In accordance with Rule 3.35 of the Insolvency (England & Wales) Rules 2016 & Paragraph 49(4) of Schedule B1 to the Insolvency Act 1986

# **AM03**

### Notice of administrator's proposals



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#379

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# Notice of Administrator's Proposals Statement of proposals I attach a copy of the statement of proposals Sign and date Administrator's Signature Signature Administrator's Signature Signature Administrator's Signature

#### **AM03**

following:

#### Notice of Administrator's Proposals

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The company name and number match the information held on the public Register.
 You have attached the required documents.
 You have signed and dated 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 <a href="www.gov.uk/companieshouse">www.gov.uk/companieshouse</a> 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

# THE ADMINISTRATOR'S PROPOSALS OF LOWER THAMES AND MEDWAY PASSENGER BOAT COMPANY LIMITED IN ADMINISTRATION

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#### 1. STATUTORY INFORMATION

A) Court Details

High Court of Justice Number CR-2018-003290 Chancery Division Companies Court

#### B) Registered Name, Address and Number

Company name: Lower Thames and Medway Passenger Boat Company

Limited (In Administration), ("the Company")

Other trading names Princess Pocahontas & Duchess M

Previous Company Names N/A

Registered Number: 02389815

Date of incorporation: 26 May 1989

Principal trading activity: Inland passenger water transport

Current registered office: 21 Highfield Road

Dartford, Kent, DA1 2JS

Former Registered Office: Kings Lodge, Iondon Road, West Kingsdown, Kent,

**TN15 6AR** 

Trading Address 16 Cornwalis Avenue, Tonbridge, Kent, TN10 4ES

Debenture Holder None

#### C) Company Appointments and Shareholdings

Directors in the last 3 years Mr John Robert Potter Appointed before : 26 May 1992 until present

Shareholding: The nominal share capital of the Company is £3.00 issued as follows:

Mr John Robert Potter : 3 Ordinary Shares of £1 each

#### 2. ADMINISTRATION APPOINTMENT DETAILS

I Isobel Susan Brett of Bretts Business Recovery Ltd, 21 Highfield Road, Dartford, Kent, DA1 2JS was appointed Administrator of the Company on the 19 April 2018 by the director of the Company.

I consented to act as Administrator and confirm that I will exercise the functions and powers of an Administrator under the Insolvency Act 1986 and the Insolvency (Amendment) Rules 2016 and any other enactment.

It is intended that I will have the control of the Administration, but the day to day administration of the case shall be undertaken by my colleague Riji Gopinathan under my direct supervision.

#### 3. BACKGROUND

#### (An Account of the circumstances giving rise to the appointment of Administrator)

The Company was incorporated on 26 May 1989 to provide inland passenger water transport, specifically for use of excursions along the Thames. The Company operated scheduled day trips from Gravesend to Greenwich, London and Southend between May and September each year. The service was also available for private charters for day sailings and evening events.

The current sole director Mr Potter purchased the business in 1998 and the Company has traded for many years on a profitable basis.

In 2004, the Company was permitted to take on the Gravesend to Tilbury ferry service with a subsidy granted, on a monthly basis, by Kent County Council ("KCC") and Thurrock Council. A boat and West Street Pier had subsequently been purchased by the Company to honour the contract.

In September 2016, the Maritime Coastguard Agency ("MCA") took proceedings against the Company for an engine fault identified on the Duchess M ferry boat. The ferry service contract was subsequently terminated in 2017 and prior to the contract being terminated, the Company spent approximately £80,000 on the ferry boat, in drydock, and for work required by the MCA. The termination of contract affected the business and the Company's cash flow. Also, the Company and the directors were fined under the proceedings issued by MCA.

In March 2018, the Company also faced issues as a result of bad weather identified as the Beast from the East and Storm Emma. The bad weather conditions caused a floatation pontoon, from the pier, to break loose. The pontoon damaged the pier at Gravesend and two nearby vessels before sinking. This incident has had significant financial repercussions for the Company in relation to pontoon salvage costs charged by the Port of London Authority ("PLA") and other associated repair costs for damage caused. The Company is unable to sustain the subsequent liabilities caused by the pontoon, due to a lack of immediate funds. The Company has endeavoured to claim such costs from it's insurance Company however the claim has been rejected on the grounds that the pier was not inspected annually and the chains not lifted once a year.

The PLA threaten regulatory and legal proceedings against the Company and its assets. The potential claims for damages against the Company are being assessed by the relevant parties but the director believes that the Company would require substantial funding to settle any such claim.

These series of events impacted the director's ability to manage the affairs of the Company fully. The director considered the future of the Company and took insolvency advice in March 2018.

In April 2018, the PLA advised that they would be revoking the Company's licence and ordered the Pier to be removed by the end of July 2018. The Company, as a result, was unable to trade considering action by the PLA. The Company required immediate funding above the level available to it and neither the bank nor its shareholder were in a position to advance the necessary funding to settle the contingent liabilities. It appeared that the Company was neither in a position to propose a Company Voluntary Arrangement (CVA) nor to continue trading. Also the director was unable to find an immediate buyer for the business.

Other insolvency options such as creditor voluntary liquidation ("CVL") or a compulsory liquidation ("WUC") were also considered before placing the Company into Administration. It appeared that a creditor's voluntary liquidation would not serve to protect the vessel from being arrested and it is possible that some creditors may continue these legal action in creditor's voluntary liquidation. A Compulsory winding up would also not provide the asset protection required.

Accordingly, to protect and preserve the assets and to obtain a good value for the assets, the director decided to place the Company into Administration. Formal instruction was given to Isobel Brett of Brett Business Recovery Ltd on 16 April 2018 to assist the director in this process and she was appointed as the Administrator on 19 April 2018. The Administrator has been liaising with the director since then on all aspects of sale and the marketing of the assets of the Company and business.

#### 4. FINANCIAL SUMMARY

| For the Years Ended   | Year Ended<br>31 May 2017                      | Year Ended<br>31 May 2016                     |
|---|--|---|
| Sales   | 223,955  | 243,681                                       |
| Cost of Sales   | (44,010)                                       | (83,229)                                      |
| Gross Profit/(Loss)   | 179,945  | 160,452                                       |
| Administrative Expenses   | (200,471)                                      | (157,262)                                     |
| ·   | (20,526)                                       | 3,190   |
| Other Operating Income  | 2,650  | 3,522   |
| Operating profit/(loss)   | (17,876)                                       | 6,712   |
| Interest and other income   | NIL  | NIL_  |
| Interest payable and similar Charges  | (616)  | (115)   |
| Profit/(loss) on Ordinary Activities before taxation  | (18,492)                                       | (6,597)                                       |
| Tax on Profit/(loss) on Ordinary Activities   | (12,257)                                       | (2,280)                                       |
| Profit/(loss) for the Financial Year  | (30,749)                                       | (8,877)                                       |
| Extracts from Balance Sheet As at   | Year Ended<br>31 May 2017<br>£                 | Year Ended<br>31 May 2016<br>£                |
| Fixed Assets Tangible Assets Investment Current Assets Stock Debtors Cash at Bank and in Hand | 355,923<br>40,429<br>3,001<br>30,330<br>10,980 | 355,289<br>38,571<br>2,550<br>8,852<br>70,057 |
| Total Assets  | 440,663  | 475,319                                       |
| Liabilities - Creditors - less than one year  | (83,864)                                       | (91,593)                                      |
| Total Assets less Current Liabilities   | 356,799  | 383,726                                       |
| Liabilities Creditors More than one year Provision for Liabilities                            | (2,623)<br>(11,755)                            | (5,557)<br>(0)                                |
| Net Asset   | 342,421  | 378,169                                       |
| Represented by  |  |   |
| Called up Share Capital<br>Revaluation Reserve<br>Profit and Loss Account                     | 3<br>115,787<br>226,631                        | 3<br>119,095<br>259,071                       |
| Shareholders' Funds   | 342,421  | 378,169                                       |

#### <u>Trading Results (£)</u>

| Period Ended | Turnover | Net Profit/<br>(Loss) | Directors' Remunera tion | Sharehold<br>ers'<br>Funds | Dividends<br>Paid | Reserves<br>c/f year end |
|--------------|----------|-----------------------|--------------------------|----------------------------|-------------------|--------------------------|
| 31 May 2017  | £223,955 | £(30,749)             | £10,980                  | £342,421                   | £5,000            | £226,631                 |
| 31 May 2016  | £243,681 | £8,877                | £8,550                   | £378,169                   | £17,422           | £259,071                 |

#### 5. PURPOSE OF ADMINISTRATION

The primary function of an Administrator is to achieve at least one of below the objectives as set out in Schedule B1 Para 3 of the Insolvency Act 1986.

- 1. Rescuing the Company as a going concern, or
- 2. Achieving a better result for the Company's creditors as a whole than would be likely if the Company were wound up (without first being in Administration), or
- 3. Realising property in order to make a distribution to one or more secured or preferential creditors.

Consideration was given to trading the business within the Administration in order that a proposal for a Company Voluntary Arrangement might be put to creditors. However, it was considered that trading the business during the Administration was not feasible, as the Company had insufficient finance to do so and it was not clear that the seasonal business would trade profitably. Based on the current circumstances, the rescue of the Company following the Administration is not possible and as a result I am unable to achieve the first statutory objective.

The vessels of the Company were under the threat of being arrested by the PLA. The Company therefore, required an immediate moratorium to protect its assets from any precipitative action by the licencing/regulatory authorities. By placing the Company into Administration, the director protected its assets for the benefit of its creditors as a whole. The protection of the Company assets were not immediately available through other formal terminal insolvency procedures such as a CVL and a WUC.

As the Administrator, I am seeking to achieve the second objectives, being a better result for the Company's creditors as a whole than would be likely if the Company were wound up without first being in Administration, by selling the remaining assets of the Company.

#### **Initial Introduction**

The Director consulted the Company's accountant A4G, for advice on the Company's position and were referred to Brett's Business Recovery Ltd. A meeting between the Director and Brett's Business Recovery Ltd was held on 13th March 2018. Further consultation was held on 13th April 2018 and written advice was provided on 16th April 2018. I have assisted the director to place the Company into Administration and the relevant administrative work as regards this matter were carried out by Irwin Mitchell Solicitors.

#### Roles of the Insolvency Practitioners

Prior to commencement of the Administration, I acted as advisor to the Board of Directors in relation to the business rescue and insolvency options available for the Company. Insolvency practitioners are bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment. I observed the Code in all activities both prior to and after the appointment. At all times prior to Administration, the Board of Directors remained responsible for and in control of the Company's affairs.

I reviewed the financial position of the Company and the following options were considered with the director:-

#### Non-statutory solutions

It appeared that the Company was unable to secure an informal agreement with creditors to postpone or re-structure debts and give the Company time to recover from the current position.

The Company also considered re-financing options but require some form of personal guarantee from the directors and/or the granting of specific security over one or more of the Company's assets, which were not available.

It appeared that non-statutory solutions appeared to be risker for the Company and its directors alike.

#### Liquidation

As advised above, the possibility of placing the Company into Liquidation was considered however it was decided that this was not the best course of action as it would not serve to protect the vessels from being arrested.

#### Company Voluntary Arrangement ("CVA")

As advised above, the Company is not in a position to propose an arrangement that is likely to be approved by creditors.

#### Administration

The Company was under the threat of its trading licence being revoked by PLA following which the Company must remove its pier, pontoon, piling and anything above and below the water, with the exception of the vessels which shall be permitted in the river.

