

The Insolvency Act 1986

**Notice of automatic end of
administration****2.30B**

Name of Company Voltec Powder Systems Limited	Company number 04238334
In the high court of justice Chancery Division, Leeds District Registry	Court case number 561 of 2008

(a) Insert name(s) and
address(es) of administrator(s)

I

Andrew Rosler
Concept House
Brooke Street
Cleckheaton
West Yorkshire
BD19 3RY

(b) Insert name and address of
the registered office of
company

having been appointed Administrator of Voltec Powder Systems Limited,
Concept House, Brooke Street Cleckheaton, West Yorkshire, BD10 0UR.

(c) Insert date of appointment
(d) Insert name of appointor /
applicant

on 21 April 2008. by Close Invoice Finance

hereby give notice that my appointment ceased to have effect

on 21 April 2009

I attach a copy of the final progress report

Signed 

Andrew Rosler
Administrator

Dated 22.04.09

Contact Details:

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

Zane Collins	
Ideal Corporate Solutions Limited	
	Tel 08707505411
DX Number	DX Exchange

THURSDAY



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COMPANIES HOUSE

Administrator's Final Progress Report

For the Period 21/04/2008 to 20/04/2009

**Voltec Powder Systems Limited
- In Administration**

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THE ADMINISTRATOR'S FINAL REPORT

1 Statutory information

- 1.1 The Company's registered number is 04238334.
- 1.2 The registered address of the Company was Cornhill Works, Marl Road, Knowsley Industrial Park, Liverpool, L33 7UH
- 1.3 The registered office of the Company was changed to c/o ICS Yorkshire Limited, Concept House, Brooke Street, Cleckheaton, BD19 3RY.
- 1.4 Details of the Company's directors and secretary are as follows:

Director	Date appointed	Date resigned
Mr M Evans	20/06/2001	N/a
Mr S Evans	20/06/2001	N/a
Mr M Grossett	11/12/2007	N/a

2 Progress of the Administration

- 2.1 As previously stated, Andrew Rosler was appointed Administrator of the Company on 21 April 2008 by Close Invoice Finance Limited ("Close").
- 2.2 Due to a lack of funding and no substantial benefit to creditors in trading the business, there was no possibility of trading the business to subsequently ensure the survival of the Company as a going concern.
- 2.3 As it was not feasible for the Company to be sold as a going concern, the Administrator pursued objective c) to realise assets in order to make a distribution to one or more secured or preferential creditors.
- 2.4 The Company's assets consisted of book debts, plant & machinery and stock. In May 2008, the Administrator instructed agent's Sanderson Weatherall ("Weatherall's") to value the assets of the Company.
- 2.5 Weatherall's informed the Administrator that Company stock, plant & machinery was valued at £8,363. An offer of £5,000 was received from MBM Products Limited for the stock. Weatherall's instructed that whilst the offer represented approximately 60% of the cost value, it was in excess of a likely figure achievable via a break up sale. The offer was therefore accepted.
- 2.6 As stated in my last report the Administrator was pursuing MBM products for the outstanding payment of £5,000. I can now confirm that payment has been received in full.

- 2.3 Book debts were subject to a factoring agreement with Close. At the date of Appointment, the book value of the book debts amounted to £100,000 against an outstanding balance due to Close of £100,000. It was therefore estimated that no surplus would be received in respect of book debts.
- 2.4 Final collections totalled £86,353, leaving Close suffering a shortfall of £13,647.
- 2.5 In October 2008 £63.00, was received into the Administration from BNP Paribas Lease Group on behalf of HFGL Limited.
- 2.6 In December 2008 £464.09, was received into the Administration from Gazelle Contract Furnishing Ltd in respect of a debt that was due to the Company.

4 Administrator's Remuneration

- 4.1 Creditors approved the Administrator's remuneration be fixed by reference to the time properly spent by him and his staff in managing the Administration.
- 4.2 The Administrator's final time costs total £17,920. With category 2 disbursements totalling £613.72. To date, £5,450.68 has been drawn against these time costs.
- 4.3 I have attached at Appendix B, a final Time Analysis in accordance with the provisions of SIP9, which provides details of time spent by staff from the 21 April 2008 to the above date. I propose drawing fees in accordance with the proposals outlined above.
- 4.4 Attached as Appendix C is additional information in relation to my policy on staffing, the use of subcontractors, disbursements and details of my current charge-out rates by staff grade.

