

AM10

Notice of administrator's progress report

WEDNESDAY



A11 *A80MVKBC* #92
06/03/2019
COMPANIES HOUSE

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www.gov.uk/companieshouse

1	Company details	
Company number	0 7 1 5 5 4 6 9	→ Filling in this form Please complete in typescript or in bold black capitals.
Company name in full	Nightingale Engineering Limited	
2	Administrator's name	
Full forename(s)	Dean Anthony	
Surname	Nelson	
3	Administrator's address	
Building name/number	St Helen's House	
Street	King Street	
Post town	Derby	
County/Region		
Postcode	D E 1 3 E E	
Country		
4	Administrator's name ^①	
Full forename(s)	Nicholas Charles Osborn	① Other administrator Use this section to tell us about another administrator.
Surname	Lee	
5	Administrator's address ^②	
Building name/number	158 Edmund Street	② Other administrator Use this section to tell us about another administrator.
Street		
Post town	BIRMINGHAM	
County/Region		
Postcode	B 3 2 H B	
Country		

AM10

Notice of administrator's progress report

6 Period of progress report

From date	^d 0	^d 7	^m 0	^m 8	^y 2	^y 0	^y 1	^y 8
To date	^d 0	^d 6	^m 0	^m 2	^y 2	^y 0	^y 1	^y 9

7 Progress report

☒ I attach a copy of the progress report

8 Sign and date

Administrator's
signature

Signature

X

[Handwritten Signature]

X




Signature date

^d 1	^d 5	^m 0	^m 2	^y 2	^y 0	^y 1	^y 9
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AM10

Notice of administrator's progress report

 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	Emily Oliver
Company name	Smith Cooper
Address	St Helen's House
	King Street
Post town	Derby
County/Region	
Postcode	D E 1 3 E E
Country	
DX	
Telephone	01332 332021
 Checklist	
We may return forms completed incorrectly or with information missing.	
Please make sure you have remembered the following:	
<input type="checkbox"/> The company name and number match the information held on the public Register.	
<input type="checkbox"/> You have attached the required documents.	
<input type="checkbox"/> 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

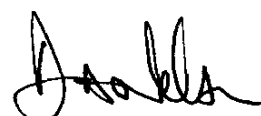
Nightingale Engineering Limited
(In Administration)
Joint Administrators' Summary of Receipts & Payments

Statement of Affairs £	From 07/08/2018 To 06/02/2019 £	From 07/02/2018 To 06/02/2019 £
700.00		
15,936.00		
Uncertain		
11,000.00		
24,957.00		
4,491.00		
ASSET REALISATIONS		
Office Furniture & Equipment	NIL	800.00
Intercompany Loan - NBML	NIL	NIL
WIP - Doosan Contract	NIL	NIL
Insurance Bond Refund	NIL	NIL
VAT Refund	NIL	NIL
Cash held in a Client Account	NIL	4,491.38
Bank Interest Gross	6.26	9.94
Utilities Refund	3.01	3.01
	9.27	5,304.33
COST OF REALISATIONS		
Creditors - Reimburse Admin Costs	NIL	NIL
Specific Bond	NIL	108.00
Pension Advisors	NIL	1,300.00
Agents/Valuers Fees	NIL	400.00
Travel	NIL	48.15
Storage Costs	81.23	88.10
Re-Direction of Mail	NIL	204.00
Statutory Advertising	NIL	75.00
Insurance of Assets	NIL	168.00
	(81.23)	(2,391.25)
PREFERENTIAL CREDITORS		
Employee - Wage Arrears	NIL	NIL
Employee - Holiday Pay	NIL	NIL
	NIL	NIL
FLOATING CHARGE CREDITORS		
Lloyds Bank plc	NIL	NIL
	NIL	NIL
UNSECURED CREDITORS		
Trade & Expense Creditors	NIL	NIL
Employees - Bal of Wage Arrears	NIL	NIL
Employees - Redundancy and Noti	NIL	NIL
HMRC - PAYE/NIC	NIL	NIL
HMRC - Corporation Tax	NIL	NIL
	NIL	NIL
DISTRIBUTIONS		
Ordinary Shareholders	NIL	NIL
	NIL	NIL
(1,421,442.00)	(71.96)	2,913.08
REPRESENTED BY		
Vat Receivable		403.85
Bank 1 Current		2,669.23
Vat Payable		(160.00)
		2,913.08

Note:

The amounts stated are net of VAT.