After considering the statutory and non-statutory options available to the Company, it was concluded that Administration is the best options for the Company to protect its assets immediately and achieve a better realisations for creditors if the Company be first placed into Administration.

It was considered that the Administrator shall be able to achieve Objective 2 of the statutory purpose.

#### Valuation, marketing and sale of the Business and Assets

As per the statement of affairs of the Company, the main assets of the Company are two vessels, a leasehold ticketing office, a pier and some chattel assets.

The director was asked to provide information on any parties that he was aware of, who would be interested in purchasing the assets of the Company and also to advice of any marketing conducted by the Company prior to the administration. I have been made aware that the director had placed an online advert at <a href="https://www.apolloduck.com">https://www.apolloduck.com</a> to market and sell two vessels named MV Princess Pocahontas & Duchess M for a combined value of £300,000.00 prior to the administration.

Following the administration, I have liaised with a few interested parties but no firm offers have been received to date. Assistance for the marketing and sale of the vessels is being provided by the director. It is my intention to engage a specialist marketing/sales agent in the marine/shipping industry, to improve the coverage of the marketing as widely as possible including but not limited to marketing on the agent's websites, reaching to relevant Company creditors and targeting individuals/companies within the specific industry who are registered with the agent. A format discussion has started with a few qualified specialist in this field but a formal appointment has not yet been agreed with any agents. Advise is being sought from the Passenger Boat Association. Agents shall be instructed to provide marketing advice and assist in identifying and securing a purchaser. Their costs shall be agreed on their standard charge out rates and will be paid as an expense of the administration.

A strategy is being considered for the sale of the leasehold property either by selling it together with the two vessels or selling it separately. If no value is attainable for the leasehold property, I may need to surrender it back to the landlord but subject to the recommendation of the valuer and the marketing agent.

Other remaining chattel assets of the Company have only negligible value and it appears that the costs of removal and sale may outweigh any economic benefits achievable. Advice shall be sought form the specialist agents.

If I am successful in finding a buyer who is interested in the business and the remaining assets of the Company as a whole, the above assets may fetch higher value and a better recovery prospects for the creditors as a whole. On the contrary, selling the assets on piecemeal basis will achieve only a lesser value. The best course of action for the sale of the assets shall be undertaken by the Administrator as appropriate.

#### 6. ADMINISTRATOR'S ACTIONS

# THE MANNER IN WHICH THE AFFAIRS OF THE BUSINESS HAVE SINCE, THE DATE OF APPOINTMENT, BEEN MANAGED

Following my appointment I took over the responsibilities of managing the affairs, and the remaining assets of the Company as an agent of the Company without any personal liability.

I have completed statutory notification as regards to my appointment to relevant parties including Companies House, Court, Company, Bank and creditors and members.

I instructed Irwin Mitchell Solicitors to provide advice in relation to my appointment and in the management of the affairs of the Company during the Administration. Their costs have been agreed on the basis of time costs incurred plus disbursements.

I contacted the former insurance Company and arranged an open cover for the two vessels, , with effect from the date of the administration. Payment for the insurance has been arranged from the administrator's office account due to insufficient funds in the administration estate. On my order, the former insurance broker is holding an insurance refund of some £5,000.00, pending review of a request for refund made by the credit financing Company.

I have liaised with the Company accountant and the book keeper and complied some information as regards the financial affairs of the Company. This assisted me to recover a pre-appointment VAT Refund of £864.91. I have also recovered a DVLA Tax refund of £200.00. I have instructed the Company accountant to assist with a claim for terminal loss relief.

As advised above, I am liaising with the relevant parties are regards the marketing and sale of the remaining assets of the Company.

I am liaising with PLA and a third party as regards their damages claims as well. I have encouraged the third party to make their claim through the Company's insurance. Any uninsured claim shall rank as an unsecured claim in the administration.

One of the hire purchase companies has requested the return of their hire equipment. I have given them the opportunity to identify and propose a strategy to remove the items at their own costs with the assistance of the Company director. This matter is being progressed and the return of the items shall minimise the liability of the Company.

I have also secured some books and records of the Company and the accounting software back-up in order for me to undertake an initial investigation into the affairs of the Company and the conduct of the director.

Creditors will note that, although much of the work is anticipated to provide a financial benefit to creditors, the Administrator is required by law and by their regulatory body to conduct other work that might appear to have little or no financial benefit to creditors. In addition, there are other parts of the

work about which the outcome, and consequently any financial benefit to creditors, is unclear at present. Creditors will receive updates on these matters in the Administrator's progress reports.

### 7. PROPOSED FUTURE ACTIONS OF THE ADMINISTRATOR TO ACHIEVE THE OBJECTIVE OF THE ADMINISTRATION

The Administrator will endeavour to sell the remaining assets of the Company at the earliest opportunity. Following the receipt of the sale proceeds, a first and final distribution will be made to the preferential and unsecured creditors of the Company with agreed claims. The costs will be met from the asset realisation, but subject to the approval of the creditors.

I will also examine the conduct of the Company director, prior to the Administration, with two main objectives:

- To identify what assets are available for realising for the benefit of creditors, including any
  potential actions against directors or other parties, such as challenging transactions at an
  undervalue or preferences; and
- To enable the Administrator to report to the Insolvency Service on the conduct of the directors so that the Insolvency Service may consider whether disqualification proceedings are appropriate.

In the early stages of the Administration, this work will involve examining the Company's books and records, considering information received from creditors and the Company's accountants and seeking information from the Company's directors and other senior staff by means of questionnaires and/or interviews.

In the event that questionable transactions are identified, it may be necessary to conduct further investigations and instruct solicitors to assist in deciding the Administrator's next steps in pursuing a recovery. If a potential recovery action is identified, it may be necessary to instruct professional agents in gathering evidence and in exploring further the existence and value of assets to target. The directors have a legal duty to co-operate with the Administrator under the provisions of the Insolvency Act 1986. If the Administrator encounters resistance in making a recovery, formal legal action may be considered.

In addition, if the Insolvency Service decides to proceed with a disqualification, the Administrator will be required to assist the Insolvency Service's investigators in their work, which may include providing the investigators with access to the Company's books and records and agreeing statements to be given in evidence of those proceedings. It is my intention to conclude my initial investigation as soon as possible.

If I am unable to sell the remaining assets that require protection, within the next 10 months, it is proposed that the Administrator be allowed to extend the administration for one more year.

If I am able to make a distribution to unsecured creditor before the anniversary of the liquidation, the Administration will end by placing the Company into Creditors' Voluntary Liquidation with Isobel Susan Brett to be appointed Liquidator.

If following my investigations it is possible to bring a successful action against the directors as regards to any identified antecedent transactions and that further funds could be recoverable for the creditors then it is intended that either the Administration be extended for another year or the Administration will end by placing the Company into Creditors' Voluntary Liquidation with Isobel Susan Brett to be appointed Liquidator.

#### 8. STATEMENT OF AFFAIRS

The director of the Company was fully co-operative and assisted in identifying and locating the potential assets of the Company. I have assisted the director in preparing a draft statement of affairs of the Company which is attached at Appendix 1, together with details of all creditors.

#### Note: -

- The Director's Statement of Affairs figures are subject to costs of realisation and Administration estate costs.
- The inclusion of any creditor at an incorrect figure within the Statement of Affairs does not prejudice their right of claim.

#### **Comments on the Statement of Affairs**

#### Vessels

Two vessels named MV Princess Pocahontas & Duchess M are being marketed for a combined value of £300,000.00. Although the online marketing has generated a few enquires, no firm offer has been received for these assets. A specialist marketing firm will be instructed soon to revalue the assets and widen the scope and sale of these assets.

#### Leasehold property

It appears that the leasehold ticketing office shall have only minimal or Nil value, if the Administrator is unable to find a buyer in the same trade, as it can be used only as a ticketing office. This property is accessed through locked gates which leads to the flood defence gate and the Company is obliged to operate this gate by the environment agency in the event of a flood warning.

The PLA, has shown some interested in the land situated next to the Pier but it is not known whether this land forms part of the leasehold property. Further enquires are being made as regards this matter. A recovery from the pier is very doubtful as the PLA has placed various restrictions and requirements for the removal of the pier.

As advised above a suitable strategy is being considered to sell the leasehold property. If the property appears to be onerous, I shall surrender the lease back to the landlord.

#### **Equipment**

A metal floatation tank has been salvaged by the PLA and is available for the Company. Recovery prospects for this asset is not known at this stage but I am liaising with the relevant parties.

#### Furniture and fittings

This includes mainly computers, leased equipment, furniture and fittings. As per the accounts, these assets have no book value as they all have been depreciated in full. The fittings shall have no realisable value, following its removal. The leased equipment shall be returned to the contractors. The other remaining assets will have no realisable value, after costs of recovery.

#### **Pre-payments**

As advised above the Company is entitled to receive an insurance refund of £6,665 but only £1,261 can be realised from this amount for the benefit of the creditors, as the finance Company who lend the money is entitled to this refund. My solicitors have reviewed and confirmed their entitlement.

#### Cash at Bank

The cash at bank is expected to be less than £1. I have contacted the bank to close the bank accounts and release the balance of funds if any held by the bank.

#### Tax refund

This relates to estimated terminal loss claim available to the Company of £12,995. However, HM Revenue and Custom is also owed money in the region of some £1,830. It is anticipated that the Company should be able to recover some £11,000 after the crown set off. The Administrator shall liaise with the Company accountant to prepare and submit relevant documentation for the tax refund.

#### Secured creditors

The Company has not granted a charge to any creditor.

I am not aware of any creditor who has a secured claim in this Administration.

#### **Prescribed Part**

The prescribed part only applies where the Company has granted a floating charge to a creditor after 15 September 2003. Where a floating charge over the Company's assets has been given a prescribed amount of the Company's net property after paying the preferential creditors must be made available to the unsecured creditors and the basis of this calculation is detailed below: -

50% of the first £10,000 of the net property; and 20% of the remaining net property up to a maximum of £600,000.

The Company has not granted any floating charge and consequently there will be no prescribed part provision applicable in this administration

#### Preferential creditors

The Company's preferential creditors comprise principally of its employees for accrued unpaid holiday pay and outstanding wages up to £800.00 per employee.

Employees' claims are divided into preferential and non-preferential (unsecured) claims.

The remaining employees of the Company at the time of the Administration were the director and the Company secretary. Their contracts have been terminated following the administration of the Company. However, it appears that employees are owed preferential amount in respect of arrears of pay and accrued holiday pay but subject to statutory limit under the provision of the insolvency legislation. It is anticipated that they may also have claims for redundancy and notice pay, which will rank as unsecured claims in the liquidation.

I am liaising with the former employees, Company accountant, and the redundancy payment Services ("RPS") to process/adjudicate the employees' claims. Relevant documentation has been submitted to the RPS to advance payments to the employees from the National Insurance Funds. Help has also been given to employees to enable them to submit their claims through RPS's online portal. The RPS will have a subrogated claim in the Administration, for any payments advanced. It appears that some of the employees will have a shortfall in their preferential payments receivable from the RPS. I am obliged to calculate, adjudicate and agree the balance of preferential amounts owed to the employees by verifying it with the Company documentation and the RPS payment schedule etc, as applicable. Any further balance/shortfall owed to the employees above the preferential claim would rank as an unsecured claim in the liquidation.

#### **Unsecured creditors**

Based on the information available, the amount owed to unsecured creditors is £173,283. The Company shall also have contingent liabilities, in respect of potential damages claim.

