#### Section 106

Return of Final Meeting in a Creditors' Voluntary Winding Up

Pursuant to Section 106 of the Insolvency Act 1986

To the Registrar of Companies

S.106

Company	Number
---------	--------

05094437

Name of Company

**UK Haptics Limited** 

1/We

Andrew David Haslam, 2 Collingwood Street, Newcastle upon Tyne, NE1 1JF

Gillian Margaret Sayburn, 2 Collingwood Street, Newcastle upon Tyne, NE1 1JF

Note The copy account must be authenticated by the written signature(s) of the Liquidator(s)

- 1 give notice that a general meeting of the company was <del>duly held</del> on/summoned for 11 September 2014 pursuant to section 106 of the Insolvency Act 1986, for the purpose of having an account (of which a copy is attached) laid before it showing how the winding up of the company has been conducted, and the property of the company has been disposed of, and that the same was done-accordingly / no quorum was present at the meeting,
- 2 give notice that a meeting of the creditors of the company was duly held on/summoned for 11 September 2014 pursuant to Section 106 of the Insolvency Act 1986, for the purpose of having the said account laid before it showing how the winding up the company has been conducted and the property of the company has been disposed of and that the same was done accordingly/no quorum was present at the meeting

The meeting was held at Begbies Traynor (Central) LLP, 2 Collingwood Street, Newcastle upon Tyne, NE1 1JF

The winding up covers the period from 14 November 2013 (opening of winding up) to the final meeting (close of winding up)

The outcome of any meeting (including any resolutions passed) was as follows

"THAT the Joint Liquidators' final report and account of receipts and payments be approved"

Signed ()

Date 11 September 2014

Begbies Traynor (Central) LLP 2 Collingwood Street Newcastle upon Tyne NE1 1JF

Ref UK017CVL/ADH/GMS/EVW/TA

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# UK Haptics Limited (In Creditors' Voluntary Liquidation)

Final report and account of the Liquidation pursuant to Section 106 of the Insolvency Act 1986 and Rule 4.126 of the Insolvency Rules 1986

Period: 14 November 2013 to 11 September 2014

## **Contents**

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- 1 Liquidators' account of receipts and payments for the period from 14 November 2013 to 11 September 2014 and for the whole period of the Liquidation
- 2 Liquidators' time costs and disbursements
- 3 Statement of Liquidators' expenses

## **Important Notice**

This report has been produced solely to comply with our statutory duty to report to creditors and members of the Company pursuant to Section 106 of the Insolvency Act 1986. This report is private and confidential and may not be relied upon, referred to, reproduced or quoted from, in whole or in part, by creditors and members for any purpose other than this report to them, or by any other person for any purpose whatsoever

## 1. INTERPRETATION

Expression	<u>Meaning</u>
"the Company"	UK Haptics Limited (In Creditors' Voluntary Liquidation)
"the Liquidation"	The appointment of Liquidators pursuant to Section 98 of the Insolvency Act 1986 on 14 November 2012
"the Liquidators", "we", "our" and "us"	Andrew David Haslam and Gillian Margaret Sayburn of Begbies Traynor (Central) LLP, 2 Collingwood Street, Newcastle upon Tyne, NE1 1JF
"the Act"	The Insolvency Act 1986 (as amended)
"the Rules"	The Insolvency Rules 1986 (as amended)
"secured creditor" and "unsecured creditor"	"Secured creditor", in relation to a company, means a creditor of the Company who holds in respect of his debt a security over property of the Company, and "unsecured creditor" is to be read accordingly (Section 248(1)(a) of the Act)
"security"	(i) In relation to England and Wales, any mortgage, charge, lien or other security (Section 248(1)(b)(i) of the Act), and
	(ii) In relation to Scotland, any security (whether heritable or moveable), any floating charge and any right of lien or preference and any right of retention (other than a right of compensation or set off) (Section 248(1)(b)(ii) of the Act)
"preferential creditor"	Any creditor of the Company whose claim is preferential within Sections 386, 387 and Schedule 6 of the Act

## 2. COMPANY INFORMATION

Trading name	None
Company registered number	05094437
Company registered office	Begbies Traynor (Central) LLP, 2 Collingwood Street, Newcastle upon Tyne, NE1 1JF
Former trading address	Arcadia House, Balliol Business Park, Benton Lane, Newcastle

## 3. DETAILS OF APPOINTMENT OF LIQUIDATORS

Date winding up commenced

14 November 2012

Date of Liquidators' appointment

14 November 2012

Changes in Liquidator

None

## 4. PROGRESS SINCE APPOINTMENT

This is our final report and account of the Liquidation and should be read in conjunction with the Section 98 report presented to creditors on 14 November 2012 and the progress report to creditors dated 10 January 2014

Creditors will recall that the Company's Intellectual Property, computer equipment and office equipment was sold to Jasmine Media LLP, a company connected by virtue of common Directors. The Liquidators agreed that the sale consideration would be paid in instalments. The final instalment has been received in this reporting period.