The funds are held in an interest bearing account.



12 February 2019 12:29

Dean Anthony Nelson
Joint Administrator

**High Court of Justice, Chancery Division Birmingham District Registry
No. 8028 of 2018**

**Nightingale Engineering Limited
(In Administration)**

The Joint Administrators' Progress Report to 6 February 2019

Dean Anthony Nelson

**Smith Cooper
St Helen's House, King Street, Derby, DE1 3EE
01332 332021
dean.nelson@smithcooper.co.uk**

Nicholas Charles Osborn Lee

**Smith Cooper
158 Edmund Street, Birmingham B3 2HB
0115 945 4300
nick.lee@smithcooper.co.uk**

This report has been prepared for the sole purpose of updating the creditors for information purposes. The report is private and confidential and may not be relied upon, referred to, reproduced or quoted from, in whole or in part, by creditors for any purpose other than updating them for information purposes, or by any other person for any purpose whatsoever.

Dean Anthony Nelson and Nicholas Charles Osborn Lee were appointed Joint Administrators of Nightingale Engineering Limited on 7 February 2018. The affairs, business and property of the Company are managed by the Joint Administrators. The Joint Administrators act as agents of the Company and contract without personal liability.

ABBREVIATIONS

For the purpose of this report the following abbreviations shall be used:

"the Act"	Insolvency Act 1986 (as amended)
"the Rules"	Insolvency (England and Wales) Rules 2016
"the Joint Administrators"	Dean Anthony Nelson and Nicholas Charles Osborn Lee
"the Company"	Nightingale Engineering Limited (In Administration)
"the Court"	High Court of Justice, Chancery Division, Companies Court
"RPS"	The Redundancy Payments Service
"EOS"	Estimated Outcome Statement
"PP"	The Prescribed Part of the Company's net property subject to Section 176A of the Insolvency Act 1986 (as amended).
"QFCH"	Qualifying Floating Charge Holder
"SIP"	Statement of Insolvency Practice (England & Wales)
"the Directors"	Mark Andrew Hardwick and Sean Grayson
"NBML"	Nightingale Business Management Limited, the Company's shareholder
"VDE"	VDE Asset Management Limited
"Nelsons"	Nelsons Solicitors Limited
"WIP"	Work in Progress
"QS" or "LK"	Leslie Keats, Quantity Surveyors
"Graywoods"	The Springs Partnership Limited, trading as Graywoods
"Galemain"	Galemain (Engineering Services) Limited
"Review Period"	Period from 7 August 2018 to 6 February 2019
"Whole Period"	Period from 7 February 2018 to 6 February 2019
"Proposals"	Administrators Proposals dated 23 March 2018
"WIP"	Work In Progress
"R&P"	Receipts and Payments Account

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2. The Progress of the Administration
3. Creditors: Claims and Distributions
4. Investigations
5. The Joint Administrators' Fees and Expenses
6. Conclusion

Appendices

- I. Statutory Information
- II. The Joint Administrators' Receipts and Payments Account
- III. The Joint Administrators' Time Costs
- IV. Charge-out Rates and Bases of Disbursements
- V. Details of Work Undertaken
- VI. Proof of debt

1. EXECUTIVE SUMMARY

This report describes the progress during the Review Period.

A summary of key information in this report is detailed below.