The Company had taken some booking for excursions during the summer months. Although the majority of the deposits have been returned to customers, some customers have not received their deposit back. Those customers will now have a claim against the Company and shall be considered as an unsecured creditor of the Company.

The unsecured claims estimated/provided by the directors, may not necessarily agree with your own records. However, the amounts stated will not prejudice your claim as it will be agreed by the Administrator/Liquidator in due course. Those creditors who have not already submitted a claim are requested to send details to me at the above address. Formal notice to this effect is enclosed at

Appendix-10 together with a claim form (Appendix-11), which should be completed and returned as soon as possible.

I would advise that a few claims have been received in this administration to date and I have not yet undertaken any claim agreement work. It is unlikely that I shall do so until I am certain that there shall be funds available for distribution to creditors. It is expected that unsecured creditors with agreed claim shall receive a small dividend out the insolvency estate.

If you contend that you have any form of security or reservation of title over goods supplied in respect of any amount owed to you by the Company please contact this office in writing immediately.

#### 9. DIVIDEND PROSPECTS

#### Preferential creditors

Based on current information, preferential creditors will be paid in full.

#### **Unsecured creditors**

The expected contingent liability will have an impact on the dividend prospects to unsecured creditors with agreed claims. If the contingent liability is less than £100,000, it is anticipated that the Company should be able pay all of its creditors in full, but subject to change.

Based on current information, the quantum and timing of the distribution to unsecured creditor is not known.

In the event that it may be possible to pay a dividend to unsecured creditors it is essential that you complete and return the proof of debt form attached with this report.

#### 10. ADMINISTRATOR'S INVESTIGATIONS

Under the Company Directors' Disqualification Act 1986, it is the duty of the Administrator to investigate the conduct of the directors of the Company in the three years prior to the insolvency of the Company.

An appropriate report will be prepared and submitted to the Insolvency Service within 3 months of my appointment. The content of this report is confidential and cannot be disclosed to any third party.

I would invite creditors to provide information on any concerns regarding the way in which the Company's business has been conducted and on any potential recoveries for the estate. I should be grateful if you would complete and return to me the 'creditor questionnaire', which I have attached at Appendix- 12 with the report, at your earliest convenience

#### 11. PRE-ADMINISTRATION COSTS

The members of the Company and/or board of the Company instructed us to assist them in placing the Company in administration on 16 April 2018. I agreed a fixed fee of £1,500 plus VAT and disbursements in respect of providing advice and assistance to place the Company into Administration.

I shall be seeking recovery of my costs and disbursements as an expense of the Administration but is subject to approval under Rule 3.52-3(b) of the insolvency Rules 2016. My pre-administration work has been categorised into the following task headings

 Administration and Planning includes such tasks as case planning and set-up, appointment notification, maintenance of case files, compliance, cashiering, reviewing financial records, considering insolvency options and other administrative functions such as filing, phone calls, emails etc.

- Realisation of Assets includes such tasks as identifying, securing, dealing with the sale of
  the business, transition of contracts, review offers received, negotiating with the prospective
  buyers, liaising with debenture holders, reviewing debtor's position, review sale agreement
  etc.
- Investigation No investigation work has been carried out in the pre-appointment period.
- Creditors include such tasks as creditor set up, corresponding with secured creditors and other key suppliers/creditors, reviewing and obtaining advice in relation to security granted to charge holders, review position regarding possible redundancies, employee issues etc

Solicitors who specialise in insolvency were instructed, based on their standard costs to provide legal advice on all aspects of the administration and in preparing the documents necessary to make the appointment. I will be seeking to agree and pay the solicitors pre- administration costs of £3,500 plus VAT and disbursement as an expense of the administration.

The pre-administration costs and disbursements are as follows:-

| Description(excluding VAT)             | Paid pre-<br>appointment | To be paid |
|--|--------------------------|------------|
| Insolvency Practitioner's remuneration |                          | 1,500.00   |
| Legal fees                             |                          | 3,500.00   |
| Court Fees                             |                          | 50.00      |
| Total                                  |                          | 5,050.00   |

#### 12. BASIS OF REMUNERATION AND DISBURSEMENTS FOR ADMINISTRATOR

It is the firm's practice to ensure that work is conducted by the appropriate staff member at the appropriate level of experience. The senior member of staff with adequate experience is dealing with the day to day administration of the case. Where the issues are complex and litigious, the work will be closely supervised or undertaken by the senior manager and or the partner

The Administrator is required to meet a considerable number of statutory and regulatory obligations. Whilst many of these tasks do not have a direct benefit in enhancing realisations for the insolvent estate, they assist in the efficient and compliant progressing of the administration, which ensures that the Administrator and their staff carry out their work to high professional standards.

It is expected that significant time costs will be incurred in adjudicating/agreeing creditors' claims. I have made sufficient provision for such time costs. Sufficient provision for time costs has been made for initial investigation matters and for asset realisation.

A description of the routine work undertaken in this administration is summaries below:

#### 1. Administration and Planning

- Preparing the documentation and dealing with the formalities of appointment.
- Statutory notifications and advertising.
- Preparing documentation required.
- Dealing with all routine correspondence.
- Maintaining physical case files and electronic case details on case management software.
- Case bordereau.
- Case planning and administration.
- Preparing reports to members and creditors.
- Statutory filing

#### 2. <u>Cashiering</u>

- Maintaining and managing the administrator's cashbook and bank account.
- Ensuring statutory lodgements and tax lodgement obligations are met.

#### 3. Creditors

- Dealing with creditor correspondence and telephone conversations.
- Preparing reports to creditors.
- Maintaining creditor information on case management software.
- Reviewing and recording the proofs of debt received from the creditors.

#### 4. Realisation of Assets

- Liaising with the Company's bank regarding the closure of the account.
- Liaising with the director as regards the realisation of the remaining assets.
- Liaise with the agent and prospective buyers.

The detail and result of the specific work undertaken is described in this report.

A copy of the firm's charge-out rates is detailed at Appendix 8.

"A Creditors' Guide to Administrators' Fees" is available for download at: <a href="http://www.brettsbr.co.uk/cgaf/">http://www.brettsbr.co.uk/cgaf/</a>

Should you require a paper copy, please contact my office and this will be provided to you at no cost.

Information on this insolvency process may be found on the R3 website here <a href="http://www.creditorinsolvencyguide.co.uk/">http://www.creditorinsolvencyguide.co.uk/</a>>.

#### Fees and expenses estimates

I shall be seeking creditors' approval that my fees as Administrator be fixed by reference to the time properly given by me and my staff in attending to matters as set out in the fees estimate.

In summary, I estimate that I and my staff may spend time totalling £49,834.55 for 196.45 hours at an average hourly rate of £253.68 in conducting the tasks described.

The Fees and Expenses Estimates have been compiled on the assumptions set out below. Please note that these are assumptions only for the purposes of preparing the estimates in accordance with the statutory provisions:

- the investigations will not reveal any matters that require further investigation with a view to pursuing a recovery for the insolvent estate;
- no exceptional work will need to be conducted in order to realise the known assets of the Company;
- there will be some funds to pay a distribution to unsecured creditors; and
- the Administration will be concluded in approximately in one years' time.

On the basis of these assumptions, I do not anticipate that it will be necessary to seek additional approval from the relevant creditors for fees in excess of the estimate.

In the event that I incur time costs in excess of the Fees Estimate, I will only revert to creditors for approval if I propose to draw any additional fees from the insolvent estate.

#### Summary of time costs incurred

The Administrator's time costs for the period from 19 April 2018 to 31 May 2018 totals £11,492.00 representing 46.40 hours at an average hourly rate of £247.67. The time costs are detailed at Appendix 3.

#### Administrator's Disbursements

My disbursements are divided into two categories.

Category 1 expenses are costs that can be specifically identified as relating to the administration of the case. These are charged to the estate at cost, with no uplift. These include, but are not limited to, such items as advertising, bonding and other insurance premiums and properly reimbursed expenses. Legislation provides that Administrator may discharge Category 1 expenses from the funds held in the insolvent estate without approval from the creditors.

Category 2 expenses are costs that are also directly referable to the appointment in question but not to a payment to an independent third party. Payments may only be made in relation to Category 2 expenses after the creditors have approved the bases of their calculation. The Category 2 expenses that I propose to recover from the insolvent estate, such as the stationery and photocopying costs relating to the issuing of reports to creditors.

The Appendix 6 Estimated Expenses detail both the Category 1 & 2 expenses I anticipate during my time in office as Administrator. Approval is also being sought for category 2 disbursements from the secured creditors.

#### Other professional Costs

Following my appointment as administrator, I have engaged the following agents/professional advisors in this assignment.

The choice of professionals was based on my perception of their experience and ability to perform the type of work, the complexity and nature of the assignment. Approval of fees will be subject to my review that they are reasonable in the circumstances of the case. Their fees are treated as an expense in the Administration estate.

#### **Solicitors**

I have instructed Irwin Mitchell, to provide legal advice on all aspects of the administration. The solicitors' costs have been agreed on the basis of their standard hourly rates plus VAT and disbursements. Their fees will be met from the administration funds as an expense of the administration, subject to funds being available.

#### 13. CREDITORS COMMITTEE

It's a requirement under the insolvency legislation that, when a decision is sought form the creditors, a creditor be given with the opportunity to form a creditors committee. If a creditors committee is not constituted, it is up to the general body of creditor to agree/approve the decision sought where necessary.

A creditors Committee must have at least three members but no more than five. If there are no requisite nominations, no committee can be constituted. Attached at Appendix 9 is a Notice of Invitation to Form a Liquidation Committee, together with a Nomination form. You need to complete this form only if you wish to be in a creditors committee.

#### 14. PROPOSED DECISIONS

The Administrator is seeking creditors' approval of the proposed decisions by means of a vote by correspondence.

Attached at Appendix 4 is a Notice of Decision Procedure, which sets out the decisions sought by the Administrator by way of approval of administrator's proposals, remuneration, pre-administration fees and disbursements:

In the event that no creditors committee is established, general body of creditors are invited to vote on certain decisions as detailed in the voting form by completing and returning the voting form ( attached at Appendix 5) together with a proof of debt form ( attached at Appendix 11, if one has not already been submitted). The Administrator must receive completed forms by no later than 23.59 on 27 June 2018 to enable the vote to be counted.

Whilst a vote by correspondence is being sought, creditors who meet a statutory threshold as set out in the Notice attached at Appendix 4 can require that a physical meeting of creditors be convened. Such a request must be made to the Administrator within 5 business days of the date on which this report was delivered.

#### 15. ADMINISTRATOR'S RECEIPTS AND PAYMENTS ACCOUNT (R&P)

I attach a copy of my R&P with this report.

I have recently recovered tax refunds totalling £1,064.91 in respect of the pre-appointment VAT Refunds and DVLA tax refunds. These recoveries are shown in the attached R&P.

The administrator's uncharged disbursements are not shown in the R&P, but pending to be recovered from the insolvency estate following the approval and when the funds permit.

#### 16. MEETING OF CREDITORS AND DECEISION BY CORRESPONDENCE

There are certain matters which require the specific approval of creditors. I therefore, propose to deal with those matters by correspondence rather than by calling a meeting of the Company's creditors.

However, if the requisite creditors request for a physical meeting as detailed in the notice of decision procedure, a physical meeting will be held as applicable.

This report is uploaded onto our website and it will be treated as being delivered to the creditors on the second business day, after the day of the posting by first class.

