

LIQ03

Notice of progress report in voluntary winding up



Companies House

WEDNESDAY



A09 *AB68LSA0* 15/06/2022 #198
COMPANIES HOUSE

1 Company details

Company number 0 6 9 4 9 7 9 2

Company name in full KW Lift Trucks Limited

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) Philip Anthony

Surname Brooks

3 Liquidator's address

Building name/number Blades Insolvency Services

Street Charlotte House

19B Market Place

Post town Bingham

County/Region Nottingham

Postcode N G 1 3 8 A P

Country

4 Liquidator's name ①

Full forename(s) Julie Elizabeth

Surname Willetts

① Other liquidator

Use this section to tell us about
another liquidator.

5 Liquidator's address ②

Building name/number Blades Insolvency Services

Street Charlotte House

19B Market Place

Post town Bingham

County/Region Nottingham

Postcode N G 1 3 8 A P

Country

② Other liquidator

Use this section to tell us about
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6 Period of progress report

From date	d	0	d	1	m	0	m	3	y	2	y	0	y	2	y	1
To date	d	2	d	8	m	0	m	2	y	2	y	0	y	2	y	2

7 Progress report

☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

x 

x

Signature date

d	1	d	8	m	0	m	5	y	2	y	0	y	2	y	2
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Presenter information

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

Contact name **Shelley Hargreaves**

Company name **Blades Insolvency Services**

Address **Charlotte House**

19B Market Place

Bingham

Post town **Nottingham**

County/Region

Postcode **N G 1 3 8 A P**

Country

DX

Telephone **01949831260**



Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed 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 www.gov.uk/companieshouse 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

Our ref PAB/2868/A
29 April 2022

TO ALL MEMBERS AND CREDITORS

Dear Sir/Madam

**KW LIFT TRUCKS LIMITED
IN MEMBERS' VOLUNTARY LIQUIDATION**

This is my report to members following the anniversary of my appointment as Joint Liquidator of the company on 1 March 2021.

This practice uses personal information to fulfil the legal obligations of our Insolvency Practitioners under the Insolvency Act and other relevant legislation and to fulfil the legitimate interests of keeping creditors and others informed about the insolvency proceedings. You can find more information on how we use your personal information in our privacy statement which may be viewed on our website at www.bladesinsolvency.co.uk

If you have any queries concerning enclosed report or the conduct of the liquidation, please contact either me or my colleague, Christine Lingard, by telephone on 01949 831260 or by email to c.lingard@bladesinsolvency.co.uk

Yours faithfully
for and on behalf of
KW LIFT TRUCKS LIMITED



P A Brooks
Joint Liquidator

Enc

Philip Anthony Brooks and Julie Willetts are Licensed Insolvency Practitioners bound by the Insolvency Code of Ethics

Our ref PAB/2868/A
29 April 2022

**KW LIFT TRUCKS LIMITED
IN MEMBERS' VOLUNTARY LIQUIDATION**

**LIQUIDATORS' ANNUAL PROGRESS REPORT PURSUANT TO SECTION 92A
OF THE INSOLVENCY ACT 1986**

Introduction

The company went into liquidation on 1 March 2021. This report covers the period from the date of liquidation to 28 February 2022.

Company and liquidators' details

Company registered number:	06949792
Nature of business:	Forklift truck sales and hire
Former trading address:	Units B1 and B2 Enterprise Park Wigwam Lane Hucknall Nottingham, NG15 7SZ
Date of liquidators' appointment:	1 March 2021
Names of joint liquidators:	P A Brooks and J Willetts
Registered office address:	Charlotte House 19B Market Place Bingham Nottingham, NG13 8AP

Liquidators' receipts and payments account

A summary of my receipts and payments for the period from 1 March 2021 to 28 February 2022 is attached.

Funds have been held in designated bank accounts in the name of the estate.