1.1. Asset realisations

Asset	Estimated to realise per SoA (£)	Realisations to date (£)	Anticipated Future Realisations (£)	Total Anticipated Realisations (£)
Office Furniture & Equipment	700	800	-	800
Intercompany Loan – NBML	15,936	-	-	-
Insurance Bond Refund	Uncertain	-	-	-
VAT Refund	24,957	-	-	-
Cash held in a Client Account	4,491	4,491	-	4,491
Bank Interest	-	10	10	20
Utilities Refund	-	3	-	3
Total	46,084	5,304	10	5,314

1.2. Expenses / Fees

Expense / Fees	Estimated per Proposals (£)	Expense / Fees incurred to date (£)	Anticipated further expense / Fees to closure (£)	Total anticipated expense / Fees (£)	Report Section
Joint Administrators' Pre-appointment Fees	3,037	3,037	-	3,037	
Joint Administrators' Post Appointment Fees	49,289	74,909	9,000	83,909	6.1/6.2
Solicitors' Pre-appointment Fees and Disbursements*	11,685	11,685	-	11,685	
Solicitors' Post-appointment Fees and Disbursements	8,000	14,022	5,000	19,022	6.3
Counsel's Fees and Disbursements	-	1,250	-	1,250	
Agents' Post-appointment Fees and Disbursements	400	400	-	400	
QS' Post-appointment Fees and Disbursements	2,000	945	-	945	
Pension Advisors	-	1,300	-	1,300	
Other Administrative Disbursements	837	702	50	752	
Total	75,248	108,250	14,050	122,300	

*Creditors have paid £7k plus VAT towards these fees and will be reimbursed as a first charge on realisations after payment of the pre-Administration fees.

1.3. Dividend prospects

Creditor class	Dividend / Distribution paid to date (p in £)	Anticipated Further Dividend / Distribution (p in £)	Anticipated Total Dividend / Distribution (p in £)
Secured creditor	nil	nil	nil
Preferential creditors	nil	nil	nil
Unsecured creditors	nil	nil	nil

1.4. Summary of key issues outstanding

The outstanding key issues are as follows:-

- Pursuing the various claims identified as part of our investigations in conjunction with our solicitors;
- Monitoring the Tax refunds and ascertain whether further refunds can be pursued;
- Review outstanding WIP position.

1.5. Closure

Based on current information, the prospect of any dividend being paid to preferential or unsecured creditors, and the closure of the case, will be dependent on the outcome of the claims identified following our detailed investigations.

2. THE PROGRESS OF THE ADMINISTRATION

2.1 The Joint Administrators' R&P

Attached at Appendix II is a receipts and payments account for the Review Period together with a summary of the transactions for the Whole Period.

The rest of this report describes the key developments in the Administration over the Review Period. For a detailed list of work undertaken by the Joint Administrators as a whole, see Appendix V.

In this section, we have summarised the main asset realisations during the Review Period and an estimation of those assets yet to be realised, together with details of the associated costs incurred, but as yet, remaining unpaid.

2.2 Administration (including statutory reporting)

The Joint Administrators have met a considerable number of statutory and regulatory obligations. Whilst many of these tasks have not had a direct benefit in enhancing realisations for the insolvent estate, they have assisted in the efficient and compliant progression of the Administration, which has ensured that the Joint Administrators and their staff have carried out their work to high professional standards.

During the Review Period, primarily these administrative tasks have included:

- Consulting with and instructing staff and independent advisers as regards practical, technical and legal aspects of the case to ensure efficient progress;
- Maintaining case files, which must include records to show and explain the Administration and any decisions made by the Joint Administrators that materially affect the Administration;
- Drafting the progress report to accompany an application to Court to extend the Administration;
- Monitoring and maintaining an adequate statutory bond;
- Conducting periodic case reviews to ensure that the Administration is progressing efficiently, effectively and in line with the statutory requirements;
- Maintaining and updating the estate cash book and bank accounts, including regular bank reconciliations and processing receipts and payments; and
- Considering whether an extension to the Administration is necessary and obtaining approval for this via the Court.

2.3 Realisation of assets

During the Review Period, minimal asset realisations have been received.

2.4 Estimated future realisations

2.4.1 Intercompany Loan Account - NBML

As discussed in my previous report to creditors, NBML are indebted to the Company for c.£15.9k. However, they wish to apply set-off due to them having a subrogated secured claim discussed under section 3.1.