#### 17. ADMINISTRATOR'S PROPOSALS

The following forms the basis of my proposals

- (a) The Administrator continues to manage the Company's business and realise assets in accordance with objective 2 of the statutory purpose of the Administration, being a better result for creditors compared with liquidation.
- (b) The Administrator shall use the sale proceeds received for the purpose of achieving the objective 2.
- (c) The Administrator shall sell the Company's assets at such time(s) on such terms as she considers appropriate;
- (d) The Administrator shall investigate and, if appropriate, pursue any claims that the Company may have against any person, firm or Company whether in contract or otherwise, including any officer or former officer of the Company or any person, firm or Company which supplies or has supplied goods or services to the Company; and
- (e) The Administrator shall do all such things and generally exercise all her powers as Administrator as she in her discretion considers desirable or expedient in order to achieve the purpose of the Administration or protect and preserve the assets of the Company or maximise the realisations of those assets, or of any purpose incidental to these proposals.

- (f) If there are insufficient funds to pay a dividend to unsecured creditors and if the Administrator, in her absolute discretion, considers that there are no investigations existing that a Administrator could pursue, it is proposed that the Administration will end by the Company being dissolved.
- (g) However, if a distribution is available to the unsecured creditors or there are investigation matters that may or may not yield sufficient funds to enable a distribution to creditors or the Administrator considers it appropriate, the Administration will end by moving into Creditors' Voluntary Liquidation with Isobel Susan Brett to be appointed Liquidator.

NB. Creditors may nominate a different person as Liquidator in accordance with paragraph 83(7) (a) of Schedule B1 of the insolvency Act 1986 and Rule 3.60(6)(b) of the Insolvency Rules 2016, but in the absence of such nomination the above named would become the liquidator. Any alternative nomination for proposed Administrator will need to be received before the decision date on 27 June 2018.

- (h) In the absence of a creditors committee,
  - That the Administrator's estimated time costs of £47,152.00 be approved by reference to
    the time properly given by the Administrator and her staff, in attending to matters arising in
    this administration at Bretts Business Recovery Limited's standard hourly rates, at the rates
    prevailing at the time the work is done, and such remuneration be paid out of the assets of
    the company and which may be drawn on account as and when funds permit
  - That the Administrator be authorised to draw their Category 2 disbursements from the Administration estate as and when funds allow.
  - The Administrator shall be authorised to discharge the outstanding pre-appointment fees and expenses as set out in the proposals in the sum of £5,050.00, to be paid out of the assets of the Company as and when funds permit
- (i) If the affairs of the Company in Administration are not fully completed within one year, the Administration may be extended for one year. This does not restrict the Administrator to make an application in the court for a longer extension, as appropriate.
- (j) That the Administrator will be discharged from liability under the Administration, immediately upon the Administrator filing her final report to creditors.

These proposals may be revised by the Administrator should the creditors so wish.

As an Insolvency Practitioner, when carrying out all professional work relating to an insolvency appointment, I am bound by the Insolvency Code of Ethics, as well as by the regulations of my professional body. More details about these matters and general information about Bretts Business Recovery Limited that is of relevance to creditors can be found at <a href="http://www.brettsbr.co.uk/insolvency-rules/servicesregulations/">http://www.brettsbr.co.uk/insolvency-rules/servicesregulations/</a>.

#### 18. NEXT REPORT

The Administrator is required to provide a progress report within one month of the completion of the first six months of the Administration. My next report will be issued to creditors on or before 19 November 2018.

#### 19. CONCLUSION

It is proposed that I will continue to manage the affairs of the Company in order to achieve the objectives of the Administration.

I confirm that the Company's centre of main interest is in the UK. Accordingly EC Regulations on insolvency proceedings will apply. These proceedings with be main proceedings as defined in Article 3 of the EC Regulation.

I confirm that the Company's centre of main interest is in the UK. Accordingly the Council Regulations (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings will apply which is replaced and superseded by Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings. The EU Insolvency Regulation (EC/1346/2000) will continue to govern insolvency proceedings that are opened in the EU before 26 June 2017.

As an Insolvency Practitioner, when carrying out all professional work relating to an insolvency appointment, I am bound by the Insolvency Code of Ethics, as well as by the regulations of my professional body. More details about these matters and general information about Bretts Business Recovery Limited that is of relevance to creditors can be found at http://www.brettsbr.co.uk/insolvency-rules/servicesregulations/.

Finally, to comply with the Provision of Services Regulations, some general information about Bretts Business Recovery Limited can be found at http://www.brettsbr.co.uk/insolvency-rules/servicesregulations/.

The General Data Protection Regulation requires that individuals whose data is being held be provided with information about their rights. A privacy notice is available at http://www.brettsbr.co.uk/client-pages/client-privacy-notice-for-data-subjects/

If creditors have any queries regarding these proposals or the conduct of the Administration in general, or if they want hard copies of any of the documents made available on-line, they should contact Riji Gopinathan on 01474532862, or by email at rijimon@brettsbr.co.uk.

Isobel Susan Brett Administrator

The affairs, business and property of the Company are being managed by the Administrator who acts as agent for the Company without personal liability

#### A - Summary of Assets

Signature\_\_\_\_\_

| Assets  | Book Value | Estimated to Realise |
|---|------------|----------------------|
| Assets Specifically Pledged None                            | <u> </u>   |                      |
| Assets not Specifically Pledged                             |            |                      |
| Leasehold Land & Property                                   | 20,729     | 0                    |
| Plant & Machinery   | 0          | 5,000                |
| Inter-Company Debt  | 49,129     | 0                    |
| Tax Refund  | 0          | 12,955               |
| Insurance Refund  | 6,665      | 1,261                |
| Vessels (Ships)   | 205,090    | 300,000              |
| Estimated total assets available for preferential creditors | 281,613    | 319,216              |

Date\_\_\_\_\_

#### A1 - Summary of liabilities

#### **Estimated to Realise** Estimated total assets available for preferential creditors 319,216 (carried from page A) Preferential creditors: **Employees' Claims** 5,724 **Total Preferential Claim** (5,724)Estimated deficiency / surplus as regards preferential creditors: 313,492 Estimated total assets available for floating charge holders 313,492 NIL Debts secured by floating charges Estimated deficiency/surplus of assets after floating charges 313,492 313,492 Total assets available to unsecured creditors 55,604 Director's Loan Account 16,406 **Employees' Claims HM Revenue & Customs** 1.830 **Trade Creditors** 100,277 **Contingent Liabilities** Not known (174,117) Estimated surplus / deficiency as regards non-preferential creditors 139,375 (excluding any shortfall to floating charge holders) Issued and called up capital **Ordinary Share Capital** (3) 139,372 Estimated total deficiency / surplus as regards members

| Signature | Date |
|-----------|------|
|-----------|------|

# B COMPANY CREDITORS

Note: You must include all creditors and identify any creditors under hire-purchase, chattel leasing or conditional sale agreements and customers claiming amounts paid in advance of the supply of goods or services and creditors claiming retention of title over property in the company's possession.

| Name of creditor or claimant            | Address (with postcode)   | Amount of debt | Details of any security held by creditor | Date<br>security<br>given | Value of security |
|---|---|----------------|--|---------------------------|-------------------|
| A4G LLP                                 | Kings Lodge, London Road, West Kingsdown, TN15<br>6AR   | £1,009.00      | None                                     |                           | 0                 |
| HM Revenue & Customs                    | Insolvency Claims Handling Unit, Benton Park View,<br>Longbenton, Newcastle upon Tyne, NE98 1ZZ | £1,830.00      | None                                     |                           | 0                 |
| Jetstream Tours                         | Unit 12 Innovation Studios, Canal Road, Strood,,<br>Kent, ME2 4DT                               | £1.00          | None                                     |                           | 0                 |
| John Potter                             | 16 Cornwallis Avenue, Tonbridge, TN10 4ES   | £55,604.00     | None                                     |                           | 0                 |
| LGSA                                    | Parade Imperial Business Park, The White House Ciffon Marine, Gravesend, DA11 0DY               | £746.52        | None                                     |                           | 0                 |
| London River Services                   | 1st Floor, P O Box 45279, 14 Pier Walk, London,<br>SE10 1AP                                     | £2,176.00      | None                                     |                           | 0                 |
| Maritime & Coastguard Agency            | Spring Place, 105 Commercial Road, Southampton, SO15 1EG  | £13,187.13     | None                                     |                           | 0                 |
| Mrs Patricia Dingole                    | N/A   | £100.00        | None                                     |                           | 0                 |
| Port of London Authority                | London River House, Royal Pier Road, Gravesend,<br>DA12 2BG                                     | £49,179.68     | None                                     |                           | 0                 |
| Survitec Services & Distribution<br>Ltd | Kiln Lane, Worldwide Lane, Stallingborough,<br>Grimsby, DN14 8DY                                | £1,584.00      | Hire Purchase Agreement                  |                           | 0                 |
| Thames Shiprepair Service               | Wharf Road, Denton, Gravesend, Kent, DA12 2RU   | £28,628.32     | None                                     |                           | 0                 |
| Thurrock Council                        | Civic Office, New Road, Grays, Essex, RM17 6SL  | £3,564.00      | None                                     |                           | 0                 |

B COMPANY CREDITORS

Note: You must include all creditors and identify any creditors under hire-purchase, chattel leasing or conditional sale agreements and customers claiming amounts paid in advance of the supply of goods or services and creditors claiming retention of title over property in the company's possession.

| Name of creditor or claimant | Address (with postcode)   | Amount of debt    | Amount of debt   Details of any security held by creditor | Date<br>security<br>given | Value of security |
|------------------------------|---|-------------------|---|---------------------------|-------------------|
| Trips Out Limited            | Lamorna, Station Road, Pluckley, Kent, TN27 0RP                   | £100.00 None      | None  |                           | 0                 |
| Vodaphone                    | Vodafone House, The Connection., Newbury,<br>Berkshire R, G14 2FN | £1.00             | £1.00 None  |                           | 0                 |
| Potter, Mr John              | N/A   | £11,013.16 None   | None  |                           |                   |
| Roberts, Ms Janet            | N/A   | £11,117.04   None | None  |                           |                   |
| Totals                       |   | £179,840.85       |   |                           | 0                 |
|                              |   |                   |   |                           |                   |

Date Signature

C COMPANY MEMBERS

| Name of shareholder or | Address (with postcode) | Type of Share | No. of Shares | Nominal Value |
|------------------------|-------------------------|---------------|---------------|---------------|
| member                 |                         |               |               |               |
|                        |                         |               |               |               |
|                        |                         |               |               |               |

£3.00

က

Ordinary

Α/N

John Potter

Date Signature

# Lower Thames and Medway Passenger Boat Company Limited T/A MV Princess Pocahontas & Duchess M - In Administration Administrator's Abstract of Receipts & Payments

#### From 19 April 2018 to 12 June 2018

| S of A £ |                   | £        |
|----------|-------------------|----------|
|          | RECEIPTS          |          |
| 5,000    | Plant & Machinery | NIL      |
| 12,955   |                   | 1,064.91 |
| 1,261    | Prepayments       | NIL      |
| 300,000  |                   | NIL      |
| 319,216  |                   | 1,064.91 |
|          | PAYMENTS          |          |
| NIL      |                   | NIL      |
| 0        | -<br>-            | (NIL)    |
| 319,216  | CASH IN HAND      | 1,064.91 |

