

Form 1.4

Rule 1.29/1.54

The Insolvency Act 1986

**R.1.29/
R.1.54**Notice to Registrar of Companies of
Completion or Termination of
Voluntary ArrangementPursuant to Rule 1.29 or Rule 1.54 of the
Insolvency Rules 1986

To the Registrar of Companies

For Official Use

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Company Number

04496422

(a) Insert full name of
Company

Name of Company

Aberystwyth Bakery Limited

(b) Insert full name and
AddressI, David Hill
6904
5th Floor
Riverside House
31 Cathedral Road
Cardiff

(c) Insert date

(d) Delete as applicable

the supervisor of a voluntary arrangement which took effect on (c) 23 December 2003,
enclose a copy of my notice to the creditors and members of the above-named company
that the voluntary arrangement has terminated (d), together with a report of my receipts
and payments.

Signed: _____

Dated: _____

26.11.08

Presenter's reference, name and
address (if any):6AB0457
Begbies Traynor
5th Floor
Riverside House
31 Cathedral Road
Cardiff

For Official Use

Liquidation Section

Post Room

FRIDAY



A75

A2W8M57E

28/11/2008

200

COMPANIES HOUSE

Aberystwyth County Court No 3 of 2003

David Hill and John Wynn Davies appointed joint supervisors on 23 December 2003.

Aberystwyth Bakery Limited (Company Voluntary Arrangement)

Supervisor's Final Report to Creditors on termination of the voluntary arrangement on 6 August 2008 pursuant to Rule 1.29(2) of The Insolvency Rules 1986

Period: 23 December 2007 to 6 August 2008

Contents

- ❑ Introduction
- ❑ Receipts and Payments
- ❑ Summary and Conclusion
- ❑ Appendices
 - 1. Supervisor's account of receipts and payments
 - 2. Supervisor's time costs and expenses

1. INTRODUCTION

Rule 1.29(2) of The Insolvency Rules 1986 requires that on final completion or termination of the CVA the supervisor send a report to creditors summarising all receipts and payments made by him in pursuance of the Arrangement. I hereby present my report to creditors which should be read in conjunction with the CVA proposal of the director approved at the meeting of creditors on 23 December 2003 together with our annual reports.

Mr John Wynn Davies resigned as Joint Supervisor on 30 June 2008 due to ill health.

The principal terms of the CVA were that the Company was to pay contributions of £5,000 per month to the Supervisors for a period of 5 years, a total of £300,000. Contributions of £45,000 were received. The Company incurred losses during the first six months of 2004 and ceased trading at the end of June 2004, which meant that the Company had not complied with the terms of the Proposal and the CVA had failed.

The Director then undertook an orderly disposition of the Company's assets, which were not subject to the CVA. Realisations were sufficient to pay the secured creditors and the employees' preferential claims in full.

2. RECEIPTS AND PAYMENTS

Attached as *Appendix 1* is my abstract of receipts and payments for the entire period of the CVA.

Receipts

As stated above contributions of £45,000 were received from the Company

Payments

As previously reported, the joint supervisors' remuneration is based on hourly costs at scale rates calculated on the time properly spent in the course of the CVA and was approved at the meeting of creditors to consider the CVA proposal held on 23 December 2003.

Total remuneration drawn to date in accordance with the above approval amounts to £29,000 plus a nominee's fee of £3,000. Total time spent to date on this assignment amounts to 174.65 hours at an average composite rate of £164.63 per hour resulting in total time costs to date of £28,753.75. Pre appointment time was 27.5 hours at an average composite rate of £183.91 resulting in total time costs of £5,057.50. The following further information as regards time costs and expenses is set out at *Appendix 2*:

- ☐ Begbies Traynor policy for re-charging expenses
- ☐ Begbies Traynor charge-out rates
- ☐ Summary of time costs incurred by staff grade and work activity.