As detailed in the previous progress report, the majority of the book debts had been received into the Company's bank account pre appointment. We sought the assistance of the Directors in identifying and recovering the outstanding debts. The Directors advised that the majority of the debtors were based overseas and due to the small amount outstanding, it was not cost effective to commence recovery action. The remaining book debts have therefore been written off

Attached at Appendix 1 is our abstract of receipts and payments for the period from 14 November 2012 to 11 September 2014

## SECURED ASSET RECEIPTS

## Research and Development Intellectual Property ("IP")

As detailed above, the Liquidators agreed a sale of the Company's IP £7,000 00 has been received in this respect

## SECURED ASSET PAYMENTS

## Legal Fees

Costs of £608 00 have been incurred and discharged to Bond Dickinson LLP who assisted with ascertaining the validity and prioritisation of the secured creditors' claims

## **UNSECURED ASSET RECIEPTS**

## **Computer Equipment**

The Company's computer equipment was sold alongside the IP and office equipment £6,000 00 has been received in respect of the computer equipment

#### Office Equipment

As part of the asset sale, £1,000 00 has been received in respect of the Company's office equipment

## Stock

The Company had stock which only had any value if it was used in the product developed by the Company Therefore no realisations have been made in this respect

#### **Book Debts**

The Directors' Statement of Affairs estimated to realise £15,000 00 in respect of book debts. As detailed above, the majority of the book debts were received into the Company's bank account before our appointment. The Liquidators have realised a further £1,769 23. The small number of outstanding book debts have been written off as irrecoverable.

## **Sundry Refunds**

Sundry refunds of £843 30 have been received relating to an electronic security refund and a payment from HM Revenue and Tribunal Service

#### **VAT Refund**

The Directors' Statement of Affairs made allowance for a potential refund from HM Revenue & Customs (VAT) However, any funds that were due to be recovered have been used to offset debt owed to HM Revenue & Customs (PAYE)

#### **Bank Interest Gross**

£32 17 has accrued in the bank account over the period of the Liquidation. Bank interest is usually subject to Corporation Tax, however, due to an understanding/working relationship with HM Revenue & Customs, there will be no Corporation Tax liability in this case.

## **UNSECURED ASSET PAYMENTS**

## Insolvency Practitioners' Bond

As a requirement of the Liquidation, insurance brokers Marsh Limited were engaged to provide the Insolvency Practitioners' bond. Costs of £30 00 have been incurred and discharged.

### Statement of Affairs Fee

A fee of £5,000 00 plus VAT and disbursements was paid to Begbies Traynor (Central) LLP for the preparation of the Statement of Affairs and costs of calling the necessary meetings of members and creditors. This was approved by creditors at the meeting on 14 November 2012 pursuant to Section 98 of the Act

## Search Fee

Costs of £1 00 have been incurred and discharged in relation to a search carried out on the Companies House Direct website

## **Storage Costs**

The Liquidators are required to store the Company's books and records for 18 months after the close of the Liquidation. The Liquidators are also required to store the Company's Liquidation case files for 7 years after the close of the Liquidation.

Costs of £332 72 have been incurred and discharged to Datasafe Storage Limited

## **Statutory Advertising**

Costs of £314 10 have been incurred and discharged to Courts Advertising Limited for statutory advertising

A Liquidation Committee was not formed and, accordingly, we are seeking creditors approval of the attached receipts and payments account

## 5. OUTCOME FOR CREDITORS

Details of the sums owed to each class of the Company's creditors were provided in the Directors' Statement of Affairs included within the report sent to creditors further to our appointment as Liquidators and in our progress report dated 10 January 2014

#### Secured creditors

The secured creditors are National Westminster Bank plc ("NWB") and Barclays Bank plc ("BB") in respect of a fixed and floating charge over the assets of the Company. The Directors' Statement of Affairs estimated the NWB debt at £13,103.00, we have received a claim to the value of £13,438.40 dated 4 December 2012.