This is currently being considered / pursued with the assistance of my solicitors, Nelsons.

2.4.2 WIP – Doosan Contract

As discussed in my previous report, the Company appeared to have outstanding WIP due of c.£424k, in respect of a contract with Doosan. However, Doosan issued a counter claim of c.£524k against the Company for incomplete works, and c.£490k in liquidated damages due to, what they perceived to be, the termination of the contract, as the Company was unable to complete the work under the contract due to its financial position.

In accordance with the terms of the contract, the Company had entered into a performance bond to protect Doosan in the event the Company couldn't complete the contract, which was cross guaranteed by NBML. Whilst there was some uncertainty surrounding whether this bond had been fully implemented, the insurers have now paid c.£267.5k to Doosan.

As a result of this payment, the counter claim of Doosan will be reduced. Furthermore, they are still to provide evidence of their counter claim, and as such, this is being investigated by the Joint Administrators and our solicitors, and will be challenged, if applicable where necessary.

2.4.3 Insurance Bond Refund

As stated above, the insurers have now taken the decision that the bond was fully implemented, therefore, no refund will be made in respect of the bond premium, which was being asserted by the Company prior to its insolvency.

2.4.4 Terminal Loss Relief Claim

The Joint Administrators have submitted a terminal loss relief claim of c.£15k to HMRC, which has been duly accepted. HMRC have subsequently applied set-off against a PAYE/NIC liability, which has reduced their unsecured claim accordingly, which, coupled with the VAT reclaim discussed below, should result in funds being received into the estate.

2.4.5 VAT reclaim

Having reviewed the Company's books and records and creditor claims, there is a VAT refund of c.£69k due to the Company following the submission of a VAT return by the Administrators. HMRC requested a substantial amount of information to justify the refund, which has been duly provided, and as a result, the claim was accepted. At the date of this report this refund has now been received, albeit for the purposes of this report it is outside of the Review Period.

Furthermore, Smith Cooper's VAT team are currently advising on further potential VAT recoveries of c.£72k which may be recoverable in relation to one of the Company's suppliers un-invoiced WIP. Having gathered all available information, a letter will shortly be issued to HMRC and an update will be provided in the next report.

2.5 Costs incurred but remaining unpaid

The following table summarises the costs incurred during the Review Period, but which as yet remain unpaid:

Cost Description	Amount (£) (net of VAT)
Legal Fees and disbursements	8,980
Counsels Fees and disbursements	1,250
Storage costs	50
Travel expenses	41
TOTAL	10,321

During the Review Period, the Joint Administrators have also incurred time costs and direct expenses, not all of which have yet been discharged. Further details of these costs are set out in section 5 below.

3 CLAIMS AND DISTRIBUTIONS

3.1 Secured creditors

The Company granted a fixed and floating charge to Lloyds TSB Bank plc ("LTSB") on 14 December 2010. LTSB was owed c.£132k on appointment.

NBML also provided a cross guarantee in respect of this debt, and have subsequently discharged LTSB in full. They are now claiming as a subrogated secured creditor for this amount. After corresponding with LTSB, our solicitors, Nelsons, have advised that NBML appear to have subrogated LTSB's secured creditor status for the purposes of communication, but that any distribution would firstly need to go to LTSB who may then pay it to NBML as they see fit.

This position is being refuted by NBML and creditors will be updated in the next report.

3.2 Preferential creditors

The Joint Administrators and their staff have incurred significant time costs in assisting employees to obtain payment from the Redundancy Payments Office.

Preferential claims relating to unpaid holiday pay, wage arrears and pension contributions were estimated at c.£18.9k in the Director's Estimated Statement of Affairs.

Based on current information, the likelihood of sufficient funds becoming available to enable any dividend distribution to be declared to preferential creditors, will depend on the outcome of the right of action claims detailed in section 4.