Realisation of assets

- Cash at bank represents the funds that were held in the company's bank account at the date of liquidation.
- Trade debts have realised £241,259. I understand that the book value of the remaining trade debts is £35,482.
- The company's plant, machinery and stock in trade was sold in September 2021 to KW Lift Trucks (UK) Limited ("KWLUK") for £250,000. The consideration is payable by way of fifteen equal monthly instalments of £16,667.
- Receipts from former customers that relate to goods and services supplied by KWLUK total £84,063. Payments of £77,826 were paid to KWLUK in respect of these recoveries in the period.
- A refund of £558 of in respect of business rates has been received from Ashfield District Council.
- British Gas has refunded £53 in respect of overpaid charges for the period prior to the sale of the business.
- Sundry refunds in respect of overpayments to two suppliers total £943.
- Interest earned on funds invested in the liquidators' bank account during the reporting period totalled £17.

Payments

- Smith's Bookkeeping & Accountancy Services Limited has been paid £1,825 in respect of payroll services, general accountancy and bookkeeping support, and for the provision of advice and information to commence the liquidation.
- Gunner Cooke LLP, solicitors, has been paid £1,140 in respect of their fee to prepare the deed of indemnity to permit the payment of the first distribution to members.
- Bank charges totalling £34 have been incurred during the reporting period.

Creditors' claims and dividends

- **Preferential**

H M Revenue and Customs has been paid £3,860 in respect of outstanding PAYE/NI at the date of liquidation and a further £30,124, being VAT for the period from 1 December 2020 to the date of liquidation, together with statutory interest.

- **Non-preferential creditors**

Eighteen claims, totalling £15,906, have been received from non-preferential creditors and paid in the liquidation.

HMRC was owed £48,807 plus statutory interest in respect of Corporation Tax that was unpaid at the close of the reporting period.

Distribution

A first distribution of £2,000,000.00 was paid to members on 3 March 2021 which represents a capital distribution of £18,181.82 per £1.00 ordinary share.

Liquidators' fees and disbursements

I have incurred disbursements of £811 which are summarised below:

Type of expense	Total
	£
Statutory advertising	249
Liquidators' bond	542
Online money laundering checks	20
Total	811

At the meeting held on 1 March 2021 the following resolution was passed by the members:

- "That the joint liquidators' fees will be charged by reference to time properly spent by them and their staff in dealing with the matters relating to the liquidation of the company, capped at £8,000, plus disbursements and VAT".

To reduce the level of professional costs certain work has been conducted by staff under my supervision. The level of staff has been selected based upon the nature and complexity of the assignment.

The current hourly charge-out rate for each grade of staff is detailed on the attached summary of fees and disbursements charged by this firm. All staff involved in the assignment have been charged directly to the case and there has been no general overhead allocation in respect of support staff. There has been no increase in my firm's hourly rates during the reporting period.

I have incurred time costs of £13,979 in respect of work in connection with the liquidation which represents a total of 83.50 hours spent at an average hourly rate of £167.41.

I have drawn a fee of £4,000 on account of my time costs in accordance with the resolution passed at the initial members' meeting.

Outstanding matters

The principal outstanding matters are the receipt of tax clearance from H M Revenue and Customs and the recovery of the outstanding trade debts together with the debt due in respect of the sale of the company's plant, machinery and stock in trade.

I expect that it will be a further nine months before the above matters are resolved and I hope to be able to take steps to conclude the liquidation in the early part of 2023.

Complaints

Whilst my firm strives to provide a professional and efficient service, it is in the nature of insolvency proceedings for disputes to arise from time to time. If you have any complaints about this case, you should, in the first instance, put details of your complaint in writing to my firm. This will formally invoke our complaints procedure and we will endeavour to deal with your complaint in writing within a period of twenty-one days of receipt.

