Administrators commenced collection of the outstanding debtor ledger in conjunction with Cerberus Receivables Management Limited. Additionally, the Administrators commenced the recovery/marshalling exercise of the Company's plant and equipment which was located at multiple geographic locations throughout the UK. A significant amount of time was spent conducting this exercise in order for it to be sold via private treaty from the Company's trading premises.

T.W. Frizell (Haulage & Plant Hire) Limited (In Administration)
The Administrators' Final Report

The Company also owned a weighbridge and cabin which was located at Etruscan Street, Stoke-On-Trent (and owned by Frizell Tipping).

Full details of the amounts realised from the Company's assets have been provided in previous progress reports and are detailed at **Appendix E**.

During the Administration period a fixed charge distribution of £495,355.49 was paid to the Secured Creditor on 3 July 2017. A further distribution of £100,000 was paid by Frizell Tipping under the terms of the cross guarantee on 12 July 2017.

Extension of period of administration

To avoid the automatic termination of the administration on the first anniversary, the period of administration was extended by a decision of the creditors for a further period of 12 months to 21 February 2019.

2. Progress of the Administration in the period

Work undertaken during the administration

Attached at **Appendix C** is a schedule of work undertaken during the period covered by this final report.

Attached at **Appendix E** is a receipts and payments account detailing both transactions for the Period of this report and also cumulatively for the whole period of the administration.

Investigations

Part of my duties included carrying out proportionate investigations into what assets the Company has, including any potential claims against directors or other parties, and what recoveries could be made. I reviewed the Company's books and records and accounting information, requested further information from the directors, and invited creditors to provide information on any concerns they had concerning the way in which the Company's business had been conducted.

Further details of the conduct of my investigations was provided in previous progress reports.

Exiting the administration

The Company was wound up by an order of the Court on 25 July 2018. David Acland and Lila Thomas were appointed as Joint Liquidators. The attached schedule at **Appendix C** also indicates the work that the Liquidators expect to carry out in the liquidation.

3. Outcome for creditors

Initial estimated outcome for creditors

The Proposals anticipated that there would be funds available to the pay distributions to the secured and preferential creditors, however no funds would be available to pay a distribution to the unsecured creditors.

Outcome for Secured Creditor

As creditors will recall, as at the date of Administration, the indebtedness to Santander amounted to £824,000 in respect of a confidential invoice discounting facility, secured by way of a fixed and floating charge created on 30 May 2014. Additional security is provided by way of a cross corporate guarantee provided by Frizell Tipping and personal joint and several guarantees provided by Trevor Frizell, Ann Frizell and Joseph Frizell, limited to £95,000.

During the Administration period fixed charge distributions of £495,355.49 were paid to the Secured Creditor. A further distribution of £100,000 was paid by Frizell Tipping under the terms of the cross guarantee on 12 July 2017.

Based on current expectations, it is possible that the Secured Creditor will be repaid in full in respect of its overall indebtedness, which encompasses the indebtedness of the Company and Frizell Tipping. Repaying the Secured Creditor in full is entirely dependent upon realisations generated by the sale of the parcel of land owned by Frizell Tipping known as Railway Sidings and the quantification of termination fees, collection fees, and interest and charges in respect of the outstanding indebtedness due to the Secured Creditor.

Outcome for Preferential Creditors

The preferential creditors totalled £23,935.58, being the employees' preferential element for arrears of pay and holiday pay as calculated in accordance with legislation.

Ultimately, there were insufficient funds available to enable a distribution to be paid to the preferential creditors as debtor realisations fell short of expectations.

Outcome for Unsecured Creditors

There were insufficient funds available to make a distribution to unsecured creditors.

This outcome was in line with the Proposals.

Pursuant to the Insolvency Rules no dividend will be declared to preferential and unsecured creditors as funds realised have been used for paying the expenses of the insolvency proceedings.

Prescribed Part

The prescribed part is a carve out of funds available to the holder of a floating charge which is set aside for the unsecured creditors in accordance with section 176A of the Insolvency Act 1986. The prescribed part only applies where the floating charge was created after 15 September 2003 and the net property available to the floating charge holder exceeds £10,000.

As the value of the net property was £NIL, the value of the prescribed part fund is £NIL, therefore there are no funds available for the unsecured creditors.

4. Administrators' Pre-Appointment Costs

Details of the pre-appointment costs totalling £8,144.50 plus VAT incurred by the Administrators were included in the Proposals. These costs were approved by the secured and preferential creditors and have been paid in full during the Administration.

