

# Liquidator's Progress Report

Pursuant to Sections 92A, 104A and 192 of the  
Insolvency Act 1986

## S.192

To the Registrar of Companies

Company Number

04283484

Name of Company

(a) Insert full name of  
company

(a) Aberforth Geared Capital & Income Trust Plc

(b) Insert full name(s) and  
address(es)

I/We, (b)

C P Dempster

D N Hyslop

Ernst & Young LLP

Ernst & Young LLP

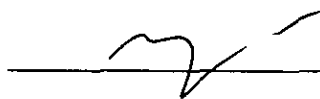
Ten George Street, Edinburgh, EH2  
2DZ

Ten George Street, Edinburgh, EH2  
2DZ

the liquidator(s) of the company attach a copy of my/our Progress Report under section  
192 of the Insolvency Act 1986

The Progress Report covers the period from **9 AUGUST 2012**  
to **8 AUGUST 2013**.

Signed



Date

10/10/13

Presenter's name,  
address and reference  
(if any)

MONDAY



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A12

14/10/2013

#140

COMPANIES HOUSE

TO ALL MEMBERS

9 October 2013

Ref CPD/DNH/CFR/AL/SC

Direct line 0141 226 9545  
Direct fax 0141 226 9003  
Sanjay Chita

Dear Sir/Madam

## **Aberforth Geared Capital & Income Trust plc ("the Company") (In Members' Voluntary Liquidation)**

On 9 August 2011, Colin Dempster and Derek Hyslop were appointed as Joint Liquidators of the Company. I write to provide you with our report on the progress of the liquidation for the period from 9 August 2012 to 8 August 2013.

In accordance with the provisions of the Insolvency Rules 1986 we are required to provide certain information about the Company and the Joint Liquidators. The information can be found in Appendix 1. There is a copy of our receipts and payments account for the period from 9 August 2012 to 8 August 2013 in Appendix 2.

### **Background**

As previously advised, the Company was liquidated as part of the Recommended Proposals for the Reconstruction and Winding up of the Company ("the Proposals") on 9 August 2011. The Proposals gave Shareholders the option of rolling over all or part of their investment into Aberforth Geared Income Trust ("the Rollover Option") or to receive cash in respect of their shares in the Company ("the Cash Option") equivalent to £1 per Income Share and £5.3236 per Capital Share. Shareholders who did not make an election were deemed to have elected for the Rollover Option.

In accordance with the Proposals and the shareholder elections, the liquidators of Aberforth Geared Capital & Income Trust plc transferred the net assets of the Company to Aberforth Geared Income Trust plc and retained sufficient assets to meet the entitlements of those shareholders who elected for the Cash Option. Shareholders who elected for the Cash Option received their entitlements in the week commencing 15 August 2011. The liquidators also set aside a Liquidation Retention Fund to provide for the liabilities of the Company.

Furthermore, in accordance with the Proposals, the liquidators of Aberforth Geared Capital & Income Trust plc made a distribution to Income Shareholders of 1.2650118p the week beginning 3 October 2011.



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## **Progress during the period of the report**

I am pleased to confirm that the liquidation is proceeding as planned. The Proposals have been implemented and the majority of the Company's liabilities have been discharged.

During the period, the liquidators' have lodged all statutory returns and have submitted the corporation tax returns of the Company for the period to 8 August 2012. The liquidators' tax advisors are in the process of preparing the final tax computation and return, after which tax clearance to close the liquidation will be requested from HMRC. The liquidators' shall then take steps to conclude the liquidation and distribute any surplus funds to the Company's Capital Shareholders.

## **Outstanding matters and final distribution to Capital Shareholders**

As noted above, the only outstanding matter in the liquidation is agreeing the final tax position of the Company with HM Revenue & Customs ("HMRC"). Once HMRC have confirmed the final tax position and provide tax clearance to close the liquidation, the liquidators will take steps to conclude the liquidation and make a final distribution of any surplus funds to the Company's Capital Shareholders. Shareholders should note that in accordance with the Proposals, any surplus funds in the liquidation will be distributed to **Capital Shareholders only**.

## **Joint Liquidators' Remuneration**

At the extraordinary general meeting of the Company held on 9 August 2011, it was resolved that the liquidators' remuneration would be determined on the basis of time spent by the liquidators and their staff in attending to matters prior to and during the winding-up and that they be authorised to draw such fees on a monthly basis or at longer intervals.