Most disputes can be resolved amicably either through the provision of further information or following negotiations. However, if you have exhausted our complaints procedure and you are not satisfied that your complaint has been resolved or dealt with appropriately, you may complain to the regulatory body that licences the insolvency practitioner concerned. Any such complaints should be addressed to The Insolvency Service, IP Complaints, 3rd Floor, 1 City Walk, Leeds, LS1 1 9DA, and you can make a submission using an on-line form available at www.gov.uk/complain-about-insolvency-practitioner

Further information

A member may, with the permission of the court or with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company, request further details of the liquidators' remuneration and expenses within twenty-one days of receipt of this report.

A member may, with the permission of the court or with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company, apply to court to challenge the amount and/or basis of the liquidators' fees and the amount of any proposed expenses or expenses already incurred, within eight weeks of receipt of this report.

Conclusion

The principal outstanding matters are summarised above and based on current information I expect to be in a position to conclude this liquidation early in 2023.

Please do not hesitate to contact me should you require any further information.

A handwritten signature in black ink, appearing to read 'P A Brooks', written in a cursive style.

P A Brooks
Joint Liquidator

KW LIFT TRUCKS LIMITED
IN MEMBERS' VOLUNTARY LIQUIDATION

LIQUIDATORS' RECEIPTS AND PAYMENTS ACCOUNT
FOR THE PERIOD FROM 1 MARCH 2021 TO 28 FEBRUARY 2022

Per Declaration of Solvency		Total
£		£
RECEIPTS		
2,053,000	Cash at bank	2,149,203.84
335,000	Trade debts	201,048.91
250,000	Plant and machinery	92,046.32
	Funds due to KW Lift Trucks (UK) Limited	84,063.26
	Business rates refund	557.79
	Utility refund	53.41
	Sundry refunds	943.14
	Interest received	17.16
	VAT	58,619.02
<u>2,638,000</u>		<u>2,586,552.85</u>
PAYMENTS		
8,000	Liquidators' remuneration	4,000.00
249	Liquidators' disbursements - statutory advertising	249.00
542	Liquidators' disbursements - specific bond	542.50
20	Money laundering search	20.00
10,000	Accountancy fees	1,825.00
1,000	Legal fees	1,140.00
	Funds payable to KW Lift Trucks (UK) Limited	77,825.66
	Bank charges	34.40
90,000	Preferential creditor	33,984.27
132,000	Non-preferential creditors	13,966.17
2,396,189	Shareholder distribution	2,000,000.00
	VAT	3,494.88
<u>2,638,000</u>		<u>2,137,081.88</u>
Balance on hand		<u><u>449,470.97</u></u>
Being:		
	Deposit account	403,017.16
	Current account	46,453.81
		<u><u>449,470.97</u></u>

Note:

The Company accounts for Value Added Tax under the Cash Accounting Scheme and for this reason Trade debts and Non-preferential creditors are stated net of VAT in the above summary.

BLADES INSOLVENCY SERVICES PRACTICE FEE RECOVERY POLICY

Introduction

The insolvency legislation was changed in October 2015, with limited exceptions, for insolvency appointments made from that time. This sheet explains how we intend to apply the alternative fee bases allowed by the legislation when acting as office holder in insolvency appointments. The legislation allows different fee bases to be used for different tasks within the same appointment. The fee basis, or combination of bases, set for a particular appointment is/are subject to approval, generally by a committee if one is appointed by the creditors, failing which the creditors in general meeting, or the Court.

Further information about creditors' rights can be obtained by visiting the creditors' information micro-site published by the Association of Business Recovery Professionals (R3) at <http://www.creditorinsolvencyguide.co.uk/>. Details about how an office holder's fees may be approved for each case type are available in a series of guides issued with Statement of Insolvency Practice 9 (SIP 9) and <https://www.r3.org.uk/technical-library/england-wales/technical-guidance/fees/>. Alternatively, a hard copy may be requested from Blades Insolvency Services, Charlotte House, 19B Market Place, Bingham, Nottingham, NG13 8AP. Please note that we have provided further details in this policy document.