While we were aware that BB had a charge registered over the Company, the Directors' Statement of Affairs indicated that there was nothing outstanding Following our investigation it has come to our attention that BB had an outstanding balance, we have received a proof of debt for £96,828 07 dated 14 November 2012

We spent significant time contacting BB and NWB on several occasions to obtain a proof of debt and copy debentures to allow us to ascertain which charge took priority. The Joint Liquidators instructed Bond Dickinson LLP to assist in the matter and provide advice on the validity of the charges. Bond Dickinson LLP have confirmed that BB's charge has priority.

A dividend of £3,120 50 was paid to BB on 6 May 2014

#### Preferential creditors

Preferential claims of employees for arrears of wages, salary and holiday pay were estimated at £8,246 74 and we have received claims in the total sum of £13,158 35

There will be no dividend available for preferential creditors

## Prescribed Part for unsecured creditors pursuant to Section 176A of the Act

Details of how the prescribed part is calculated have previously been provided in our progress report dated 10 January 2014

There will be no distribution of the prescribed part as our estimate of the Company's net property is less than the minimum prescribed by the Insolvency Act 1986 (Prescribed Part) Order 2003 and we think, in accordance with Section 176A(3)(b) of the Act, that the costs of making a distribution of the prescribed part to unsecured creditors would be disproportionate to the benefits

## Unsecured creditors

Unsecured creditors were estimated at £1,033,927 30

Creditors were advised by letter dated 23 June 2014 that there will be no dividend available

# 6. LIQUIDATORS' DISBURSEMENTS

## REMUNERATION

AND

Our remuneration has been fixed by a resolution of creditors at the meeting held pursuant to Section 98 of the Act by reference to the time properly given by us (as Liquidators) and the various grades of our staff calculated at the prevailing hourly charge out rates of Begbies Traynor (Central) LLP in attending to matters arising in the Liquidation

We are authorsed to draw disbursements, including disbursements for services provided by our firm (defined as Category 2 disbursements in Statement of Insolvency Practice 9) in accordance with our firm's policy, details of which accompanied the Statement of Affairs and other information presented to the meeting of creditors convened pursuant to Section 98 of the Act and which is attached at Appendix 2 of this report

Our time costs for the period from 14 November 2013 to 11 September 2014 amount to £7,051 00 which represents 49 6 hours at an average rate of £142 16 per hour

Our time costs for the period from 14 November 2012 to 11 September 2014 amount to £20,692 50 which represents 127 hours at an average rate of £162 93 per hour

To 11 September 2014, we have drawn the total sum of £7,238 38 on account of our remuneration, against total time costs of £20,692 50 incurred since the date of our appointment. A further £1,048 50 has been incurred up until the date of the final meeting held on 11 September 2014. Our unbilled time costs of £13,454 12 as well as the £1,048 50 incurred to closure have been written off as irrecoverable.

No Category 2 disbursements have been incurred

The following further information in relation to our time costs and disbursements is set out at Appendix 2

- SIP 9 table of time spent and charge-out value for the period 14 November 2013 to 11 September 2014 and for the whole period of the Liquidation
- Narrative summary of time costs incurred
- Begbies Traynor (Central) LLP's policy for re-charging disbursements
- Begbies Traynor (Central) LLP's charge-out rates

A copy of 'A Creditors' Guide to Liquidators Fees (E&W) which provides guidance on creditors' rights on how to approve and monitor a Liquidator's remuneration and on how the remuneration is set can be obtained online at <a href="https://www.begbies-traynor.com/creditorsquides">www.begbies-traynor.com/creditorsquides</a> Alternatively, if you require a hard copy of the Guide, please contact our office and we will arrange to send you a copy

## 7. LIQUIDATORS' EXPENSES

A Statement of the expenses incurred for the whole period of the Liquidation is attached at Appendix 3

## 8 UNREALISABLE ASSETS

All assets have been realised

## 9. OTHER RELEVANT INFORMATION

## Investigations and reporting on Directors' conduct

You may be aware that a Liquidator has a duty to enquire into the affairs of an insolvent company to determine its property and liabilities and to identify any actions which could lead to the recovery of funds. In addition, as explained in the report circulated at the meeting of creditors convened pursuant to Section 98 of the Act, such report having also been sent to creditors following the meeting, a Liquidator is also required to consider the conduct of the Company's Directors and to make an appropriate submission to the Department for Business Innovation and Skills. We can confirm that we have discharged our duties in these respects

## Investigations completed

As explained in our previous progress report, we have been investigating the manner in which the business was conducted prior to the Liquidation of the Company and potential recoveries for the estate in this respect. No matters have been identified which require further investigation.