5 Outcome for unsecured Creditors

- 5.1 There are insufficient funds to enable a dividend to be paid to any class of creditor in this case.

6 Ending the Administration

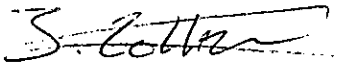
- 6.1 Following the realisation of the assets and payment of the costs of the Administration, it was proposed that as the Administrator achieved objective c) to realise assets in order to make a distribution to one or more secured or preferential creditors, an application will be made to court to end the Administration and obtain my release as Administrator

6.2 The Administrator will be discharged from liability under Paragraph 76 of Schedule B1 to the Insolvency Act 1986 immediately upon his appointment as Administrator ceasing to have effect.

1.1

Should you require any further information, please do not hesitate to contact Zane Collins at the above address.

For and on behalf of
Voltec Powder Systems Limited – In Administration



Zane Collins
For A D Rosler
Administrator

The affairs, business and property of the company are being managed by the Administrator. The Administrator acts as agent of the company and without personal liability

Receipts and Payments Abstract: YV0001 - Voltec Powder Systems Limited In Administration

All Bank, Cash and Cash Investment Accounts: From: 21/04/2008 To: 20/04/2009

SOA Value £	21/04/2008 to 20/04/2009		Total to 20/04/2009	
	£	£	£	£
ASSET REALISATIONS				
Bank Interest Gross	25.24		25.24	
Debtors	464.09		464.09	
Other Current Assets	63.00		63.00	
Stock/Inventory on Hand	<u>5,130.30</u>		<u>5,130.30</u>	
		5,682.63		5,682.63
COST OF REALISATIONS				
Administrators Costs	(87.52)		(87.52)	
Administrators Fees	(5,450.68)		(5,450.68)	
Statutory Advertising	<u>(144.43)</u>		<u>(144.43)</u>	
		(5,682.63)		(5,682.63)
<u>0.00</u>		<u>0.00</u>		<u>0.00</u>

Ideal Corporate Solutions

TIME & CHARGEOUT SUMMARIES

Voltec Powder Coatings Limited

From 21 Apr 2008 to 20 Apr 2009

HOURS

Classification Of work Function	Director	Manager	Other Senior Professional	Assistants & Support Staff	Total Hours	Time Cost £	Average Hourly Rate £
Administration & Planning	14.50	8.00	0.00	47.30	69.80	9,695.00	138.90
Investigations	3.50	0.00	0.00	1.80	5.30	1,055.00	199.06
Realisation of Assets	1.00	0.00	0.00	2.90	3.90	665.00	170.51
Creditors	0.00	20.50	0.00	32.00	52.50	6,275.00	119.52
S-SOFA	1.00	0.00	0.00	0.00	1.00	250.00	250.00
Trading	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Fees Claimed £	5,000.00	4,275.00	0.00	8,665.00		17,940.00	
Total Hours	20.00	28.50	0.00	84.00	132.50		
Average Rate	250.00	150.00	0.00	103.15			

CATEGORY 2 DISBURSEMENTS

Type & Purpose			Amount £
21/04/2008	File Set-Up	New Appointment Set-Up Fee	18.00
31/08/2008	Photocopies	Report to creditors	272.54
20/11/2008	Photocopies	6 monthly progress report to creditors	271.20
20/11/2008	Postage	6 monthly progress report to creditors	51.98
			613.72

A CREDITORS' GUIDE TO ADMINISTRATORS' FEES

ENGLAND AND WALES

1 *Introduction*

- 1.1 When a company goes into administration the costs of the proceedings are paid out of its assets. The creditors, who hope eventually to recover some of their debts out of the assets, therefore have a direct interest in the level of costs, and in particular the remuneration of the Insolvency Practitioner appointed to act as administrator. The insolvency legislation recognises this interest by providing mechanisms for creditors to determine the basis of the administrator's fees. This guide is intended to help creditors be aware of their rights under the legislation to approve and monitor fees and explains the basis on which fees are fixed.