Once the basis of the office holder's remuneration has been approved, a periodic report will be provided to any committee as well as to each creditor. The report will provide a breakdown of the remuneration drawn. If approval has been obtained for remuneration on a time costs basis, i.e. by reference to time properly spent by members of staff of the practice at our standard charge-out rates, the time incurred will also be disclosed, whether drawn or not, together with the average, or "blended" rates of such costs. Under the legislation, any such report must disclose how creditors can seek further information and challenge the basis on which the fees are calculated and the level of fees drawn in the period of the report. Once the time to challenge the office holder's remuneration for the period reported on has elapsed, then that remuneration cannot subsequently be challenged.

Under some old legislation, which still applies for insolvency appointments commenced before 6 April 2010, there is no equivalent mechanism for fees to be challenged.

Time cost basis

When charging fees on a time costs basis we use charge-out rates appropriate to the skills and experience of a member of staff and the work that they perform. This is combined with the amount of time that they work on each case, recorded in 6 minute units, with supporting narrative to explain the work undertaken.

Charge-out rates:

Grade of staff	Current charge-out rate per hour, effective from 1 November 2018 £	Previous charge-out rate per hour, effective from 1 November 2011 £
Partner	285	260
Administrator	110	100
Junior Administrator	80	70
Cashier	80	70

These charge-out rates charged are reviewed annually and, where relevant, are adjusted to take account of inflation and the firm's overheads.

Time spent on casework is recorded directly to the relevant case using a computerised time recording system and the nature of the work undertaken is recorded at that time. The work is generally recorded under the following categories:

- Administration and planning
- Investigations
- Realisation of assets
- Creditors
- Trading
- Case specific matters

In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and on new appointments we may seek approval for our fees to be based on a percentage basis or as a fixed sum, both of which are explained further below.

When we seek time costs approval we have to provide a fees estimate. That estimate acts as a cap on our time costs so that we cannot draw fees of more than the estimated time costs without further approval from those who approved our fees. When seeking approval for our fees, we will disclose the work that we intend to undertake, the hourly rates we intend to charge for each part of the work, and the time that we think each part

of the work will take. We will summarise that information in an average or "blended" rate for all of the work being carried out within the estimate. We will also say whether we anticipate needing to seek approval to exceed the estimate and, if so, the reasons why we think that may be necessary.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions and the value and nature of the property with which the office holder has to deal.

If we subsequently need to seek authority to draw fees above the estimate, we will explain why we have exceeded, or are likely to exceed, the estimate, any additional work undertaken or proposed to be undertaken, the hourly rates proposed for each part of the work and the time that the additional work is expected to take. As with the original estimate, we will say whether we anticipate needing further approval and, if so, why we think it may be necessary to seek further approval.

Percentage basis

The legislation allows fees to be charged on a percentage of the value of the property with which the office holder has to deal (realisations and/or distributions). Different percentages can be used for different assets or types of assets. In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and we now seek remuneration on a percentage basis more often. A report accompanying any fee request will set out the potential assets in the case, the remuneration percentage proposed for any realisations and the work covered by that remuneration, as well as the expenses that will be, or are likely to be, incurred. Expenses can be incurred without approval but must be disclosed to help put the remuneration request into context.

The percentage approved in respect of realisations will be charged against the assets realised and, where approval is obtained on a mixture of bases, any fixed fee and time costs will then be charged against the funds remaining in the liquidation after the realisation percentage has been deducted.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional nature falling on the office holder, the effectiveness with which the office holder has carried out their functions and the value and nature of the property with which the office holder has to deal.

If the basis of remuneration has been approved on a percentage basis, then an increase in the amount of the percentage applied can only be approved by the committee or

creditors (depending upon who approved the basis of remuneration) in cases where there has been a material and substantial change in the circumstances that were taken into account when fixing the original level of the percentage applied. If there has not been a material and substantial change in the circumstances then an increase can only be approved by the Court.