3.3 Prescribed Part

Under Section 176A of the Insolvency Act 1986, where after 15 September 2003 a company has granted to a creditor a floating charge, a proportion of the net property of the company must be made available purely for the unsecured creditors. This equates to:

- 50% of net property up to £10,000;
- Plus, 20% of net property in excess of £10,000.
- Subject to a maximum of £600,000.

Based on current anticipated realisations indicating that there will be insufficient assets to discharge the Administrators costs and expenses in full, it is unlikely that the PP will apply in these circumstances.

3.4 Unsecured creditors

Unsecured claims were estimated at c.£1.3m in the Director's Estimated Statement of Affairs.

To date c.£1.8m of unsecured claims have been received in the Administration estate, with a further c.£167k of unsecured claims anticipated to be received in due course.

Based on current information, the likelihood of sufficient funds becoming available to enable any dividend distribution to be declared to unsecured creditors, will depend on the outcome of the right of action claims detailed in section 4.

4 Investigations

As part of the Joint Administrators' statutory duties, an investigation into the conduct of the Company Directors was completed.

In this regard, a confidential report was submitted to The Insolvency Service on 4 May 2018.

4.1 Initial Assessment of Potential Recoveries

As part of our duties as Joint Administrators, we are obliged to review shortly after appointment all the information available to us and conduct an initial assessment of whether there are any matters which may lead to any recoveries for the benefit of creditors. This would typically include any potential claims which may be brought against parties either connected to, or who have past dealings, with the Company.

This initial assessment revealed matters that the Joint Administrators considered merited further investigation, and as such, instructed Nelsons, a firm with the requisite insolvency knowledge and expertise, to assess these claims and advise thereon.

The following matters are currently being investigated.

4.2 The composition of the intercompany loan account with NBML

The Company operated a loan account with NBML which, over the period from May 2010 resulted in total payments of c.£3.6m being made to NBML by the Company. These payments were made in respect of dividends, management charges, supplier recharges and rent.

The Joint Administrators are requesting further information from NBML to substantiate these transactions and in particular, the management and supplier charges.

Further information cannot be provided as this may prejudice our investigations and as such, creditors will be updated in my next report.

4.3 EC Regulations

Council Regulation (EU) No 1346/2000 applies and these are the main proceedings as defined in that regulation.

5 THE JOINT ADMINISTRATORS' FEES AND EXPENSES

5.1 Pre-Administration Costs

Included within the Joint Administrators' Proposals was a Statement of Pre-Administration Costs.

These costs were approved as an expense of the Administration by the Court and are detailed below:

Party instructed	Amount approved (£) (net of VAT)	Date approved
Smith Cooper	3,037	7 February 2018
Nelsons	7,853	7 February 2018
TOTAL APPROVED	£10,890	

Due to insufficient funds at the Administrators disposal, these costs remain unpaid.

5.2 The Joint Administrators' Fees

The basis of the Joint Administrators' fees was fixed on 27 April 2018 by the secured creditor and preferential creditors as follows:

"By reference to the time properly given by the Joint Administrators and their staff in attending to matters arising in the Administration, such time to be charged at the prevailing standard hourly charge out rates used by Smith Cooper at the time when the work is performed"

A breakdown of the time costs incurred during the Review Period, and for the Administration as a whole, is provided at Appendix III, and further information regarding the charge-out rates of the Joint Administrators and their staff is provided at Appendix IV.

"A Creditors' Guide to Administrators' Remuneration" is available for download at <https://bit.ly/2flyHyf>

Should you require a paper copy, please send your request in writing to the Joint Administrators, at the address on the front of this report, and this will be provided to you at no cost.