ABERYSTWYTH BAKERY LIMITED (COMPANY VOLUNTARY ARRANGEMENT)

Total costs for dealing with the CVA were estimated at £35,000 in the Proposal. Time costs for dealing with the CVA include costs incurred following the cessation of trading. Matters dealt with included liaising with the Director regarding the sale of the Company's assets and the most appropriate course of action to close the CVA. These costs were not included in the initial estimate of costs for dealing with the CVA.

3. SUMMARY AND CONCLUSION

After the Company ceased trading and the CVA had failed we sought legal advice on the most appropriate course of action. Our solicitors advised that putting the Company into creditors voluntary liquidation would effect a better outcome for creditors than a compulsory liquidation.

Meetings of members and creditors held on 18 March 2005. Resolutions were passed to put the company into creditors voluntary liquidation and David Hill and John Wynn Davies were appointed Joint Liquidators.

After paying the costs of the CVA the funds remaining for distribution to unsecured creditors were sufficient to pay only a very small dividend to unsecured creditors. A report was sent to the creditors explaining the position and a resolution was passed authorising the Supervisors to pay the remaining funds to the Liquidator, which has now been done.

A copy of this report and notice of termination of the voluntary arrangement have been filed with the court and the registrar of companies pursuant to Rule 1.29 of the Insolvency Rules 1986.



David Hill
Supervisor

Dated: 25 November 2008

Aberystwyth County Court

No. 3 Of 2003

**IN THE MATTER OF
ABERYSTWYTH BAKERY LIMITED
and
IN THE MATTER OF THE INSOLVENCY ACT AND RULES 1986**

Notice to Creditors Pursuant to Rule 1.29(1) of The Insolvency Rules 1986

I hereby confirm that the above Company Voluntary Arrangement has been terminated on 6 August 2008.

A handwritten signature in black ink, appearing to read 'David Hill', is written over the printed name and title.

David Hill
Supervisor

SUPERVISOR'S FINAL ACCOUNT OF RECEIPTS AND PAYMENTS FOR THE PERIOD FROM 23 DECEMBER 2003 TO 6 AUGUST 2008

Estimated to
realise per
Proposal
£

Total
(Period)
£

Total
(Cumulative)
£

RECEIPTS

Balance brought forward	47,403.27	Nil
Contributions	Nil	45,000.00
Bank interest	262.33	2,665.60

0.00

47,665.60

47,665.60

PAYMENTS

Brought forward	19,450.68	Nil
Specific penalty bond	Nil	135.00
Agents fees	Nil	1,250.00
Legal fees	Nil	802.00
Supervisors' fees	15,000.00	29,000.00
Supervisors' expenses	41.40	440.49
VAT payments	2,632.24	5,496.83
Transfer to creditors voluntary liquidation	10,541.28	10,541.28

47,665.60

47,665.60

* Receipts and payments are shown net of VAT

SUPERVISOR'S TIME COSTS AND EXPENSES

- a. Begbies Traynor policy for re-charging expenses;
- b. Begbies Traynor charge-out rates;
- c. Summary of time costs incurred and summary by staff grade and work activity.

ABERYSTWYTH BAKERY LIMITED (COMPANY VOLUNTARY ARRANGEMENT)

POLICY FOR RE-CHARGING EXPENSES INCURRED BY OFFICE HOLDERS IN RESPECT OF THE ADMINISTRATION OF INSOLVENT ESTATES**INTRODUCTION**

This note applies where a licensed insolvency practitioner in the firm is acting as an office holder of an insolvent estate and seeks creditor approval to make a separate charge by way of expenses or disbursements to recover the cost of facilities provided by the firm. Standard professional practice¹ requires that such charges should be disclosed to those who are responsible for approving his remuneration, together with an explanation of how those charges are made up and the basis on which they are arrived at.