Fixed fee

The legislation allows fees to be charged at a set amount. Different set amounts can be used for different tasks. In cases where we were appointed prior to 1 October 2015, most of our fees were recovered on a time costs basis and appropriate authority was obtained from the creditors or the committee as set down in the legislation. The legislation changed on 1 October 2015 and we now seek remuneration on a fixed fee basis more often. A report accompanying any fee request will set out the set fee that we propose to charge and the work covered by that remuneration, as well as the expenses that will be, or are likely to be, incurred. Expenses can be incurred without approval but must be disclosed to help put the remuneration request into context.

The disclosure that we make should include sufficient information about the insolvency appointment to enable you to understand how the proposed fee reflects the complexity (or otherwise) of the case, any responsibility of an exceptional kind falling on the office holder, the effectiveness with which the office holder has carried out their functions and the value and nature of the property with which the office holder has to deal.

If the basis of remuneration has been approved on a fixed fee basis then an increase in the amount of the fixed fee can only be approved by the committee or creditors (depending upon who approved the basis of remuneration) in cases where there has been a material and substantial change in the circumstances that were taken into account when fixing the original level of the fixed fee. If there has not been a material and substantial change in the circumstances then an increase can only be approved by the Court.

Members' Voluntary Liquidations and Voluntary Arrangements

The changes in legislation that took effect from 1 October 2015 did not apply to Members' Voluntary Liquidations (MVL), Company Voluntary Arrangements (CVA) or Individual Voluntary Arrangements (IVA). In MVL's, the company's members set the fee basis, often as a fixed fee. In CVA's and IVA's, the fee basis is set out in the proposals and creditors approve the fee basis when they approve the arrangement.

All bases

With the exception of IVAs and CVAs which are VAT exempt, the office holder's remuneration invoiced to the insolvent estate will be subject to VAT at the prevailing rate.

Agent's costs

Charged at cost based upon the charge made by the agent instructed.

The term agent includes:

- Solicitors / legal advisors
- Auctioneers / valuers
- Accountants
- Quantity surveyors
- Estate agents
- Other specialist advisors

In appointments made after 1 October 2015, the office holder will provide details of expenses to be incurred, or likely to be incurred, when seeking fee approval. When reporting to the committee and creditors during the insolvency appointment the actual expenses incurred will be compared with the original estimate provided.

Expenses

In accordance with SIP 9 the basis of allocation in respect of expenses incurred by the office holder in connection with the administration of the estate must be fully disclosed to creditors. Expenses are categorised as either category 1 or category 2.

Category 1 expenses are directly referable to an invoice from a person or party, who is not an associate of the office holder, which is either in the name of the estate or Blades Insolvency Services. In the case of the latter, the invoice will refer to, and therefore can be directly attributed to, the estate. These expenses are recoverable in full from the estate without the prior approval of creditors, either by a direct payment from the estate or, where the firm has made payment on behalf of the estate, by a recharge of the amount invoiced by the third party.

Examples of category 1 expenses are statutory advertising, external meeting room hire, specific bond insurance and search fees.

A software licence fee of £125.00 will be charged to each case. This is a fixed fee, irrespective of the duration of the insolvency procedure.

A website hosting fee of £7.00 is payable in respect of each annual and final report.

The actual cost of postage will be separately charged to the estate. (No charge is made for individual letters relating to the administration of the insolvent estate).

Category 2 expenses are directly referable to the estate and may be payments that have been made to an associate of the office holder or which have an element of shared or

allocated costs. These may be incurred by the practice and recharged to the estate; they are not attributed to the estate by a third party invoice.

These expenses are recoverable in full from the estate, subject to the basis of the expense charge being approved by creditors in advance.

Examples of category 2 expenses are record storage and mileage.

It is proposed that the following category 2 expenses are recovered:

Record storage	£10.00 box per annum (to include the cost of transport and eventual destruction of the records)
Mileage	45p per mile