In accordance with Statement of Insolvency Practice 9, I enclose a summary of the time spent and average charge-out rates of the staff involved in the liquidation, as well as a summary of tasks undertaken since the Company was placed into liquidation, in Appendix 3. A copy of the text of "A creditors' guide to liquidators' fees", which also applies to members in a members' voluntary liquidation, issued by the Association of Business Recovery Professionals, and a summary of our policy in relation to charging time and disbursements can be provided on request.

During the course of the liquidation of the Company, the liquidators have incurred time costs of £90,349, against costs recovered of £40,000.

## **Members' rights to further information about, and challenge, remuneration and expenses**

In certain circumstances, members are entitled to request further information about our remuneration or expenses, or to apply to court if members consider the costs to be excessive. Further information is provided at Appendix 4.



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## Other matters

Should you have any queries regarding your holding in the Company, or if you wish to notify the Registrar of a change of address or other personal details, please write to Capita Registrars, The Registry, 34 Beckenham Road, Beckenham, Kent, BR3 4TU .

Yours faithfully  
for Aberforth Geared Capital & Income Trust plc (In Members' Voluntary Liquidation)

A large, stylized handwritten signature in black ink, appearing to read 'G-F Robertson'.

G-F Robertson  
For D N Hyslop  
Joint Liquidator

Enc

The Insolvency Practitioners Association authorises D N Hyslop to act as an Insolvency Practitioner under section 390(2) of the Insolvency Act 1986

The Institute of Chartered Accountants of Scotland authorises C P Dempster to act as an Insolvency Practitioner under section 390(2)(a) of the Insolvency Act 1986



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**Aberforth Geared Capital & Income Trust plc  
(In Members' Voluntary Liquidation)****Information about the Company and the Joint Liquidators**

Registered office address of the Company	1 More London Place, More London, SE1 2AF
Registered number	04283484
Full names of the Joint Liquidators	Derek Neil Hyslop and Colin Peter Dempster
Joint Liquidators' address	Ernst & Young LLP Ten George Street Edinburgh EH2 2DZ
Date of appointment of the Joint Liquidators	9 August 2011
Details of any changes of Joint Liquidator	None

**93,471 11**

## Aberforth Geared Capital & Income Trust plc (In Members' Voluntary Liquidation)

### SIP9 analysis for the period 9 August 2011 to 8 August 2013

	Bank & Statutory Reporting	Immediate Tasks	Other Members Matters	Other Assets Creditors	Statutory Duties	VAT & Taxation	Accounting and Administration	Total Hours	Total time costs	Average hourly rate	
Partner / Director		1		14		0.8	1.1	4.3	2,776.00	645.58	
Assistant Director	0.5		6.2	24.6	0.1	1.8	3.9	37.1	16,023.60	431.90	
Senior Executive		79.4	4.9			0.7	5.4	5	37,196.00	389.88	
Executive		88.6	2.9	5	0.2	7.4	14.4	23.7	32,476.00	228.38	
Assistant Executive								4.4	4.4	102.95	
Assistants & Support							2.3	10	12.3	1,426.93	
Grand Total	0.5	169	14	31	0.2	0.1	8.1	24.7	48.1	296.7	90,349.43
Total for year to 8 August 2013									14,741.43		
Engagement total									90,349.43		

#### Summary of tasks undertaken by the Liquidators and their staff in the period to 8 August 2013

- 1 Statutory and periodic compliance issues
- 2 Transfer of net assets and distributions to shareholders in accordance with the Proposals
- 3 Liaising with Ernst & Young tax department in respect of the Company's post liquidation tax affairs
- 4 General correspondence with shareholders in respect of the progress of the liquidation
- 5 Maintenance of the Liquidators' account filing and sundry correspondence

#### Charge Out Rates 2013-2014

Job Title	Hourly Rate
Partner / Director	600
Manager	430
Other Senior Professionals	240
Assistants and Support	135-195

#### Charge Out Rates 2012-2013

Job Title	Hourly Rate
Partner / Director	570
Manager	410
Other Senior Professionals	230
Assistants and Support	130-185

#### Charge Out Rates 2011-2012

Job Title	Hourly Rate
Partner / Director	545
Manager	390
Other Senior Professionals	220
Assistants and Support	125 - 175