#### Appendix-3

#### Administrator's Remuneration Schedule Lower Thames and Medway Passenger Boat Company Limited Between 19 April 2018 and 31 May 2018

| Classification of work function | Partner/<br>Director | Manager | Other Senior<br>Professionals         | Assistants &<br>Support Staff | Total Hours | Time Cost | Average<br>Hourly Rate |
|---------------------------------|----------------------|---------|---------------------------------------|-------------------------------|-------------|-----------|------------------------|
| Administration & Planning       | 2.20                 | 0.00    | 20.90                                 | 0.30                          | 23.40       | 5,621.00  | 240.21                 |
| Investigations                  | 0.00                 | 0.00    | 1.50                                  | 0.00                          | 1.50        | 352.50    | 235.00                 |
| Realisation of<br>Assets        | 4.10                 | 0.00    | 11.50                                 | 0.00                          | 15.60       | 4,117.00  | 263.91                 |
| Trading                         | 0.00                 | 0.00    | 0.00                                  | 0.00                          | 0.00        | 0.00      | 0.00                   |
| Creditors                       | 0.30                 | 0.00    | 5.60                                  | 0.00                          | 5.90        | 1,401.50  | 237.54                 |
| Case Specific Matters           | 0.00                 | 0.00    | 0.00                                  | 0.00                          | 0.00        | 0.00      | 0.00                   |
| Pre Appointment                 | 0.00                 | 0.00    | 0.00                                  | 0.00                          | 0.00        | 0.00      | 0.00                   |
| Total hours                     | 6.60                 | 0.00    | 39.50                                 | 0.30                          | 46.40       |           |                        |
| Time costs                      | 2,277.00             | 0.00    | 9,179.00                              | 36.00                         |             | 11,492.00 | _                      |
| Average hourly rate             | 345.00               | 0.00    | · · · · · · · · · · · · · · · · · · · | 120.00                        |             |           | 247.67                 |

#### **Summary of Fees**

Time spent in administering the Assignment Total value of time spent to 31 May 2018 Total Administrator's fees charged to 31 May 2018 46.40 Hours 11,492.00

#### **Disbursements**

| Description           | Total Incurred £ | Total Recovered £   |
|-----------------------|------------------|---------------------|
| Advertising           | 87.17            | 0.00                |
| Postage *             | 11.40            | 0.00                |
| Stationery *          | 17.10            | 0.00                |
| Computer Licence Fees | 230.00           | 0.00                |
| Bond                  | 562.50           | 0.00                |
| Totals                | 908.17           | 0.00<br><b>0.00</b> |

 <sup>\*</sup> Category-2 disbursements

#### NOTICE OF DECISION PROCEDURE

Company Name: Lower Thames and Medway Passenger Boat Company Limited (Trading As MV Princess

Pocahontas & Duchess M) - In Administration ("the Company")

Company Number: 02389815

In the High Court of Justice no. CR2018 003290

This Notice is given under Rule 15.8 of the Insolvency (England & Wales) Rules 2016 ("the Rules"). It is delivered by the Administrator of the Company, Bretts Business Recovery Limited, of 21 Highfield Road, Dartford, Kent, DA1 2JS, (telephone number 01474532862), who was Appointed by the Director.

Creditors are invited to vote by correspondence on the following (for the full wording of proposed decisions, see overleaf):

- 1. The approval of the Administrator's Statement of Proposals
- 2. The establishing of a Creditors' Committee, if sufficient nominations are received by 27 June 2018 and those nominated are willing to be members of a Committee <sup>1</sup>
- 3. The basis of the Administrator's fees and the approval of the fee estimates
- 4. The approval of the Administrator's Category 2 disbursements
- 5. The approval of the pre-Administration costs
- The timing of the Administrator's discharge

Overleaf is a voting form on which creditors may signify their decisions on the above matters. All voting forms, together with a proof of debt if one has not already been submitted, must be completed and returned to the Administrator's by one of the methods set out below:

By post to: 21 Highfield Road, Dartford, Kent, DA1 2JS

By fax to: 01474532863

By email to: rijimon@brettsbr.co.uk

Please note that, if you are sending votes by post, you must ensure that you have allowed sufficient time for the forms to be delivered to the address above by the Decision Date set out below. An email is treated as delivered at 9am on the next business day after it was sent.

All voting forms and proofs of debt must be delivered by the Decision Date: 23.59 on 27 June 2018.

If the Administrator has not received a proof of debt by the time specified above (whether submitted previously or as a result of this Notice), that creditor's vote will be disregarded. Any creditor whose debt is treated as a small debt in accordance with Rule 14.31(1) of the Rules must still deliver a proof if the creditor wishes to vote. A creditor who has opted out from receiving notices may nevertheless vote if the creditor also provides a proof by the Decision Date.

Creditors who meet one or more of the statutory thresholds listed below may, within 5 business days from the date of the delivery of this Notice, require a physical meeting to be held to consider the matter.

Statutory thresholds to request a meeting: 10% in value of the creditors 10% in number of the creditors

10 creditors

A creditor may appeal a decision by application to the court in accordance with Rule 15.35 of the Rules. Any such appeal must be made not later than 21 days after the Decision Date.

Isobel Susan Brett Administrator

Dated: 12 June 2018

<sup>&</sup>lt;sup>1</sup> Please see the Notice Inviting Creditors to Form a Committee for further instructions.

#### **VOTE BY CORRESPONDENCE**

Company Name: Lower Thames and Medway Passenger Boat Company Limited (Trading As MV Princess Pocahontas & Duchess M) - In Administration ("the Company") 02389815 Company Number: In the High Court of Justice no. CR2018 003290 Name of Creditor: Address: **Decisions:** \*For 1. That the Administrator's Statement of Proposals be approved. 1 Against \*For 2. That a Creditors' Committee be established if sufficient nominations are received by 27 June 2018 and those nominated are willing to be members of a Committee.2 Against In the event that no creditors committee be established, creditors are requested to vote on the following decisions That the Administrator's estimated time costs of £47,152.00 be approved by \*For reference to the time properly given by the Administrator and her staff, in attending to matters arising in this administration at Bretts Business Recovery 1 Limited's standard hourly rates, at the rates prevailing at the time the work is done, and such remuneration be paid out of the assets of the company and Against which may be drawn on account as and when funds permit \*For That the Administrator be authorised to recover all Category 2 disbursements, 4. 1 calculated on the bases detailed in Bretts Business Recovery Limited's summary. Against \*For 5. That the unpaid pre-Administration costs set out in the Administrator's Proposal be approved. Against 6. That the Administrator be discharged from liability in respect of any action \*For undertaken by them pursuant to Paragraph 98 of Schedule B1 of the Act, such 1 discharge to take effect when the appointment of Administrator ceases to have Against effect, as defined by the Act, unless the court specifies a time. \* Please delete as applicable to indicate your voting instructions Signed: Name in capitals: Position with, or relationship to, creditor or other authority for signature: \_\_\_ Yes / No Are you the sole member/shareholder of the creditor (where it is a company)? Please complete this form and return it, along with a completed proof of debt if you have not submitted one previously, so that it is delivered by 23.59 on 27 June 2018, by: Post: 21 Highfield Road, Dartford, Kent, DA1 2JS 01474532863 Fax: Email: please scan in a signed copy of this form and attach it as a pdf to rijimon@brettsbr.co.uk

<sup>&</sup>lt;sup>2</sup> Please see the Notice Inviting Creditors to Form a Committee for further instructions. Please note that, in the event that a Creditors' Committee is formed, authority to approve decisions 3, 4, 5 and 6 proposed above may be exercised by the Committee.

Appendix -

# Fees Estimate for Lower Thames and Medway Passenger Boat Company Ltd - in Adminisration

Below is the fee estimate in respect of the above case for the purpose of obtaining a time-costs resolution. The total amount being sought is £49,834.55 for196.45 hours at an average hourly rate of £253.68

Approval for the remuneration sought is based on an estimate of the work necessary for the completion of the administration of the case. Should additional work be necessary beyond what is contemplated, further approval may be sought from the creditors

|  |  |                             |                                     | 1 1 1 1 1 1 1 1 1 1 1 1 1  |
|--|--|-----------------------------|-------------------------------------|--|
| Category of work                               | Description of the tasks   | Estimate of<br>No. of Hours | Estimated<br>Blended<br>hourly rate | Estimate of total  |
| ADMINISTRATION & PEANNING STATUTORY            |  | 裁 定量                        | 245.64                              | 13,650.04  |
| AND COMPLIANCE Case Planning & Strategy        | Setting up physical/electronic case files (as applicable).  Discussions regarding strategies to be pursued  Meetings with team members and independent advisers to consider practical, technical and legal aspects of the case  Preparation of case management/strategy document  Meetings with team members and independent advisers to consider practical, tech            |                             |                                     | enter the second se |
| General Administration                         | Time Sheets- Review and update Receipts and Payments - Review and update Invoicing - Review of time costs and Disbursements - Reconciliation Obtaining a specific penalty bond.  |                             |                                     |  |
| Document maintenance<br>/file review/checklist | Filing of documents  Overseeing and controlling the work done by case administrators.  Periodic file reviews-Month one, three, six and twelve strategy reviews.  Periodic reviews of the application of ethical, anti-money laundering and anti-bribery safeguards  Maintenance of statutory and case progression task lists/diaries  Updating checklists                    |                             |                                     | _  |
| Statutory                                      | Filing returns at Companies House -Appointment Documentation/ Annual Report, Final Report Etc. Statutory Advertisement Preparing and filing VAT/CT returns   |                             |                                     |  |
| Creditors' decisions Procedures                | Preparation of decision notices, proxies/voting forms Collate and examine proofs and proxies/votes to establish decisions Consider objections received and requests for physical meeting or other decision procedure (For virtual/Physical meeting) Preparation of meeting file, including agenda,   |                             |                                     |  |
|  | certificate of postage, attendance register, list of creditors, reports to creditors, advertisement of meeting and draft minutes of meeting.  Responding to queries and questions following decisions lssuing result of decision process   |                             |                                     |  |
| Creditors Meeting                              |  | <del>[</del>                |                                     |  |
| & Reports                                      | Disclosure of sales to connected parties Fee/Disbursements Approval - Calculate Fee estimates Preparing, reviewing and issuing annual progress reports/Final Reports to creditors and members (as applicable). Communication with Creditors -reports/ Annual Report/ Final account /Fee Approval /reports to creditors committee   |                             |                                     |  |
| Bank account administration                    | Preparing correspondence opening and closing accounts Requesting bank statements Bank account reconciliations Correspondence with bank regarding specific transfers Maintenance of the estate cash book Banking remittances and issuing cheques/BACS payments Receipts and Payments - Requisitions Reviewing the adequacy of the specific penalty bond on a quarterly basis. |                             |                                     |  |
| Closure  | Review case to ensure all matters have been finalised Proposed final account Issuing draft final account/final account to creditors and members Obtain clearance to close case from HMRC together with submitting final tax return File documents with Registrar of Companies  |                             |                                     |  |
| INVESTICATIONS                                 |  | 44.63                       | 24172                               | 10 748.02  |
| Books and records / storage                    | Recovering the books and records for the case. Listing the books and records recovered. Dealing with records in storage Sending job files to storage   |                             |                                     |  |
| SIP 2 Review                                   | Reviewing questionnaires submitted by creditors and directors Reviewing company's books and records Preparation of deficiency statement Bank Statement Analysis  |                             | <del></del>                         |  |
|  | Review of book and records and completion of SIP-2 Investigation Check List Review of specific transactions and liaising with directors regarding certain transactions Discussing the outcome of the initial investigation with the the liquidator/ Administrator Liaising with the committee/creditors or major creditors about further action to be taken                  |                             |                                     |  |
| Antecedent Transactions                        | Conducting an initial investigation with a view to identifying potential asset recoveries by seeking and obtaining information from relevant third parties,including but not limited to bank, accountant, solicitors, etc.  Reconstruction of financial affairs of the company   |                             |                                     |  |