## Connected party transactions

In accordance with Statement of Insolvency Practice 13, we confirm that the following assets were sold to Jasmine Media LLP, associated by common Directors of the Company

Date of sale	Asset sold and nature of transaction	Consideration paid and date	Name of Purchaser	Relationship with the Company
21 November 2012	IP, Goodwill, Fixtures and Fittings	£3,500 00 Paid 5/2/2013 £3,500 00 Paid 5/3/2013 £3,500 00 Paid 20/3/2013 £3,500 00 Paid 25/4/2014	Jasmine Media LLP	Gary Todd and Susan Todd are common Directors

## 10. CONCLUSION

The "final" report and account of receipts and payments was be laid before final meetings of the Company and its creditors on Thursday 11 September 2014 at 11 00am and 11 30am respectively at Begbies Traynor (Central) LLP, 2 Collingwood Street, Newcastle upon Tyne, NE1 1JF in accordance with Section 106 of the Act

The meetings are a formal requirement of Liquidation procedure and are a preliude to the formal dissolution of the Company, which will occur automatically, approximately three months later. Unless creditors otherwise resolve, pursuant to Section 173(2) of the Act we will be released from liability at the time that we vacate office.

The purpose of the meetings was to present the "final" report and obtain approval of the formal resolution "That the Joint Liquidators' final report and account of receipts and payments be approved" No Quorum was present at the meeting

Should you require further explanation of any matters contained within this report, you should contact our office and speak to the case manager, Emma Weston, in the first instance who will be pleased to assist