**Members' rights to request further information about remuneration or expenses or to challenge a liquidator's remuneration – Rules 4.49E and 4.148C of the Insolvency Rules 1986, as amended**

**4.49E Creditors' and members' request for further information**

(1) If—

- (a) within the period mentioned in paragraph (2)—
  - (i) a secured creditor, or
  - (ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or
  - (iii) members of the company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company, or
- (b) with the permission of the court upon an application made within the period mentioned in paragraph (2)—
  - (i) any unsecured creditor, or
  - (ii) any member of the company in a members' voluntary winding up,

makes a request in writing to the liquidator for further information about remuneration or expenses set out in a progress report in accordance with Rule 4 49B(1)(e) or (f) (including by virtue of Rule 4 49C(5)) or in a draft report under Rule 4 49D, the liquidator must, within 14 days of receipt of the request, comply with paragraph (3) except to the extent that the request is in respect of matter in a draft report under Rule 4 49D or a progress report required by Rule 4 108 which (in either case) was previously included in a progress report not required by Rule 4 108

(2) The period referred to in paragraph (1)(a) and (b) is—

- (a) 7 business days of receipt (by the last of them in the case of an application by more than one member) of the progress report where it is required by Rule 4 108, and
- (b) 21 days of receipt (by the last of them in the case of an application by more than one member) of the report or draft report in any other case

(3) The liquidator complies with this paragraph by either—

- (a) providing all of the information asked for, or
- (b) so far as the liquidator considers that—
  - (i) the time or cost of preparation of the information would be excessive, or
  - (ii) disclosure of the information would be prejudicial to the conduct of the liquidation or might reasonably be expected to lead to violence against any person, or
  - (iii) the liquidator is subject to an obligation of confidentiality in respect of the information,

giving reasons for not providing all of the information

(4) Any creditor, and any member of the company in a members' voluntary winding up, who need not be the same as the creditors or members who asked for the information, may apply to the court within 21 days of—

- (a) the giving by the liquidator of reasons for not providing all of the information asked for, or
- (b) the expiry of the 14 days provided for in paragraph (1),

and the court may make such order as it thinks just

(5) Without prejudice to the generality of paragraph (4), the order of the court under that paragraph may extend the period of 8 weeks or, as the case may be, 4 weeks provided for in Rule 4 131(1B) or 4 148C(2) by such further period as the court thinks just

(6) This Rule does not apply where the liquidator is the official receiver

#### **4.148C Members' claim that remuneration is excessive**

- (1) Members of the company with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company, or any member with the permission of the court, may apply to the court for one or more of the orders in paragraph (6) on the grounds that—
  - (a) the remuneration charged by the liquidator,
  - (b) the basis fixed for the liquidator's remuneration under Rule 4 148A, or
  - (c) expenses incurred by the liquidator,is or are, in all the circumstances, excessive or, in the case of an application under sub-paragraph (b), inappropriate
- (2) Application must, subject to any order of the court under Rule 4 49E(5), be made no later than 8 weeks (or 4 weeks when the liquidator has resigned in accordance with Rule 4 142) after receipt by the applicant of the report or account which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report")
- (3) The court may, if it thinks that no sufficient cause is shown for a reduction, dismiss the application, but it must not do so unless the applicant has had the opportunity to attend the court for a hearing of which the applicant has been given at least 5 business days' notice but which is without notice to any other party
- (4) If the application is not dismissed under paragraph (3), the court must fix a venue for it to be heard and give notice to the applicant accordingly
- (5) The applicant must at least 14 days before the hearing send to the liquidator a notice stating the venue and accompanied by a copy of the application and of any evidence which the applicant intends to adduce in support of it
- (6) If the court considers the application to be well-founded, it must make one or more of the following orders—
  - (a) an order reducing the amount of remuneration which the liquidator was entitled to charge,
  - (b) an order fixing the basis of remuneration at a reduced rate or amount,
  - (c) an order changing the basis of remuneration,
  - (d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the liquidation,
  - (e) an order that the liquidator or the liquidator's personal representative pay to the company the amount of the excess of remuneration or expenses or such part of the excess as the court may specify,and may make any other order that it thinks just, but an order under sub-paragraph (b) or (c) may be made only in respect of periods after the period covered by the relevant report
- (7) Unless the court orders otherwise, the costs of the application must be paid by the applicant and are not payable as an expense of the liquidation

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