|  |   | Estimated                              |
|--|---|--|
|  |   | Estimate of blended Estimate of        |
| Category of work   | Description of the tasks  | No. of Hours   frourly rate   total    |
|  |   |  |
|  | Review of specific transactions and liaising with directors regarding certain transactions  |  |
| xaminations  | Preparing brief to Solicitors   |  |
|  | Liaising with Solicitor(s) regarding examinations Attendance at examinations  |  |
|  | Reviewing examination transcripts   |  |
| <del>,</del>   | Liaising with Solicitor(s) regarding outcome of examinations and further actions available  |  |
|  |   |  |
| nsurance   | Identification of potential issues requiring attention of insurance specialists   |  |
|  | Correspondence with insurer regarding initial and ongoing insurance   |  |
|  | requirements Reviewing insurance policies   |  |
| 24-4   | Correspondence with previous brokers  |  |
| Statutory reporting on conduct of director(s)  | Preparing a report or return on the conduct of the directors as required by the<br>Company Directors Disqualification Act and Online submission   |  |
|  | Liaising with Insolvency Service  |  |
| REALISATION OF ASSETS  | Assisting the Insolvency Service with its investigations  | ###################################### |
| General Matters  | Reviewing asset listings  |  |
|  | Arranging suitable insurance over assets.  Correspondence with directors  |  |
|  | Regularly monitoring the suitability and appropriateness of the insurance cover in place.   |  |
| Office Equipment, computers, etc   | Liaising with valuers, auctioneers and interested parties   |  |
|  | Reviewing with assets listings  |  |
| Sale of Vessals  | Collecting sales consideration Liaising with valuers, auctioneers and interested parties  |  |
|  | Reviewing asset listings  |  |
|  | Consideration of offers Collecting sales consideration  |  |
| Directors Loan Account   | Reviewing and assessing Directors Loan Account  | ·                                      |
|  | Collecting/Reviewing supporting documentation Liaising with Accountant  |  |
|  | Correspondence with director  |  |
| Cash at Bank   | Liaising with the bank regarding the closure of the account. Realise Cash at Bank   |  |
| Inter-Company/Group Debts  | Collecting supporting documentation   |  |
|  | Reviewing the recovery prospects of group investments/Debts Reviewing and assessing relevant ledgers  |  |
|  |   |  |
|  | Monitoring and recovering debts from the liquidation estate of group companies<br>Reviewing and recovering dividends from the liquidation estates   |  |
|  | 9   |  |
| Freehold/Leasehold Property  | Liaising with valuers and agents on marketing strategy and offers received  |  |
|  | Agreeing assignment, surrender or disclaiming property  |  |
|  |   |  |
|  | Collecting sales consideration Possible Asset tracing   |  |
| Other assets:  | Collecting sales consideration  Possible Asset tracing  Review and recovers Intangiable assets/ intelectual property etc  |  |
| Other assets:  | Collecting sales consideration  Possible Asset tracing  Review and recovers Intangiable assets/ intelectual property etc  Reviewing and recovering of deposits and over payments  |  |
| Other assets:  | Collecting sales consideration Possible Asset tracing Review and recovers Intangiable assets/ intelectual property etc Reviewing and recovering of deposits and over payments Pursuing credit insurance claims VAT/corporation tax refunds,   |  |
| Other assets:  | Collecting sales consideration Possible Asset tracing Review and recovers Intangiable assets/ intelectual property etc Reviewing and recovering of deposits and over payments Pursuing credit insurance claims  |  |
| Other assets:  | Collecting sales consideration Possible Asset tracing Review and recovers Intangiable assets/ intelectual property etc Reviewing and recovering of deposits and over payments Pursuing credit insurance claims VAT/corporation tax refunds, Insurance claims Review the recovery prospects of group investments DVLA Refunds  |  |
| Other assets:  | Collecting sales consideration Possible Asset tracing Review and recovers Intangiable assets/ intelectual property etc Reviewing and recovering of deposits and over payments Pursuing credit insurance claims VAT/corporation tax refunds, Insurance claims Review the recovery prospects of group investments   |  |
| Other assets:  | Collecting sales consideration Possible Asset tracing Review and recovers Intangiable assets/ intelectual property etc Reviewing and recovering of deposits and over payments Pursuing credit insurance claims VAT/corporation tax refunds, Insurance claims Review the recovery prospects of group investments DVLA Refunds Sale of personalised name plates Examining company records to support tax refunds  |  |
| Other assets:  | Collecting sales consideration Possible Asset tracing Review and recovers intangiable assets/ intelectual property etc Reviewing and recovering of deposits and over payments Pursuing credit insurance claims VAT/corporation tax refunds, Insurance claims Review the recovery prospects of group investments DVLA Refunds Sale of personalised name plates   |  |
| Other assets:<br>CREPAIDES<br>Employee Matters   | Collecting sales consideration  Possible Asset tracing  Review and recovers intangiable assets/ intelectual property etc  Reviewing and recovering of deposits and over payments  Pursuing credit insurance claims  VAT/corporation tax refunds, Insurance claims  Review the recovery prospects of group investments  DVLA Refunds  Sale of personalised name plates  Examining company records to support tax refunds  Obtaining information from the case records about employee claims.  Completing documentation for submission to the Redundancy Payments Office.   |  |
| Other assets:<br>- CREPATORS<br>Employee Matters   | Collecting sales consideration  Possible Asset tracing Review and recovers Intangiable assets/ intelectual property etc Reviewing and recovering of deposits and over payments Pursuing credit insurance claims VAT/corporation tax refunds, Insurance claims Review the recovery prospects of group investments DVLA Refunds Sale of personalised name plates Examining company records to support tax refunds  Obtaining information from the case records about employee claims.   |  |
| Other assets:<br>CREPAIDES<br>Employee Matters   | Collecting sales consideration  Possible Asset tracing  Review and recovers intangiable assets/ intelectual property etc  Reviewing and recovering of deposits and over payments  Pursuing credit insurance claims  VAT/corporation tax refunds, Insurance claims  Review the recovery prospects of group investments  DVLA Refunds  Sale of personalised name plates  Examining company records to support tax refunds  Obtaining information from the case records about employee claims.  Completing documentation for submission to the Redundancy Payments Office.   |  |
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| Other assets:  CREDITORS  Employee Matters  Retention of Title Claims  | Collecting sales consideration  Possible Asset tracing Review and recovers Intangiable assets/ intelectual property etc Reviewing and recovering of deposits and over payments Pursuing credit insurance claims VAT/corporation tax refunds, Insurance claims Review the recovery prospects of group investments DVLA Refunds Sale of personalised name plates Examining company records to support tax refunds  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.  Receive initial notification of creditor's intention to claim Meeting claimant on site to identify goods   |  |
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| CREDITORS Employee Matters Retention of Title Claims   | Collecting sales consideration Possible Asset tracing Review and recovers Intangiable assets/ intelectual property etc Reviewing and recovering of deposits and over payments Pursuing credit insurance claims VAT/corporation tax refunds, Insurance claims Review the recovery prospects of group investments DVLA Refunds Sale of personalised name plates Examining company records to support tax refunds  Ditaining 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.  Receive initial notification of creditor's intention to claim Meeting claimant on site to identify goods Adjudicate retention of title claim Forward correspondence to claimant notifying outcome of adjudication Preparation of payment vouchers and correspondence to claimant to accompany payment of claim (if valid) Exchanges with solicitors in deciding claims and dealing with disputes Review and prepare correspondence to creditors and their representatives via facsimile, email and post Corresponding with Pensions Regulator   |  |
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| CREDIONS Employee Matters Retention of Title Claims  | Collecting sales consideration Possible Asset tracing Review and recovers Intangiable assets/ intelectual property etc Reviewing and recovering of deposits and over payments Pursuing credit insurance claims VAT/corporation tax refunds, Insurance claims Review the recovery prospects of group investments DVLA Refunds Sale of personalised name plates Examining company records to support tax refunds  Ditaining 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.  Receive initial notification of creditor's intention to claim Meeting claimant on site to identify goods Adjudicate retention of title claim Forward correspondence to claimant notifying outcome of adjudication Preparation of payment vouchers and correspondence to claimant to accompany payment of claim (if valid) Exchanges with solicitors in deciding claims and dealing with disputes Review and prepare correspondence to creditors and their representatives via facsimile, email and post Corresponding with Pensions Regulator   |  |
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| CREDITIONS  Employee Matters  Retention of Title Claims  Creditor Communication  | Collecting sales consideration Possible Asset tracing Review and recovers Intangiable assets/ intelectual property etc Reviewing and recovering of deposits and over payments Pursuing credit insurance claims VAT/corporation tax refunds, Insurance claims Review the recovery prospects of group investments DVLA Refunds Sale of personalised name plates Examining company records to support tax refunds  Examining company records to support tax refunds  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.  Receive initial notification of creditor's intention to claim Meeting claimant on site to identify goods Adjudicate retention of title claim Forward correspondence to claimant notifying outcome of adjudication Preparation of payment vouchers and correspondence to claimant to accompany payment of claim (if valid) Exchanges with solicitors in deciding claims and dealing with disputes Review and prepare correspondence to creditors and their representatives via facsimile, email and post Corresponding with Pensions Regulator Assisting employees to pursue claims via the RPO  Preparation of correspondence to potential creditors invitting submission of POD  Maintaining up to date creditor information on the case management system.  |  |
| CREDITIONS  Employee Matters  Retention of Title Claims  Creditor Communication  | Collecting sales consideration Possible Asset tracing Review and recovers Intangiable assets/ intelectual property etc Reviewing and recovering of deposits and over payments Pursuing credit insurance claims VAT/corporation tax refunds, Insurance claims Review the recovery prospects of group investments DVLA Refunds Sale of personalised name plates Examining company records to support tax refunds Examining company records to support tax refunds  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.  Receive initial notification of creditor's intention to claim Meeting claimant on site to identify goods Adjudicate retention of title claim Forward correspondence to claimant notifying outcome of adjudication Preparation of payment vouchers and correspondence to claimant to accompany payment of claim (if valid) Exchanges with solicitors in deciding claims and dealing with disputes Review and prepare correspondence to creditors and their representatives via facsimile, email and post Corresponding with Pensions Regulator Assisting employees to pursue claims via the RPO  Preparation of correspondence to potential creditors inviting submission of POD Maintaining up to date creditor information on the case management system.   |  |
| CREDIONS Employee Matters  Retention of Title Claims  Creditor Communication  Dealing with proofs of debt                                    | Collecting sales consideration Possible Asset tracing Review and recovers Intangiable assets/ intelectual property etc Reviewing and recovering of deposits and over payments Pursuing credit insurance claims VAT/corporation tax refunds, Insurance claims Review the recovery prospects of group investments DVLA Refunds Sale of personalised name plates Examining company records to support tax refunds Examining company records to support tax refunds  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.  Receive initial notification of creditor's intention to claim Meeting claimant on site to identify goods Adjudicate retention of title claim Forward correspondence to claimant notifying outcome of adjudication Preparation of payment vouchers and correspondence to claimant to accompany payment of claim (if valid) Exchanges with solicitors in deciding claims and dealing with disputes Review and prepare correspondence to creditors and their representatives via facsimile, email and post Corresponding with Pensions Regulator Assisting employees to pursue claims via the RPO  Preparation of correspondence to potential creditors inviting submission of POD Maintaining up to date creditor information on the case management system.  Reviewing proofs of debt received from creditors, updating on insolv Receipting and filing POD when not related to a dividend  Requesting additional information from creditors in support of their proofs of debt |  |
| CREDITORS  Employee Matters  Retention of Title Claims  Creditor Communication  Dealing with proofs of debt  Processing proofs of debt (POD) | Collecting sales consideration Possible Asset tracing Review and recovers Intangiable assets/ intelectual property etc Reviewing and recovering of deposits and over payments Pursuing credit insurance claims VAT/corporation tax refunds, Insurance claims Review the recovery prospects of group investments DVLA Refunds Sale of personalised name plates Examining company records to support tax refunds  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.  Receive initial notification of creditor's intention to claim Meeting claimant on site to identify goods Adjudicate retention of title claim Forward correspondence to claimant notifying outcome of adjudication Preparation of payment vouchers and correspondence to claimant to accompany payment of claim (if valid) Exchanges with solicitors in deciding claims and dealing with disputes Review and prepare correspondence to creditors and their representatives via facsimile, email and post Corresponding with Pensions Regulator Assisting employees to pursue claims via the RPO Preparation of correspondence to potential creditors inviting submission of POD Maintaining up to date creditor information on the case management system.  Reviewing proofs of debt received from creditors, updating on insolv Receipting and filing POD when not related to a dividend  |  |