Andrew D Haslam Joint Liquidator

Dated 11 September 2014

# UK Haptics Limited . (In Liquidation) Joint Liquidators' Abstract of Receipts & Payments

SECURED ASSETS	Statement of Affairs		From 14/11/2013 To 11/09/2014	From 14/11/2012 To 11/09/2014
100   Research & Development   NIL   NIL		SECURED ASSETS		
Intellectual Property	1 00		NIL	NIL
COSTS OF REALISATION   Liquidators' Fees   Search Fee   Searc		· ·	3,500 00	
Liquidators' Fees   3,271 50   3,271 50   608 00		, ,		7,000 00
Liquidators' Fees   3,271 50   3,271 50   608 00		COSTS OF REALISATION		
Legal Fees   NIL   608 00 (3,271 50) (3,879 50)			3.271 50	3.271 50
SECURED CREDITORS   National Westminister Bank plc   NIL   NIL		· ·	•	-
NIL		•		
NIL		SECURED CREDITORS		
Number   Barclays Bank plc   3,120 50   (3,120 50)   (3,120 50)	(13,103 00)		NIL	NIL
ASSET REALISATIONS	•			
S00 00   Computer Equipment   NiL   1,000 00   330 00   Office Equipment   NiL   1,000 00   NiL   Stock   NiL   NiL   NiL   NiL   1,769 23   IP & Goodwill   NiL   NiL		, ,		
S00 00   Computer Equipment   NiL   1,000 00   330 00   Office Equipment   NiL   1,000 00   NiL   Stock   NiL   NiL   NiL   NiL   1,769 23   IP & Goodwill   NiL   NiL   843 30   NiL   VAT Refund   NiL   NiL   NiL   NiL   Stock   NiL   S43 30   NiL   VAT Refund   NiL		ASSET REALISATIONS		
330 00	500 00		NIL	6,000 00
NIL		·		
P & Goodwill   NIL   Sundry Refunds   NIL   843 30     NIL   VAT Refund   NIL   NIL   NIL     Bank Interest Gross   12 99   32 17     D	NIL		NIL	
1 00	15,000 00	Book Debts	NIL	1,769 23
NIL   VAT Refund   Bank Interest Gross   12 99   32 17   12 99   9,644 70   12 99   9,644 70   12 99   9,644 70   12 99   9,644 70   12 99   9,644 70   12 99   9,644 70   12 99   9,644 70   12 99   9,644 70   12 99   9,644 70   12 99   9,644 70   12 99   9,644 70   12 99   12		IP & Goodwill	NIL	NIL
Bank Interest Gross   12 99   32 17   12 99   9,644 70				
COST OF REALISATIONS   Insolvency Practitioners' Bond   NIL   30 00	NIL			
COST OF REALISATIONS   Insolvency Practitioners' Bond   NIL   30 00		Bank Interest Gross		
Insolvency Practitioners' Bond			12 99	9,644 70
Statement of Affairs Fee				
Liquidators' Fees   3,966 88   3,966 88   Search Fee   1 00   1 00   1 00   3 torage Costs   332 72   332 72   332 72   Statutory Advertising   84 60   314 10   (4,385 20)   (9,644 70)				
Search Fee   1 00   1 00   302 72   332 72   332 72   332 72   332 72   332 72   332 72   332 72   332 72   332 72   332 72   332 72   332 72   332 72   332 72   332 72   332 72   332 72   34 60   314 10   (4,385 20)   (9,644 70)				•
Storage Costs   332 72   332 72   Statutory Advertising   84 60   314 10			•	
Statutory Advertising   84 60				
PREFERENTIAL CREDITORS   PREFERENTIAL CREDITORS   Employees&DBIS -Arrears of Wages   NIL   NIL   NIL				
REFERENTIAL CREDITORS		Statutory Advertising		
Remployees&DBIS -Arrears of Wages/   NIL   NIL			(4,365 20)	(9,044 70)
UNSECURED CREDITORS	(2.2.2.2.1)			
UNSECURED CREDITORS	(8,246 74)	Employees&DBIS -Arrears of vvages/		
(164,103 17)       Trade Creditors       NIL       NIL         (4,362 96)       Employees&DBIS -Arrears of Wages       NIL       NIL         (15,825 43)       Employees&DBIS -Notice & Redundan       NIL       NIL         (786,531 00)       Private Loan       NIL       NIL         Uncertain       HM Revenue & Customs (CT)       NIL       NIL         (15,669 66)       HM Revenue & Customs (PAYE)       NIL       NIL         (47,435 15)       Elphick Douglas Properties (Landlord)       NIL       NIL         NIL       NIL       NIL			NIL	NIL
(4,362 96)       Employees&DBIS -Arrears of Wages       NIL       NIL         (15,825 43)       Employees&DBIS -Notice & Redundan       NIL       NIL         (786,531 00)       Private Loan       NIL       NIL         Uncertain       HM Revenue & Customs (CT)       NIL       NIL         (15,669 66)       HM Revenue & Customs (PAYE)       NIL       NIL         (47,435 15)       Elphick Douglas Properties (Landlord)       NIL       NIL         NIL       NIL       NIL				
(15,825 43)         Employees&DBIS -Notice & Redundan         NIL         NIL           (786,531 00)         Private Loan         NIL         NIL           Uncertain         HM Revenue & Customs (CT)         NIL         NIL           (15,669 66)         HM Revenue & Customs (PAYE)         NIL         NIL           (47,435 15)         Elphick Douglas Properties (Landlord)         NIL         NIL           NIL         NIL         NIL         NIL           (199 50)         Ordinary Shareholders         NIL         NIL           (29 85)         Deferred Shareholders         NIL         NIL				· · · · · ·
(786,531 00)         Private Loan         NIL         NIL           Uncertain         HM Revenue & Customs (CT)         NIL         NIL           (15,669 66)         HM Revenue & Customs (PAYE)         NIL         NIL           (47,435 15)         Elphick Douglas Properties (Landlord)         NIL         NIL           NIL         NIL         NIL           (199 50)         Ordinary Shareholders         NIL         NIL           (29 85)         Deferred Shareholders         NIL         NIL	•			
Uncertain	• • •			
(15,669 66)         HM Revenue & Customs (PAYE)         NIL	, ,			
(47,435 15)         Elphick Douglas Properties (Landlord)         NIL         NIL         NIL           DISTRIBUTIONS         (199 50)         Ordinary Shareholders         NIL         NIL         NIL           (29 85)         Deferred Shareholders         NIL         NIL         NIL		' '		
NIL   NIL	• •	· · · · · · · · · · · · · · · · · · ·		
(199 50)         Ordinary Shareholders         NIL         NIL           (29 85)         Deferred Shareholders         NIL         NIL	(47,435 13)	Elphick Bouglas i Toperties (Landiold)		
(199 50)         Ordinary Shareholders         NIL         NIL           (29 85)         Deferred Shareholders         NIL         NIL		DISTRIBUTIONS		
(29 85) Deferred Shareholders NIL NIL	(100 50)		MII	AIII
\	•			
	(28 00)	Deletted ettatetiologis	NIL	NIL