5.3 Comparison of estimates

The Joint Administrators' time costs incurred to date (whether or not they have been charged to the Administration estate) are compared with the original fees estimate as follows:

Nightingale Engineering Limited (In Administration)
The Joint Administrators' Progress Report to 6 February 2019

Work category	Original fees estimate			Actual time costs incurred during the Review Period			Actual time costs incurred to date		
	No of hours	Blended hourly rate £ per hour	Total fees £	No of hours	Average hourly rate £ per hour	Total time costs £	No of hours	Average hourly rate £ per hour	Total time costs £
Administration (including statutory reporting)	133.9	151.3	20,253	41.25	176.44	7,278.25	211.25	205.54	43,420.25
Realisation of assets	27.5	147.9	4,066	6.5	207.77	1,350.50	25.80	197.69	5,100.50
Cashiering	23.5	130.5	3,067	3.4	153.38	521.50	19.70	200.89	3,957.50
Creditors (claims and distribution)	22.1	157.6	3,484	3.0	250.33	751.00	30.30	172.61	5,230.00
Investigations	85.4	215.7	18,419	14.1	248.23	3,500	80.70	213.15	17,201.00
Total	292.4	168.6	49,289	68.25	196.36	13,401.25	367.75	203.70	74,909.25

The expenses incurred to date are compared with the original expenses estimate as follows:

Expenses	Original expenses estimate £	Actual expenses incurred in the Review Period £	Actual expenses incurred to date £	Reason for any excess (if the expenses are likely to, or have, exceeded the original estimate)
Legal costs	8,000	8,980	14,022	A number of claims have been identified as part of our investigations which require legal assistance and were not anticipated at the outset of the Administration. Furthermore, we've had to incur additional legal costs associated with the extension of the Administration. Finally, the solicitors have entered into significant correspondence with NBML with regards to its claim to have a subrogated secured claim.
Counsels Fees	-	1,250	1,250	We did not anticipate the Administration being extended beyond a year and as such, did not anticipated incurring the costs of extension.
Agents' and valuers' costs	400	-	400	
Quantity Surveyor	2,000	-	945	
Advertising	75	-	75	
Insurance	150	-	168	Original estimate was slightly under estimated for the insurance of the assets.
Bonding	108	-	108	
Mail Redirection	204	-	204	
Storage	300	50	57	

Nightingale Engineering Limited (In Administration)
The Joint Administrators' Progress Report to 6 February 2019

Expenses	Original expenses estimate £	Actual expenses incurred in the Review Period £	Actual expenses incurred to date £	Reason for any excess (if the expenses are likely to, or have, exceeded the original estimate)
Pension Advisors	-	-	1,300	Whilst we were aware of the pension schemes, we did not anticipate the amount of work required to wind up the schemes.
Other Category 1 expenses	-	41	89	Travel expenses
Category 2 expenses	-			
TOTAL	11,237	10,321	18,618	

The bases on which the expenses defined as Category 2 disbursements are calculated is explained in Appendix IV.

Having regard for the costs that are likely to be incurred in bringing this Administration to a close, the Joint Administrators consider that:

- the original fees estimate has been exceeded; and
- the original expenses estimate has been exceeded for the reasons given above.

The main reason why the fees estimate has been exceeded is due to the following:-

- Complexities surrounding our investigations and the substantial work that has been required to understand the transactions relating to the intercompany loan account;
- Investigating a potential unlawful dividend claim with one of the major creditors resulting in meetings and correspondence together with analysis of accounts;
- Identifying additional assets such as the potential Terminal Loss Relief claim and additional VAT refund and scheduling / sourcing the information for these;
- Substantial correspondence with HMRC with regards to justifying the VAT refund;
- Significant correspondence surrounding the performance bond refund; and
- Significant correspondence with Doosan with regards to the outstanding WIP position.
- Correspondence with NBML with regards to their subrogated secured claim.
- Preparing documentation relating to the extension of the Administration, attending the Court hearing and associated correspondence;

However, given the limited realisations in this case to date, the Joint Administrators do not propose to draw fees in excess of the fees estimate at present. The Joint Administrators will review the position as regards fees when the prospects of realising the remaining assets / progressing the potential rights of action become clearer.

5.4 Creditors' right to request information

Any secured creditor, or unsecured creditor with the support of at least 5% in value of the unsecured creditors or with permission of the Court, may request in writing the Joint Administrators to provide additional information regarding fees or expenses to that already supplied within this report. Such requests must be made within 21 days of receipt of this report.