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| Category of work                                | Description of the tasks  | Estimate of<br>No. of Hours | Estimated<br>blended<br>frourly rate | Estimate of total |
|---|---|-----------------------------|--------------------------------------|-------------------|
|   |   |                             |                                      |                   |
| Dividend procedures                             | Preparation of correspondence to creditors advising of intention to declare distribution  Advertisement of notice of proposed distribution  Preparation of distribution calculation |                             |                                      |                   |
|   | Paying tax to HMRC deducted from the dividends paid to employees and submitting information on PAYE/NIC deductions from employees distributions.                                    |                             |                                      |                   |
|   | Preparation of cheques/BACS to pay distribution   |                             |                                      |                   |
|   | Preparation of correspondence to creditors enclosing payment of distribution  |                             |                                      |                   |
|   | Dealing with unclaimed dividends  | L                           |                                      |                   |
| GRAND (C) FALL HOR ALL Y CATEGORIES OF THE WORK |   | 198.45                      | 253.68                               | 49,834.55         |

Lower Thames and Medway Passenger Boat Company Ltd in Adminisration

# SUMMARY OF ESTIMATED TIME COST ANALYSIS

| _ |         |            | •           | 1,500.36      | •             | -                         | 32,317.91    |         |         | 16,016.28             | Time Costs           |
|---|---------|------------|-------------|---------------|---------------|---------------------------|--------------|---------|---------|-----------------------|----------------------|
| _ | 253.68  | 49,834.55  | 196.45      | 12.50         | 00'0          | 00'0                      | l            | 00.0    | 0.00    | 46.42                 | Total Hours          |
| _ |         |            |             |               |               |                           |              |         |         |                       | Other Insolvency     |
| _ | 273.64  | 11,807.54  | 43.15       | 0.37          | 00:0          | 00:00                     | 27.24        | 00'0    | 00.00   | 15.54                 | Creditors            |
| _ |         |            |             |               |               |                           |              |         |         |                       | Trading              |
| _ | 255.91  |            | 53.10       | 1.21          | 00:0          | 00'0                      | 40.53        | 00'0    | 00:0    | 11.36                 | ealisation of Assets |
|   |         |            | 44.63       | 5,19          | 00'0          | 00:0                      | 31.28        | 00'0    | 00:0    | 8.16                  | Investigations       |
|   | 245.64  | 13,650.04  | 25.57       | 5.73          | 00'0          | 00'0                      | 38.48        | 00'0    | 00:00   | 11.36                 | Admin & Planning     |
|   |         | costs      | Total hours | Support Staff |               | (Grade 2)                 | (Grade1)     | Manager | Manager | Practitioner/Partners |                      |
|   | Average | Total time |             |               | Administrator | _                         | _            |         | Senior  | Insolvency            |                      |
|   |         |            |             |               | Junior        | Administrato Administrato | Administrato |         |         |                       |                      |
|   |         |            |             |               |               | Senior                    | Senior       |         |         |                       |                      |

Expenses Estimate for Lower Thames and Medway Passenger Boat Company Ltd
Below are the expenses estimates in respect of category 1 direct expenses and category 2 expenses which will have an element of shared or allocated costs.
My estimate for my category 1 expenses for the period of the case is
£18,245,50
My estimate for my category 2 expenses for the period of the case is
£280.00

| Expenses Category 1                        |                                      | Estimate of coost   |
|--|--------------------------------------|---|
| Advertising                                |                                      | £353.00 Statutory Advertising at London Gazette                             |
| Bonding                                    |                                      | £562.50 Statutory Bonding for the insolvency Practitioner                   |
| Storage costs of Company Books and Records |                                      | £100.00 External storgae costs  |
| Insolvency Software Licence Fees           | Standard Cost                        | £230.00   |
| Legal Fees                                 | Time cost                            | £10,000.00 Dealing with all aspects of Adminisration and the sale of assets |
| Agency Costs                               | standard costs/Percentage            | £7,000.00 Marketing and sale of assets                                      |
| Total                                      |                                      | £18,245.50  |
|  |                                      |   |
| Expenses Category 2                        |                                      | of total  |
| Anti-Money Laundering Check                | £5 per Director                      | 00:013  |
| Traveling                                  | 45p per 100 miles                    | £45.00  |
| Stationery / fax / postage / telephone     | average cost of £10 for 20 creditors | 5.200.00  |
| Files and indices                          |                                      | £25.00  |
| Total                                      |                                      | £280.00   |

I am seeking a resolution for approval of the above Category 2 expenses.



#### **Disbursements & Charge-out Rates**

#### Introduction

This statement has been prepared in accordance with the guidelines set out in Statement of Insolvency Practice 9 issued by the Association of Business Recovery Professionals (R3). The following information applies to all appointments of partners or staff of Bretts Business Recovery Ltd to act as any of the following:

- Liquidator, Receiver, Administrator or Administrative Receiver of a Limited Company or LLP
- Trustee in Bankruptcy
- Supervisor of an Individual, Company or Partnership Voluntary Arrangement
- Administrator under the Insolvent Estates Order

#### Staff Charge-Out Rates

Unless they are otherwise fixed in accordance with the Insolvency Act 1986, an Offices Holders fees are charged by reference to time costs, as incurred, charged at the firms usual rates applicable at the time the work is carried out. Rates may be varied from time to time, at the sole discretion of Bretts Business Recovery Ltd and such changes will be notified in retrospect with each report to Creditors. Staff time is charged in units of six minutes and as from 1<sup>st</sup> January 2017 the maximum rates applicable are:

| GRADE                          | HOURLY RATE FROM 1 <sup>ST</sup><br>JANUARY 2017 |
|--------------------------------|--|
|                                | £  |
| Partner                        | 345  |
| Senior Manager                 | 295  |
| Manager                        | 265  |
| Senior Administrator (Grade 1) | 235  |
| Senior Administrator (Grade 2) | 200  |
| Administrator (Grade 1)        | 190  |
| Administrator (Grade 2)        | 150  |
| Administrator (Grade 3)        | 120  |

#### **Expenses and Disbursements**

**Category 1** - expenses and disbursements relate to specific expenditure to an independent third party for which an invoice will normally be payable. Examples of such include company searches, postage, storage costs, advertising, courier costs, external room hire etc. Category 1 expenses and disbursements are recoverable in full without the need for creditor approval.

Category 2 - expenses and disbursements for which there will be no third party invoice may include shared or allocated costs. Examples of these include stationery, photocopying, faxes, room hire etc. Category 2 expenses and disbursements are recoverable in full with the approval of creditors subject to the basis of the charges being disclosed. The basis of these charges is set out below:

Photocopying
Facsimile
BBR Meeting Room Hire
Travel / Mileage

10p per sheet 10p per facsimile £100 45p per mile

#### NOTICE OF INVITATION TO FORM A CREDITORS' COMMITTEE

Company Name: Lower Thames and Medway Passenger Boat Company Limited (Trading

As MV Princess Pocahontas & Duchess M) - In Administration ("the Company")

Company Number: 02389815

In the High Court of Justice no. CR2018 003290

This Notice is given under Rule 3.39 of the Insolvency (England & Wales) Rules 2016 ("the Rules"). It is delivered by the Administrator of the Company, Bretts Business Recovery Limited, of 21 Highfield Road, Dartford, Kent, DA1 2JS, (telephone number 01474532862), who was Appointed by Company/Directors.

Creditors are invited to nominate creditors (which may include themselves) by completing the section below and returning this Notice to the Administrator by one of the following methods:

By post to: 21 Highfield Road, Dartford, Kent, DA1 2JS

By fax to: 01474532863

By email to: rijimon@brettsbr.co.uk

Please note that, if you are sending nominations by post, you must ensure that you have allowed sufficient time for the Notice to be delivered to the address above by the date set out below. An email is treated as delivered at 9am on the next business day after it was sent.

#### All nominations must be delivered by: 11.59 pm on 27 June 2018

Nominations can only be accepted if the Administrator is satisfied as to the nominated creditor's eligibility under Rule 17.4 of the Rules.

For further information on the role of Creditors' Committees, go to: www.brettsbr.co.uk/ccg

Isobel Susan Brett Administrator

Dated: 12 June 2018

#### NOMINATIONS FOR MEMBERS OF A CREDITORS' COMMITTEE

Company Name:

Lower Thames and Medway Passenger Boat Company Limited (Trading As MV Princess Pocahontas & Duchess M) - In Administration Company Number: 02389815 In the High Court of Justice no. CR2018 003290 On behalf of (name of Creditor): at (address of Creditor): I nominate the following creditor(s) to be member(s) of a Creditors' Committee (provide name(s) and address(es)): 2. Signed: Dated: Name in capitals: Position with, or relationship to, Creditor or other authority for signature: Are you the sole member/shareholder of the Creditor (where it is a company)? Yes / No

Need to complete this form only if you wish to be in the creditors' committee

#### NOTICE OF INTENDED DIVIDEND

Company Name: Lower Thames and Medway Passenger Boat Company

Limited 02389815

Company Number:

Former Company Name(s):

**Trading Name:** MV Princess Pocahontas & Duchess M **Registered Office:** 21 Highfield, Dartford, Kent, DA1 2JS

Principal Trading Address: 16 Cornwalis Avenue, Tonbridge, Kent, TN10 4ES

I, Isobel Susan Brett of Bretts Business Recovery Limited, 21 Highfield Road, Dartford, Kent, DA1 2JS, give notice that I was appointed Administrator of the above named company on 19 April 2018.

Notice is hereby given that I intend to declare a dividend to non-preferential creditors within a period of two months from the last date of proving.

The distribution will be an interim distribution.

The last date for receiving proofs is 18 September 2018. If you do not prove your debt and submit your claim together with supporting documentation by the last date for proving, you will be excluded from receiving the dividend.

Proofs must be delivered by one of the methods set out below:

By post to: 21 Highfield Road, Dartford, Kent, DA1 2JS

By fax to: 01474532863

By email to: rijimon@brettsbr.co.uk

Please note that, if you are sending forms by post, you must ensure that you have allowed sufficient time for the forms to be delivered to the address above by the times set out below. An email is treated as delivered at 9am on the next business day after it was sent.

Please see the attached list of creditors which are to be treated as small debts.