DEFINITIONS

Required professional practice classifies expenses into two broad categories:

- *Category 1 expenses (approval not required)* – specific expenditure that is directly related to a particular insolvency case, where the cost of the expense incurred is referable against an independent external supplier's invoice or published tariff of charges;
- *Category 2 expenses (approval required)* – all other items of expenditure:
 - Which cannot, or cannot easily, be directly related to a particular insolvency case because there is an element of shared or allocated cost; and/or
 - Where the cost of the expense incurred is an estimated, unitised cost with the estimate based on external costs or opportunity cost.

CHARGING POLICY

- *Category 1 expenses (approval not required)* – with the exception of any items referred to below, all such items are re-charged to the case as they are incurred.
- *Category 2 expenses (approval required)*
 - (A) The following items of expenditure are re-charged as described:
 - Internal meeting room usage for the purpose of statutory meetings of creditors is re-charged at the rate of £100 (London £150) per meeting;
 - Car mileage is re-charged at the rate of 40 pence per mile;
 - Storage of books and records (when not rechargeable as a *Category 1 expense*) is recharged on the basis that the number of standard archive boxes held in storage for a particular case bears to the total of all archive boxes for all cases in respect of the period for which the storage charge relates;
 - (B) The following items of expenditure will normally be treated as general office overheads not subject to a re-charge:
 - Telephone and facsimile
 - Printing and photocopying
 - Stationery

A re-charge may be made, however, where the precise cost to the case can be determined because the item satisfies the test of a *Category 1 expense*.

¹ Statement of Insolvency Practice 9 (SIP 9) effective from April 2007

ABERYSTWYTH BAKERY LIMITED (COMPANY VOLUNTARY ARRANGEMENT)

BEGBIES TRAYNOR CHARGE-OUT RATES

Begbies Traynor is a national firm. The rates charged by the various grades of staff that may work on a case are set nationally, but vary to suit local market conditions.

The rates applying to the Cardiff office as at the date of this report are as follows:

Grade of staff	Charge-out Rate (£ per hour)
Partner 1	395
Partner 2	350
Senior Manager	295
Manager	250
Assistant Manager	195
Senior Administrator	160
Administrator	130
Junior Administrator	100
Cashier	100

Prior to 1 July 2008, the following rates applied:

Grade of staff	Charge-out Rate (£ per hour)
Partner	305
Senior Manager	205
Manager	175
Assistant Manager	140
Senior Administrator	110
Administrator	95

Time spent by support staff for carrying out shorter tasks, such as typing or dealing with post, is not charged to cases but is carried as an overhead. Only where a significant amount of time is spent at one time on a case is a charge made for support staff.

Time is recorded in units of 0.10 of an hour (i.e. 6 minute units).

ABERYSTWYTH BAKERY LIMITED (COMPANY VOLUNTARY ARRANGEMENT)

TIME COST ANALYSIS AS AT 21 NOVEMBER 2008

The following is a summary of time costs incurred by staff grade and work activity to 21 November 2008

	Hours					Time costs £	Average hourly rate
	Partners	Managers	Other senior professionals	Assistants & support staff	Total hours		
Administration and Accountancy	6.75	40.40		42.75	89.90	12,081.25	134.39
Planning & Control	34.25				34.25	10,103.75	295.00
Fixed Charge Assets	4.00				4.00	1,180.00	295.00
Floating charge assets					-	-	-
Trading					-	-	-
Debt collection					-	-	-
Preferential, Unsecured & Members	1.25	8.00		1.00	10.25	1,828.75	178.41
Employee Matters				19.50	19.50	1,245.00	63.85
Meetings and Statutory duties	3.00				3.00	885.00	295.00
Reports, S of A & Statutory returns		4.00		9.75	13.75	1,430.00	104.00
Investigations					-	-	-
Pre Appointment Time	4.00	23.50			27.50	5,057.50	183.91
Total time	53.25	75.90	-	73.00	202.15		
Total costs to date	15,176.25	13,017.50	-	4,251.25		33,811.25	167.26
Fees drawn to date						32,000.00	
Outstanding costs						1,811.25	