5.5 Creditors' right to challenge fees and/or expenses

Any secured creditor, or unsecured creditor with the support of at least 10% in value of the unsecured creditors or with permission of the Court, may apply to the Court for one or more orders, reducing the amount or the basis of fees which the Joint Administrators are entitled to charge or otherwise challenging some or all of the expenses incurred.

Such applications must be made within 8 weeks of receipt by the applicant(s) of the progress report detailing the fees and/or expenses being complained of.

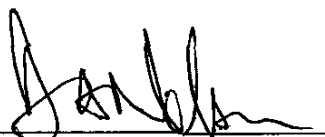
Please note that such challenges may not disturb fees or expenses (whether or not discharged from the estate) disclosed in prior progress reports.

6 CONCLUSION

The Administration will continue in order to finalise the following outstanding matters:

- Pursuing the various claims identified as part of our investigations in conjunction with our solicitors;
- Monitoring the Tax refunds and ascertain whether further refunds can be pursued;
- Review outstanding WIP position.

If you require any further information please contact Emily Oliver on 01332 374411.



D A Nelson
Joint Administrator

Dean Anthony Nelson and Nicholas Charles Osborn Lee were appointed Joint Administrators of Nightingale Engineering Limited on 7 February 2018. The affairs, business and property of the Company are managed by the Joint Administrators. The Joint Administrators act as agents of the Company and contract without personal liability.

NIGHTINGALE ENGINEERING LIMITED (IN ADMINISTRATION)

STATUTORY INFORMATION

Company Name	Nightingale Engineering Limited
Previous Names	
Proceedings	In Administration
Court	High Court of Justice, Chancery Division Birmingham District Registry
Court Reference	8028 of 2018
Date of Appointment	7 February 2018
Joint Administrators	Dean Anthony Nelson Nicholas Charles Osborn Lee Smith Cooper St Helen's House, King Street, Derby, DE1 3EE
Registered office address	c/o Smith Cooper St Helen's House, King Street, Derby, DE1 3EE
Company Number	07155469
Appointment by	Creditors

NIGHTINGALE ENGINEERING LIMITED (IN ADMINISTRATION)

THE JOINT ADMINISTRATORS' RECEIPTS AND PAYMENTS ACCOUNT

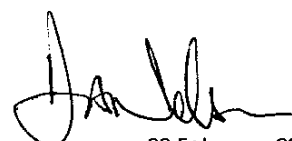
Nightingale Engineering Limited
(In Administration)
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	Re-Direction of Mail	NIL	204.00
	Statutory Advertising	NIL	75.00
	Insurance of Assets	NIL	168.00
		<u>(81.23)</u>	<u>(2,391.25)</u>
	PREFERENTIAL CREDITORS		
(9,600.00)	Employee - Wage Arrears	NIL	NIL
(9,331.00)	Employee - Holiday Pay	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	FLOATING CHARGE CREDITORS		
(131,909.00)	Lloyds Bank plc	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	UNSECURED CREDITORS		
(1,197,004.00)	Trade & Expense Creditors	NIL	NIL
(22,886.00)	Employees - Bal of Wage Arrears	NIL	NIL
(89,524.00)	Employees - Redundancy and Noti	NIL	NIL
(10,816.00)	HMRC - PAYE/NIC	NIL	NIL
(7,454.00)	HMRC - Corporation Tax	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	DISTRIBUTIONS		
(2.00)	Ordinary Shareholders	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
(1,421,442.00)		<u>(71.96)</u>	<u>2,913.08</u>
	REPRESENTED BY		
	Vat Receivable		403.85
	Bank 1 Current		2,669.23
	Vat Payable		(160.00)
			<u>2,913.08</u>

Note:

The amounts stated are net of VAT.

The funds are held in an interest bearing account.