The office-holder will treat the debt which is stated in the notice and list below, being for £1,000 or less, as proved for the purposes of paying a dividend unless the creditor advises the office-holder that the amount of the debt is incorrect or that no debt is owed;

The creditor is required to notify the office-holder by the last date for proving if the amount of the debt is incorrect or if no debt is owed.

Where the creditor advises the office-holder that the amount of the debt is incorrect the creditor must also submit a proof in order to receive a dividend.

Names of Insolvency Practitioners: Isobel Susan Brett

Nature of Appointment:AdministratorDate of Appointment:19 April 2018

Address of Insolvency Practitioners: 21 Highfield Road, Dartford, Kent, DA1 2JS

IP Numbers 964

Contact Name Rijimon Gopinathan Email Address rijimon@brettsbr.co.uk

Telephone Number 01474532862

12 June 2018

Signed\_\_\_\_

Isobel Susan Brett Administrator List of creditors of small debts to be treated as proved at 13 June 2018.

| Name of Creditor     | SOA Amount £ |
|----------------------|--------------|
| Jetstream Tours      | 1            |
| LGSA                 | 747          |
| Mrs Patricia Dingole | 100          |
| Trips Out Limited    | 100          |
| Vodaphone            | 1            |

#### PROOF OF DEBT - GENERAL FORM

Company Name: Lower Thames and Medway Passenger Boat Company Limited (Trading As Princess Pocahontas & Duchess M) - In Administration ("the Company")

Date of Administration: 19 April 2018

|                   | DETAILS OF CLAIM  |   |
|-------------------|---|---|
| 1.                | Name of Creditor (if a company, its registered name)  |   |
| 2.                | Address of Creditor (i.e. principal place of business)  |   |
| 3.                | If the Creditor is a registered company:  For UK companies: its registered number  For other companies: the country or territory in which it is incorporated and the number if any under which it is registered  The number, if any, under which it is registered as an overseas company under Part 34 of the Companies Act |   |
| 4.<br> <br>       | Total amount of claim, including any Value Added Tax, as at the date of administration, less any payments made after this date in relation to the claim, any deduction under R14.20 of the Insolvency (England & Wales) Rules 2016 and any adjustment by way of set-off in accordance with R14.24 and R14.25                | £   |
| 5.                | If the total amount above includes outstanding uncapitalised interest, please state   | YES (£ ) / NO                                 |
| 6.                | Particulars of how and when debt incurred   |   |
| 7.                | Particulars of any security held, the value of the security, and the date it was given  |   |
| 8.                | Details of any reservation of title in relation to goods to which the debt relates  |   |
| 9.                | Details of any document by reference to which the debt can be substantiated. [The administrator may call for any document or evidence to substantiate the claim at his discretion.]   |   |
| 10.               | Give details of whether the whole or any part of the debt falls within any (and if so which) of the categories of preferential debts under section 386 of, and schedule 6 to, the Insolvency Act 1986   | Category  Amount(s) claimed as preferential £ |
|                   | AUTHENTICATION  |   |
| Signatu<br>behalf | ure of Creditor or person authorised to act on his  |   |
| Name i            | in BLOCK LETTERS  |   |
| Date              |   |   |
|                   | ed by someone other than the Creditor, state your address and authority for signing on behalf of the or   |   |
| Are you           | u the sole member of the Creditor?  | YES / NO                                      |

#### **ENQUIRY INTO COMPANY'S INSOLVENCY**

| Company   | Lower Thames and Medway Passenger Boat Company Limited (Trading As MV Princess Pocahontas & Duchess M) - In Administration |
|---|--|
| Former trading address(es)  | 16 Cornwalis Avenue, Tonbridge, Kent, TN10 4ES   |
| Creditor's name   |  |
| Address   |  |
| Contact Name  |  |
| Telephone   |  |
| Fax   |  |
| Estimated claim   |  |
| What was the authorised credit limit?   |  |
| If the estimated claim exceeds the credit limit, on what basis or terms was the credit increased?                 |  |
| Please provide details of comfort, security or assurance given to you to allow continuance of credit.             |  |
| When were you first aware that there were   |  |
| difficulties in getting payment and what was the evidence of this?  |  |
|   |  |
| Please provide copies of any correspondence between yourself and the company in relation to the outstanding debt. |  |
| Please provide details of any verbal promises   |  |
| regarding your outstanding debt, indicating when they were made and by whom.                                      |  |
| Were any further goods / services supplied as a   |  |
| result of a promise to pay the outstanding debt?  |  |

| Please provide details, including dates of any writs, summons, decrees or other legal action you took to recover your debt. |             |
|---|-------------|
| 744 434 434 434 434 434 434 434 434 434   | 1966        |
| Please provide details of any cheques that were dishonoured, including dates and amounts.                                   |             |
|   |             |
| Are there any particular matters you feel should be reviewed / investigated? If so, please provide brief details.           |             |
|   |             |
|   |             |
|   |             |
|   |             |
|   |             |
| Signature   |             |
|   |             |
| <b>-</b> .  |             |
| Date  | <del></del> |
|   |             |
| Name  |             |
|   |             |
| Position  |             |
|   |             |

#### **OPTING OUT OF RECEIVING DOCUMENTS**

#### The consequences of opting-out

As previously advised, most future documents will not be sent to creditors by post. Nevertheless, the Administrator is required to inform creditors of their rights to opt out of receiving documents.

Creditors have the right to elect to opt out of receiving further documents about the Administration unless:

- (i) the Insolvency Act 1986 requires a document to be delivered to all creditors without expressly excluding opted-out creditors;
- (ii) it is a notice relating to a change in the office-holder or the office-holder's contact details; or
- (iii) it is a notice of a dividend or proposed dividend or a notice which the court orders to be sent to all creditors or all creditors of a particular category to which the creditor belongs.

Opting-out will not affect the creditor's entitlement to receive dividends should any be paid to creditors.

Unless the Insolvency (England & Wales) Rules 2016 provide to the contrary, opting-out will not affect any right the creditor may have to vote in a decision procedure or a participate in a deemed consent procedure in the proceedings although the creditor will not receive notice of it.

A creditor who opts out will be treated as having opted out in respect of any consecutive insolvency proceedings of a different kind in respect of the same company.

#### How to opt out

A creditor may at any time elect to be an opted-out creditor.

The creditor's election to opt out must be by a notice in writing authenticated and dated by the creditor.

The creditor must deliver the notice to the Administrator (details below).

#### How to opt back in

The creditor may at any time revoke the election to opt out by a further notice in writing, authenticated and dated by the creditor and delivered to the Administrator (details below).

#### Contact details

The Administrator's contact details are as follows:

Names of Administrator(s) Isobel Susan Brett

Address of Administrator(s)
Date of Appointment
IP Number(s)
Contact Name
Email Address
Telephone Number

21 Highfield Road, Dartford, Kent, DA1 2JS 19 April 2018 9643 Rijimon Gopinathan rijimon@brettsbr.co.uk 01474532862

#### NOTICE OF GENERAL USE OF WEBSITE

Company Name: Lower Thames and Medway Passenger Boat Company Limited

Company Number: 02389815

Former Company Name(s):

**Trading Name:** Princess Pocahontas & Duchess M **Registered Office:** 21 Highfield, Dartford, Kent, DA1 2JS

Principal Trading Address: 16 Cornwalis Avenue, Tonbridge, Kent, TN10 4ES

Court: High Court of Justice Court Ref: CR2018 003290

This Notice is given under Rule 1.50 of the Insolvency (England & Wales) Rules 2016 ("the Rules"). It is delivered by Isobel Susan Brett the Administrator of the Company, of 21 Highfield Road, Dartford, Kent, DA1 2JS (telephone number 01474532862), who was appointed by the directors of the Company

#### **Accessing documents**

The Administrator has chosen to deliver all future documents (other than those listed below) to members and creditors by making them available for viewing and downloading on the website set out below:

Website: www.brettsbr.co.uk/clientpage

Username: Z2791

Password: LTMPBC1904

Documents will be uploaded to this website without further notice to members and creditors and the Administrator will not be obliged to deliver any such documents to any recipient of this notice unless it is requested.

#### Requesting hard copies

Recipients of this notice may at any time request a hard copy of any or all of the following:

- (i) documents currently available for viewing on the website; or
- (ii) future documents that may be made available there.

To request one or more hard copies, contact Rijimon Gopinathan one of the following methods:

Telephone: 01474532862

Email: rijimon@brettsbr.co.uk

By post: 21 Highfield Road, Dartford, Kent, DA1 2JS

#### Documents that will not be uploaded to the website

The following documents will not be uploaded to the website, but instead will be delivered by post or by email as required:

- (i) a document for which personal delivery is required;
- (ii) a notice under rule 14.29 of the Insolvency (England & Wales) Rules 2016 of intention to declare a dividend; and
- (iii) a document which is not delivered generally.

#### Documents that are likely to be uploaded to the website

In Administration, the following reports and notices are generally issued:

| Document   | Approximate timescale (from commencement of Administration) |
|--|---|
| Notice of Appointment  | 1 week  |
| Statement of Proposals   | 8 weeks   |
| Notice of Creditors' Decision or of Deemed Approval of the Proposals       | 11 weeks  |
| Progress Report  | 7 months  |
| Request for an Extension to the Administration (where necessary)           | 11 months   |
| Notice of Extension of Period of Administration (where granted)            | 12 months   |
| Final Progress Report (where no extension has been granted)                | 12 months   |
| Progress Reports (where an extension has been granted)                     | 13 and 19 months  |
| Final Progress Report (unless a further extension is granted by the court) | 24 months   |

# STANDARD NOTICE FOR CONSUMERS (SOURCE: DEAR IP 77, JUNE 2017)

NOTE: if the company has received payments from consumers where the goods or services are not expected to be, or may not be, delivered, consider publicising one of the following notices on the company's website, on social media sites maintained by the company, in the company's shop windows, on the IP's website or by correspondence to the consumers:

#### A) Where goods or services <u>may</u> not be delivered:

Lower Thames and Medway Passenger Boat Company Limited (Trading As MV Princess Pocahontas & Duchess M) - In Administration

#### Notice to customers regarding credit and debit cards

Isobel Susan Brett of Bretts Business Recovery Limited, 21 Highfield Road, Dartford, Kent, DA1 2JS, was appointed Administrator of the Company on 19 April 2018.

At present, it is uncertain that goods and services ordered before the Company entered Administration will be supplied. If you have made a deposit for or paid for goods or services by credit or debit card (including charge and pre-paid cards) and the goods or services are not going to be received by the due date, you may be able to get your money back by claiming a refund from your card issuer.

Please contact your card issuer as soon as you can if this may apply to you (there is no need to wait until the due date before contacting your card issuer). Further information including on time limits that apply is available from the UK Cards Association <u>Credit and debit cards:</u> A consumer guide.

#### B) Where goods or services will not be delivered:

Lower Thames and Medway Passenger Boat Company Limited (Trading As MV Princess Pocahontas & Duchess M) - In Administration

#### Notice to customers regarding credit and debit cards

Isobel Susan Brett of Bretts Business Recovery Limited, 21 Highfield Road, Dartford, Kent, DA1 2JS, was appointed Administrator of the Company on 19 April 2018.

If you have made a deposit for or paid for goods or services by credit or debit card and the goods or services are <u>not</u> going to be received by the due date, you may be able to get your money back by claiming a refund from your card issuer. Please contact your card issuer as soon as you can if this may apply to you. Further information including on time limits that apply is available from the UK Cards Association <u>Credit and debit cards</u>: A <u>consumer guide</u>.