2 *The nature of administration*

- 2.1 Administration is a procedure which places a company under the control of an Insolvency Practitioner and the protection of the court with the following objective:
- rescuing the company as a going concern, or
 - achieving a better result for the creditors as a whole than would be likely if the company were wound up without first being in administration,
- or, if the administrator thinks neither of these objectives is reasonably practicable;
- realising property in order to make a distribution to secured or preferential creditors.

3 *The creditors' committee*

- 3.1 The creditors have the right to appoint a committee with a minimum of three and a maximum of five members. One of the functions of the committee is to determine the basis of the administrator's remuneration. The committee is normally established at the meeting of creditors which the administrator is required to hold within a maximum of ten weeks from the beginning of the administration to consider his proposals. The administrator must call the first meeting of the committee within six weeks of its establishment, and subsequent meetings must be held either at specified dates agreed by the committee, or when a member of the committee asks for one, or when the administrator decides he needs to hold one. The committee has power to summon the administrator to attend before it and provide information about the exercise of his functions.

4 *Fixing the administrator's fees*

4.1 The basis for fixing the administrator's remuneration is set out in Rule 2.106 of the Insolvency Rules 1986, which states that it shall be fixed either:

- as a percentage of the value of the property which the administrator has to deal with, or
- by reference to the time properly given by the administrator and his staff in attending to matters arising in the administration.

It is for the creditors' committee (if there is one) to determine on which of these bases the remuneration is to be fixed and, if it is fixed as a percentage fix the percentage to be applied. Rule 2.106 says that in arriving at its decision the committee shall have regard to the following matters:

- the complexity (or otherwise) of the case;
- any responsibility of an exceptional kind or degree which falls on the administrator;
- the effectiveness with which the administrator appears to be carrying out, or to have carried out, his duties;
- the value and nature of the property which the administrator has to deal with.

4.2 If there is no creditors' committee, or the committee does not make the requisite determination, the administrator's remuneration may be fixed by a resolution of a meeting of creditors having regard to the same matters as the committee would. If the remuneration is not fixed in any of these ways, it will be fixed by the court on application by the administrator.

4.3 There are special rules about creditors' resolutions in cases where the administrator has stated in his proposals that the company has insufficient property to enable a distribution to be made to unsecured creditors except out of the reserved fund which may have to be set aside out of floating charge assets. In this case a resolution of the creditors shall be taken as passed if, and only if, passed with the approval of -

- each secured creditor of the company; or
- if the administrator has made or intends to make a distribution to preferential creditors -
 - each secured creditor of the company; and

- preferential creditors whose debts amount to more than 50% of the preferential debts of the company, disregarding debts of any creditor who does not respond to an invitation to give or withhold approval.

Note that there is no requirement to hold a creditor's meeting in such cases unless a meeting is requisitioned by creditors whose debts amount to at least 10 per cent of the total debts of the company.

4.4 A resolution of creditors may be obtained by correspondence.

5 *What information should be provided by the administrator?*

5.1 *When seeking fee approval*

5.1.1 When seeking agreement to his fees the administrator should provide sufficient supporting information to enable the committee or the creditors to form a judgement as to whether the proposed fee is reasonable having regard to all the circumstances of the case. The nature and extent of the supporting information which should be provided will depend on:

- the nature of the approval being sought;
- the stage during the administration of the case at which it is being sought; and
- the size and complexity of the case.

5.1.2 Where, at any creditors' or committee meeting, the administrator seeks agreement to the terms on which he is to be remunerated, he should provide the meeting with details of the charge-out rates of all grades of staff, including principals, which are likely to be involved on the case.

5.1.3 Where the administrator seeks agreement to his fees during the course of the administration, he should always provide an up to date receipts and payments account. Where the proposed fee is based on time costs the administrator should disclose to the committee or the creditors the time spent and the charge-out value in the particular case, together with, where appropriate, such additional information as may reasonably be required having regard to the size and complexity of the case. The additional information should comprise a sufficient explanation of what the administrator has achieved and how it was achieved to enable the value of the exercise to be assessed (whilst recognising that the administrator must fulfil certain statutory obligations that might be seen to bring no added value for creditors) and to establish that the time has been properly spent on the case. That assessment will need to be made having regard to the time spent and the rates at which that time was charged, bearing in mind the factors set out in paragraph 4.1 above. To enable this assessment to be carried out it may be necessary for the administrator to provide an analysis of the time spent on the case by type of activity and grade of staff. The degree of detail will depend on the

circumstances of the case, but it will be helpful to be aware of the professional guidance which has been given to Insolvency Practitioners on this subject. The guidance suggests the following areas of activity as a basis for the analysis of time spent:

- Administration and planning
- Investigations
- Realisation of assets
- Trading
- Creditors
- Any other case-specific matters

The following categories are suggested as a basis for analysis by grade of staff:

- Partner
- Manager
- Other senior professionals
- Assistants and support staff

The explanation of what has been done can be expected to include an outline of the nature of the assignment and the administrator's own initial assessment, including the anticipated return to creditors. To the extent applicable it should also explain:

- Any significant aspects of the case, particularly those that affect the amount of time spent.
- The reasons for subsequent changes in strategy.
- Any comments on any figures in the summary of time spent accompanying the request the administrator wishes to make.
- The steps taken to establish the views of creditors, particularly in relation to agreeing the strategy for the assignment, budgeting, time recording, fee drawing or fee agreement.
- Any existing agreement about fees.

- Details of how other professionals, including subcontractors, were chosen, how they were contracted to be paid, and what steps have been taken to review their fees.

It should be borne in mind that the degree of analysis and form of presentation should be proportionate to the size and complexity of the case. In smaller cases not all categories of activity will always be relevant, whilst further analysis may be necessary in larger cases.

- 5.1.4 Where the fee is charged on a percentage basis, the administrator would provide details of any work which has been or is intended to be sub-contracted out which would normally be undertaken directly by an administrator or his staff.

5.2 *After fee approval*

Where a resolution fixing the basis of fees is passed at any creditors' meeting held before he has substantially completed his functions, the administrator should notify the creditors of the details of the resolution in his next report or circular to them. In all subsequent reports to creditors the administrator should specify the amount of remuneration he has drawn in accordance with the resolution. Where the fee is based on time costs he should also provide details of the time spent and charge-out value to date and any material changes in the rates charged for the various grades since the resolution was first passed. He should also provide such additional information as may be required in accordance with the principles set out in paragraph 5.1.3. Where the fee is charged on a percentage basis the administrator should provide the details set out in paragraph 5.1.4 above regarding work which has been sub-contracted out.

5.3 *Expenses and disbursements*

There is no statutory requirement for the committee or the creditors to approve the drawing of expenses or disbursements. However, professional guidance issued to insolvency practitioners requires that, where the administrator proposes to recover costs which, whilst being in the nature of expenses or disbursements, may include an element of shared or allocated costs (such as room hire, document storage or communication facilities provided by the administrator's own firm), they must be disclosed and be authorised by those responsible for approving his remuneration. Such expenses must be directly incurred on the case and subject to a reasonable method of calculation and allocation.

6 *What if a creditor is dissatisfied*

- 6.1 If a creditor believes that the administrator's remuneration is too high he may, if at least 25 per cent in value of the creditors (including himself) agree, apply to the court for an

order that it be reduced. If the court does not dismiss the application (which it may if it considers that insufficient cause is shown) the applicant must give the administrator a copy of the application and supporting evidence at least 14 days before the hearing. Unless the court orders otherwise, the costs must be paid by the applicant and not as an expense of the administration.

7 *What if the administrator is dissatisfied?*

- 7.1 If the administrator considers that the remuneration fixed by the creditors' committee is insufficient he may request that it be increased by resolution of the creditors. If he considers that the remuneration fixed by the committee or the creditors is insufficient, he may apply to the court for it to be increased. If he decides to apply to the court he must give at least 14 days' notice to the members of the creditors' committee and the committee may nominate one or more of its members to appear or be represented on the application. If there is no committee, the administrator's notice of his application must be sent to such of the company's creditors as the court may direct, and they may nominate one or more of their number to appear or be represented. The court may order the costs to be paid as an expense of the administration.

8 *Other matters relating to fees*

- 8.1 Where there are Joint Administrators it is for them to agree between themselves how the remuneration payable should be apportioned. Any dispute arising between them may be referred to the court, the creditors' committee or a meeting of creditors.
- 8.2 If the administrator is a solicitor and employs his own firm to act on behalf of the company, profit costs may not be paid unless authorised by the creditors' committee, the creditors or the court.