5. Administrators' Remuneration, Disbursements and Expenses

Administrators' remuneration

Following circulation of the Proposals the secured and preferential creditors passed a resolution that the Administrators' remuneration should be calculated on a fixed fee basis. Details of remuneration charged during the period of the report are set out in the statement of expenses attached at Appendix F. To date fees of £52,500 excluding VAT have been drawn from the funds available. The remaining balance of £7,500 will be drawn in the subsequent liquidation.

Administrators' disbursements

The Administrators' disbursements are a recharge of actual costs incurred by the Administrators on behalf of the Company. Mileage payments made for expenses relating to the use of private vehicles for business travel, which is directly attributable to the insolvency estate, are paid by FRP Advisory at the HMRC approved mileage rate prevailing at the time the mileage was incurred. Details of disbursements incurred during the period of this report are set out in **Appendix D**.

The expenses of the administration

I attach at **Appendix F**, a statement of expenses that have been incurred during the period covered by this report.

An estimate of the Administrators' expenses was set out in the Proposals, further updated and circulated with each progress report sent to creditors. The total expenses incurred by the Administrators are included in the cumulative figures in the receipts and payments account attached at **Appendix E**.

I can confirm that expenses incurred have exceeded the details previously provided, in view of the necessity for the Administrators to submit an application to the Court to bring the Administration to an end and for the Company to be wound up by the Court.

Creditors have a right to request further information from the Administrators and further have a right to challenge the Administrators' remuneration and other expenses, which are first disclosed in this report, under the Insolvency Rules. (For ease of reference these are the expenses incurred in the reporting period as set out in **Appendix F** only). Further details of these rights can be found in the Creditors' Guide to Fees which you can access using the following link <https://creditors.frpadvisory.com/info.aspx> and select the one for administrations. Alternatively, a hard copy of the relevant guide will be sent to you on request. Please note there is a time limit for requesting information being 21 days following the receipt of this progress report. There is a time limit of eight weeks following the receipt of this report for a Court application that the remuneration or expenses are excessive.

Appendix A

Statutory Information

T.W. FRIZELL (HAULAGE & PLANT HIRE) LIMITED (IN ADMINISTRATION)

COMPANY INFORMATION:

Other trading names: N/A

Company number: 01635605

Registered office: C/o FRP Advisory LLP, Derby House, 12 Winckley Square, Preston, PR1 3JJ

Previous registered office: 7-9 Macon Court, Crewe, Cheshire, CW1 6EA

Business address: Greenbank Farm, 344 Gresty Road, Crewe, CW2 5AD

ADMINISTRATION DETAILS:

Administrators: David Acland & Lila Thomas

Address of Administrators: FRP Advisory LLP, Derby House, 12 Winckley Square, Preston, PR1 3JJ

Date of appointment of Administrators: 22 February 2017

Court in which administration proceedings were brought: The High Court of Justice, Manchester District Registry

Court reference number: 2161

Appointor details: Santander (UK) PLC

Previous office holders, if any: N/A

Extensions to the initial period of appointment: 12 month extension to 21 February 2019

Appendix B

Form AM25



AM25

Notice of court order ending administration



Companies House

For further information, please
refer to our guidance at
www.gov.uk/companieshouse

1 Company details

Company number 0 1 6 3 5 6 0 5

Company name in full T.W. Frizell (Haulage & Plant Hire) Limited

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

2 Administrator's name

Full forename(s) David

Surname Acland

3 Administrator's address

Building name/number Derby House

Street 12 Winckley Square

Post town Preston

County/Region

Postcode P R 1 3 J J

Country

4 Administrator's name ①

Full forename(s) Lila

Surname Thomas

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

5 Administrator's address ②

Building name/number Derby House

Street 12 Winckley Square

Post town Preston

County/Region

Postcode P R 1 3 J J

Country

② Other administrator
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AM25

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6 Administration end date

End date

d	2	d	5	m	0	m	7	y	2	y	0	y	1	y	8
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7 Date of court order

Court order date

d	2	d	5	m	0	m	7	y	2	y	0	y	1	y	8
---	---	---	---	---	---	---	---	---	---	---	---	---	---	---	---