(1,039,674.46)		(7,264.21)	(0.00)
	REPRESENTED BY	-	
			NIL

						!	1							
UK Haptio	UK Haptics Limited - Creditors Voluntary Liquidation - 84UK017.CVL	uidation - 8	34UK017.0	3VL			ime Cost /	Analysis F	Time Cost Analysis For The Period	iod From		2013 To	14/11/2013 To 11/09/2014	1 of 1
Staff Grade		Partner	Director	Snr Mngr	Mngr	Asst Mngr	Snr Admin	Admin	Jnr Admin	Support	N/A	Total Hours	Time cost £	Average hourly rate £
Administration	Appointment and case planning						İ							
and Planning	Administration and Banking		10					33.7		13	0.5	36 50	5,022 50	137 60
	Statutory reporting and statement of affairs							9				9	810 00	135 00
Investigations	CDDA and investigations													
Realisation of	Debt collection							18				1 80	243 00	135 00
assets	Property business and asset sales	90				÷		43				4 80	778 00	162 08
	Retention of Title/Third party assets													
Trading	Trading													
Creditors	Secured													
	Others	0.5										0 20	197 50	395 00
	Creditors committee													
Other matters	Meetings													
	Other													
	Тах													
	Litigation			İ										
Total hours by staff grade	taff grade	10	10					458		13	0.5	49 6		
Total time cost by staff grade £	y staff grade £	395 00	345 00					6,183 00		78 00	20 00		7,051 00	
Average hourly rate £	ate £	395 00	345 00					135 00		00 09	100 00			142 16
Total fees drawn to date £	to date £												7,238 38	

UK Haptio	UK Haptics Limited - Creditors Voluntary Liquidation - 84UK017.CVL	uidation - 8	34UK017.0	3VL		<b>!</b>	ime Cost	Time Cost Analysis For The Period	or The Per	iod From		/2012 To	14/11/2012 To 11/09/2014	1 of 1
Staff Grade		Partner	Director	Snr Mngr	Mngr	Asst Mngr	Snr Admin	Admin	Jnr Admin	Support	N/A	Total Hours	Time cost £	Average hourly rate £
Administration	Appointment and case planning	20						86				11 80	2 113 00	179 07
and Planning	Administration and Banking	2.0	30					518	12.7	4 2	0.5	74 20	10,567 00	142 41
	Statutory reporting and statement of affairs							09				9 00 9	810 00	135 00
Investigations	CDDA and investigations								20			2 00	220 00	110 00
Realisation of	Debt collection	4	10					18	1.5			8 30	2 333 00	281 08
2000	Property, business and asset sales	15	4 5					7.2	30			16 20	3,447 00	212 78
_	Retention of Title/Third party assets													
Trading	Trading													
Creditors	Secured													
	Others	0.5						50	30			8 50	1,202 50	141 47
	Creditors committee													
Other matters	Meetings													
	Other													
	Тах													
	Litigation													
Total hours by staff grade	taff grade	10 0	85					816	22.2	42	0.5	127 0		
Total time cost by staff grade £	y staff grade £	3,950 00	2 932 50					11,016 00	2 442 00	302 00	20 00		20 692 50	•
Average hourly rate £	ato £	395 00	345 00					135 00	110 00	71 90	100 00			162 93
Total fees drawn to date £	to date £			-									7,238 38	

## SUMMARY OF OFFICE HOLDERS' TIME COSTS

CASE NAME UK Haptics Limited

CASE TYPE Creditors' Voluntary Liquidation

OFFICE HOLDERS Andrew David Haslam and Gillian Margaret Sayburn

DATE OF APPOINTMENT 14 November 2012

#### 1 CASE OVERVIEW

1 1 This overview and the time costs analysis attached is intended to provide sufficient information to enable the body responsible for the approval of the office holders' fees to consider the level of those fees in the context of the case

## 12 Complexity of the case

This case would be considered a relatively straightforward Liquidation and as a result displayed no exceptional degree of complexity

## 13 Exceptional responsibilities

There have been no exceptional responsibilities

## 14 The office holders' effectiveness

The purpose of the Liquidation was to realise the assets and bring about an orderly winding up of the Company's affairs. In this regard, the strategy implemented was successful

## 15 Nature and value of property dealt with by the office holders

The Company's assets included IP, computer equipment and office equipment. These assets were sold collectively to a connected party for £14,000 00

The Company had book debts. The majority of the book debts were received in the Company's bank account prior to our appointment. Some funds have been recovered after our appointment but the remaining book debts have been written off as irrecoverable.

## 16 Anticipated return to creditors

A secured creditor, Barclays Bank plc, was paid £3,120 50 on 6 May 2014

There are no funds available to pay a dividend to any other class of creditor

## 17 Time costs analysis

An analysis of time costs incurred between 14 November 2012 and 11 September 2014 prepared in accordance with Statement of Insolvency Practice 9 is attached showing the number of hours spent by each grade of staff on the different types of work involved in the case, and giving the average hourly rate charged for each work type

## 18 Work undertaken prior to appointment

In addition to the post appointment time costs detailed in the Time Costs Analysis, the costs relating to work undertaken prior to the Liquidators' appointment in summoning, advertising and holding the creditors' meeting and assisting the Directors in preparing the Statement of Affairs were approved by the creditors at the Section 98 meeting

### 19 The views of the creditors

Creditor views have not been sought

#### 1 10 Approval of fees

Creditors agreed at an initial meeting convened pursuant to Section 98 of the Act on 14 November 2012 that the Liquidators' remuneration be drawn on a time cost basis. I can confirm that remuneration of £7,238 38 has been drawn

## 1 11 Approval of Expenses and Disbursements

The Liquidators' Category 1 and Category 2 expenses/disbursements were agreed at the initial meeting of creditors held on 14 November 2012

## 1 13 Other professionals employed & their costs

Bond Dickinson LLP were engaged to provide legal advice regarding the prioritisation of the secured creditors' claims. Their fees are charged on a time costs basis. £608.00 has been incurred and discharged.

## 3 SUMMARY OF WORK CARRIED OUT SINCE OUR LAST REPORT

3.1 Since the date of our last report, the Liquidators have been awaiting the final instalment from the sale of the Company's assets. In addition, the Liquidators have been working towards recovering the book debts. Work of a statutory and administrative nature has also been undertaken.

## **BEGBIES TRAYNOR (CENTRAL) LLP**

## DISBURSEMENTS AND EXPENSES POLICY AND CHARGE OUT RATES

## **NEWCASTLE UPON TYNE AND TEESSIDE OFFICES**

## 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 draw remuneration on the basis of the time properly spent in dealing with the case. It also applies where further information is to be provided to creditors regarding the office holder's fees following the passing of a resolution for the office holder to be remunerated on a time cost basis.

Best practice guidance<sup>1</sup> requires that such information should be disclosed to those who are responsible for approving remuneration

Where the office holder's remuneration is proposed to be fixed on an additional or alternative basis, sufficient information will be provided to creditors in order to allow them to consider whether to approve the proposed basis or bases of the office holder's remuneration

Following approval further information will be provided to creditors regarding the office holder's fees as required by the legislation and best practice guidance

In addition, this note applies where creditor approval is sought to make a separate charge by way of expenses or disbursements to recover the cost of facilities provided by the firm and also where payments are to be made to outside parties in which the office holder or his firm or any associate has an interest

Best practice guidance<sup>2</sup> requires that such charges should be disclosed to those who are responsible for approving the office holder's remuneration, together with an explanation of how those charges are calculated

#### OFFICE HOLDER'S FEES IN RESPECT OF THE ADMINISTRATION OF INSOLVENT ESTATES

The office holder has overall responsibility for the administration of the estate

He/she will delegate tasks to members of staff. Such delegation assists the office holder as it allows him/her to deal with the more complex aspects of the case and ensures that work is being carried out at the appropriate level.

There are various levels of staff that are employed by the office holder and these appear below

The firm operates a time recording system which allows staff working on the case along with the office holder to allocate their time to the case. The time is recorded, in 6 minute units, at the individual's hourly rate in force at that time, the hourly rates applicable to this case are detailed below.

This is of course only applicable to those cases where the office holder is remunerated on a time cost basis, rather than the additional or alternative bases explained in SIP9

## EXPENSES INCURRED BY OFFICE HOLDERS IN RESPECT OF THE ADMINISTRATION OF INSOLVENT ESTATES

Best practice guidance classifies expenses into two broad categories

Statement of Insolvency Practice 9 (SIP 9) – Remuneration of insolvency office holders in England & Wales Statement of Insolvency Practice 9 (SIP 9) – Remuneration of insolvency office holders in England & Wales