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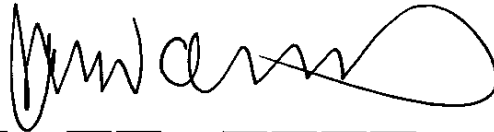
- ☒ I have attached a copy of the court order
- ☒ I have attached a copy of the final progress report

9 Sign and date

Administrator's
signature

Signature

X



X

Signature date

d	2	d	7	m	0	m	7	y	2	y	0	y	1	y	8
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AM25

Notice of court order ending administration



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Contact name **Joe Allen**

Company name **FRP Advisory LLP**

Address **Derby House**
12 Winckley Square

Post town **Preston**

County/Region

Postcode

P	R	1		3	J	J
---	---	---	--	---	---	---

Country

DX

Telephone **01772 440700**



Checklist

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DX 33050 Cardiff.



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Appendix C

Schedule of work

T.W. Frizell (Haulage & Plant Hire) Limited (in Administration)

Schedule of work

The table below sets out a detailed summary of the work undertaken by the office holders during the reporting period together with an outline of work still to complete.

Note	Category		
1	ADMINISTRATION AND PLANNING		
	Work undertaken during the reporting period		ADMINISTRATION AND PLANNING
	General Matters		Future work to be undertaken
	Regularly reviewing the conduct of the case, the case strategy and updating as required by the insolvency practitioners regulatory professional body to ensure all statutory matters are attended to and to ensure the case is progressing.	None	
	Regulatory Requirements		
	Liaising with Bond Dickinson in relation to the surrender of the historic waste permit held for Buttermans Lane.	Liaise with Bond Dickinson in relation to disclaiming the historic waste permit.	
	Instructed Bond Dickinson to submit a Court application in order to bring the Administration to a close and petition for the Company's winding up.		
	Case Management Requirements		
	Administering insolvent estate bank accounts throughout the duration of the case.	Administer case bank account.	
	Review of bordereau levels and amendment if required.		

T.W. Frizell (Haulage & Plant Hire) Limited (in Administration)

Schedule of work

	Submitted the Court application to bring the Administration to a close in order for the Administrators' to obtain their release from office and petition for the Company's winding up.	
2	ASSET REALISATION Work undertaken during the reporting period	ASSET REALISATION Future work to be undertaken
	Book Debts During the Period the sum of £341.64 has been received. This amount is due to Santander. Sundry Refunds During the Period the sum of £75.12 has been received and represents a sundry refund. Bank Interest During the Period the sum of £46.07 has been received and represents bank interest gross.	None
3	CREDITORS Work undertaken during the reporting period	CREDITORS Future work to be undertaken
	Secured creditors: Liaising with Santander in respect of the current indebtedness and anticipated recoveries. Preferential creditors:	Secured creditors: Finalise the terms of any distribution to Santander in accordance with the cross guarantee between the Company and Frizell Tipping.

T.W. Frizell (Haulage & Plant Hire) Limited (in Administration)

Schedule of work

	<p>Liaising with the Redundancy Payments Office and employees to establish the preferential claim.</p> <p>Unsecured creditors:</p> <p>Handling unsecured creditor queries and providing updates as necessary.</p> <p>Pursuant to the Insolvency Rules no dividend will be declared to preferential and unsecured creditors as funds realised have been used for paying the expenses of the insolvency proceedings.</p> <p>General correspondence with all classes of creditor.</p>	
4	<p>INVESTIGATIONS</p> <p>Work undertaken during the reporting period</p> <p>Concluded the initial investigations previously outlined and reported to the relevant authorities, where necessary.</p>	<p>INVESTIGATIONS</p> <p>Future work to be undertaken</p> <p>As previously reported, our investigations are ongoing.</p>
5	<p>STATUTORY COMPLIANCE AND REPORTING</p> <p>Work undertaken during the reporting period</p> <p>Submit the Court application to bring the Administration to a close and petition for the Company's winding up.</p> <p>Submission of post appointment VAT returns as required.</p>	<p>STATUTORY COMPLIANCE AND REPORTING</p> <p>Future work to be undertaken</p> <p>File the relevant documents at Court and Registrar of Companies in relation to the move from Administration to Compulsory Liquidation.</p>
6	<p>TRADING (where applicable)</p> <p>Work undertaken during the reporting period</p> <p>None</p>	<p>TRADING (where applicable)</p> <p>Future work to be undertaken</p> <p>None</p>

T.W. Frizell (Haulage & Plant Hire) Limited (in Administration)

Schedule of work

7	LEGAL AND LITIGATION Work undertaken during the reporting period	LEGAL AND LITIGATION Future work to be undertaken
	Received advice from Bond Dickinson in relation to the historic waste permit for Buttertons Lane. Instructing Bond Dickinson to submit a Court application in order to bring the Administration to a close and petition for the Company's winding up.	Liaise with Bond Dickinson in relation to the historic waste permit and Court application. Seeking further ad hoc legal advice on an ongoing basis.

Appendix D

Details of the disbursements for the Period and cumulative

Disbursements for the period 22 February 2017 to 25 July 2018

	Value £
<input checked="" type="checkbox"/> Category 1	
Advertising	84.60
Congestion Charge	11.00
Insurance	125.00
Postage	305.28
Subsistence	3.00
Travel	40.95
Computer Consumables	269.70
Property	18.00
<input checked="" type="checkbox"/> Category 2	
Car/Mileage Recharge	305.15
Grand Total	1,162.68

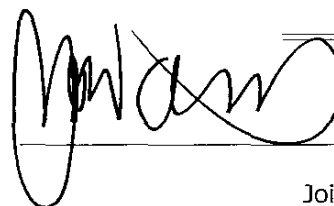
Mileage is charged at the HMRC rate
prevailing at the time the cost was incurred

Appendix E

Receipts and payments account for the Period and cumulative

**T.W. Frizell (Haulage & Plant Hire) Limited
(In Administration)
Joint Administrators' Summary of Receipts & Payments**

Statement of Affairs £	From 22 /02/2018 To 25/07/2018 £	From 22/02/2017 To 25/07/2018 £
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REPRESENTED BY		
Vat Recoverable - Floating		4,501.77
IB Current Floating		15,924.47
		<u>20,426.24</u>



David Acland
Joint Administrator

Appendix F

Statement of expenses incurred in the Period

T.W. Frizell (Haulage & Plant Hire) Limited (in Administration)		
Statement of expenses for the period ended		
25 July 2018		
	Period to 25 July 2018	Cumulative period to 25 July 2018
Expenses	£	£
Office Holders' remuneration (Fixed Fee)	-	60,000
Office Holders' disbursements	-	1,163
Agents Fees & disbursements	-	11,130
Debt Collection Fees	-	27,881
Settlement to Finance Companies	-	455,256
Sundry Expenses	-	886
Insurance	784	3,008
Accountancy Fees	-	200
Office Holders' remuneration (pre)	-	6,895
Legal Fees	10,000	10,500
Legal Fees (Pre-Administration)	-	1,250
Environment Agency	-	2,264
Storage Costs	17	311
Corporation Tax	34	34
Total	10,836	580,778

CASE NUMBER: 2161 of 2017

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS IN MANCHESTER
INSOLVENCY AND COMPANIES LIST (ChD)

IN THE MATTER OF T.W. FRIZELL (HAULAGE & PLANT HIRE) LIMITED
(IN ADMINISTRATION)

(GRN: 01635605)

Before District Judge
Richmond
AND IN THE MATTER OF THE INSOLVENCY ACT 1986



DRAFT ORDER

BEFORE:

UPON the application of David Robert Acland and Lila Thomas of FRP Advisory LLP, Derby House, 12 Winckley Square, Preston, PR1 3JJ, the Joint Administrators of T.W. Frizell (Haulage & Plant Hire) Limited – in administration (**Company**)

AND UPON READING the witness statement of David Robert Acland dated 12 July 2018

AND UPON HEARING counsel for the Joint Administrators

AND UPON READING the papers on the court file, recorded as having been read

IT IS ORDERED THAT:

1. pursuant to paragraphs 79(1) of Schedule B1 of the Insolvency Act 1986 (**Act**) the appointment of David Robert Acland and Lila Thomas as joint administrators of the Company (**Administrators**) shall immediately cease to have effect;
2. pursuant to paragraphs 98(1) and 98(2)(c) of Schedule B1 to the Act, the Administrators of the Company shall be discharged from liability in respect of any of their actions as administrators with immediate effect;
3. pursuant to paragraph 79(4)(d) of Schedule B1 to the Act, the Company be wound up by the Court pursuant to the provisions of the Act immediately and David Robert Acland and Lila Thomas be appointed as joint liquidators of the Company; and
4. the costs and expenses of the application shall be paid as an expense of the administration of the Company.

DATED:

18th July 2018