- Category 1 disbursements (where creditor approval is not required) specific expenditure that is directly related to the case usually referable to an independent external supplier's invoice. Such expenditure may include Court fees, filing fees, company search fees, ML Regulation ID fees, oath fees, redirection of mail, external storage of books and records, external printing copying and stationary, postages, etc as well as legal fees, property agent fees, security, valuer fees, auctioneer and agent fees, utility costs etc. All such items are charged to the case as they are incurred.
- Category 2 disbursements (where creditor approval is required) items of incidental expenditure directly incurred on the case which include an element of shared or allocated cost and which are based on a reasonable method of calculation

The following items of expenditure may be charged to the case (subject to creditor approval)

- Internal meeting room usage for the purpose of statutory meetings is charged at the rate of £100 per meeting. The Newcastle upon Tyne and Teesside offices do not at this time make any such charge to the insolvent estate for internal meeting room usage.
- Car mileage is charged at the rate of 45 pence per mile
- Storage of books and records (when not chargeable as a Category 1 expense) is charged 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, The Newcastle upon Tyne and Teesside offices do not at this time make any
  such charge to the insolvent estate for the internal storage of books and records
- Expenses which should be treated as Category 2 disbursements (creditor approval is required)

In addition to the 2 Categories referred to above best practice guidance indicates that where payments are made or are to be made to outside parties in which the office holder or his firm or any associate has an interest these payments should be treated as Category 2 disbursements

Such Category 2 disbursements would for example include payments made to other entities within the Begbies Traynor Group (BTG) e.g. BTG Asset Consulting, BTG Corporate Finance, BTG Commercial Finance, BTG Global Network (incorporating BTG Forensic, BTN Risk and BTG Intelligence)

BTG Asset Consulting, a division of BTG Consulting LLP which is itself part of BTG, charges £125 per hour for their advice regarding asset appraisal and disposal etc

BTG Global Network provide a wide range of services, the most likely to be used in an insolvency procedure is in relation to enquiries and investigations into the location of assets or individuals surveillance and other investigative services, costs range from £100 to £250 per hour

Where we have used or intend to use other entities within the Begbies Traynor Group that fact will be disclosed in the report to which this Appendix is attached or in future reports to creditors detailing the reasons for the instruction, the nature of the work undertaken, the basis of remuneration and the costs thereof

The following items of expenditure will normally be treated as general office overheads and will not be charged to the case although a charge may be made where the precise cost to the case can be determined because the item satisfies the test of a Category 1 disbursement

- Telephone and facsimile
- Printing and photocopying
- Stationery
- Postages

## **BEGBIES TRAYNOR (CENTRAL) LLP**

## **CHARGE-OUT RATES**

## **NEWCASTLE UPON TYNE AND TEESSIDE OFFICES**

Begbies Traynor (Central) LLP 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 Newcastle upon Tyne and Teesside offices of Begbies Traynor (Central) LLP as at the date of the report to which this Appendix is attached are as follows

Charge-out Rate
(£ per hour)
395
345
310
265
205
175
135
110
110

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)

## LIQUIDATORS' TIME COSTS AND DISBURSEMENTS

- a SIP 9 table of time spent and charge-out value for the period from 14 November 2013 to 11 September 2014 and for the whole period of the Liquidation,
- b Narrative summary of time costs incurred,
- c Begbies Traynor (Central) LLP's policy for re-charging expenses/disbursements, and
- d Begbies Traynor (Central) LLP's charge-out rates

## LIQUIDATORS' STATEMENT OF EXPENSES

Name of party with whom expense incurred	Amount incurred	Amount discharged	Balance to be discharged
	£	£	£
Bond Dickinson LLP	608 00	608 00	0 00
Marsh Limited	30 00	30 00	0 00
Begbies Traynor (Central) LLP	5,000 00	5,000 00	0 00
Companies House Direct	1 00	1 00	0 00
Datasafe Storage Limited	332 72	332 72	0 00
Courts Advertising Limited	314 10	314 10	0 00
	Bond Dickinson LLP  Marsh Limited  Begbies Traynor (Central) LLP  Companies House Direct  Datasafe Storage Limited  Courts Advertising	whom expense incurred  £  Bond Dickinson LLP 608 00  Marsh Limited 30 00  Begbies Traynor (Central) LLP  Companies House Direct 1 00  Datasafe Storage 332 72 Limited  Courts Advertising 314 10	whom expense incurred         incurred         discharged           £         £           Bond Dickinson LLP         608 00         608 00           Marsh Limited         30 00         30 00           Begbies Traynor (Central) LLP         5,000 00         5,000 00           Companies House Direct         1 00         1 00           Datasafe Storage Limited         332 72         332 72           Courts Advertising         314 10         314 10