28 February 2019 12:41

Dean Anthony Nelson

NIGHTINGALE ENGINEERING LIMITED

ADM

XXNI02

TIME COSTS SUMMARY FOR 7 AUGUST 2018 TO 6 FEBRUARY 2019

SIP9 SubCategory / Staff Grade	Partner	Director	Manager	Senior Ad'or	Ad'or	Junior Ad'or	Cashier	Other	Total Hours	Charge	AvgRate
Administration and planning	2.70	-	23.70	-	1.50	5.75	0.10	-	33.75	6,246.75	185.09
Case Specific Matters	2.20	-	-	-	-	-	-	-	2.20	603.50	274.32
Cashiering	0.20	0.40	0.80	-	-	-	1.80	-	3.20	487.00	152.19
Creditors	1.40	-	0.90	-	0.30	-	0.20	-	2.80	725.00	258.93
Employees	-	-	-	-	0.20	-	-	-	0.20	26.00	130.00
Investigations	5.30	-	8.50	-	0.30	-	-	-	14.10	3,500.00	248.23
Realisation of assets	0.70	-	4.50	-	-	-	-	-	5.20	1,103.50	212.21
Special Projects	-	-	-	-	-	-	-	-	-	-	-
Statutory Reporting	-	-	-	-	-	-	-	-	-	-	-
Trading	-	-	-	-	-	-	-	-	-	-	-
Total	12.50	0.40	38.40	-	2.30	5.75	2.10	-	61.45	12,691.75	206.54
Total Charge	4,224.50	102.00	7,272.00	-	299.00	605.25	189.00	-	12,691.75		

NIGHTINGALE ENGINEERING LIMITED (IN ADMINISTRATION)

CHARGE-OUT RATES AND BASES OF CATEGORY 2 DISBURSEMENTS

INFORMATION FOR CREDITORS IN RELATION TO FEES AND DISBURSEMENTS

W	smithcooper.co.uk
F	01332 650290
VAT	123354934

INFORMATION RELEVANT AT 1 APRIL 2017

General information to creditors regarding insolvency matters

Creditors wishing to understand or find out more information in relation to this or any other type of insolvency process may visit the website:

<http://www.creditorinsolvencyguide.co.uk/>

This website is a step-by-step guide designed to help creditors navigate their way through an insolvency process and has been produced by R3, the UK insolvency trade body.

A creditors' guide to the fees payable in an insolvency process and the process an insolvency practitioner is required to adopt for seeking approval of his or her fees may be acquired from the following website:

<https://www.r3.org.uk/what-we-do/publications/professional/fees>

If any party is unable to obtain a copy of either of the above guides, please contact the individual referred to below who will furnish you with a copy, free of charge:

- Contact – Emily Oliver
- Telephone – 01332 332021
- Email – creditor.correspondence@smithcooper.co.uk
- Post – St Helen's House, King Street, Derby, DE1 3EE

Sent from: Smith Cooper, St Helen's House, King Street, Derby DE1 3EE

Smith Cooper is the trading name of SC Advisory Services Limited, a company registered in England. Registered number: 7678255
Registered Office: St Helen's House, King Street, Derby DE1 3EE
A list of directors is available for inspection at the above address.



Dean Anthony Nelson, Nicholas Charles Osborn Lee, Andrew Paul Stevens and Michael Paul Roome are licensed in the United Kingdom to act as Insolvency Practitioners by the Institute of Chartered Accountants in England and Wales. They are all bound by the Insolvency Code of Ethics when carrying out all professional work relating to an insolvency appointment, which can be found at: <https://www.gov.uk/government/publications/insolvency-practitioner-code-of-ethics>. When acting as Receiver, Administrative Receiver or Administrator they act as agent only, without personal liability and when acting as Administrator, the affairs, business and property of the company are being managed by them.

Regulated by the Institute of Chartered Accountants in England & Wales for a range of investment business activities.

When taking appointments, the firm's licensed Insolvency Practitioners are Data Controllers of personal data as defined by the Data Protection Act 1998 and the General Data Protection Regulations 2018. Smith Cooper will act as Data Processor on their instructions. Personal data will be kept secure and processed only for matters relating to the appointments which they take. For further details see the firm's privacy policy.

Information specific to Smith Cooper

Grade	Charge out rate (£ per hour)
Partner	355
Director	255
Manager	190
Assistant Manager	190
Senior Insolvency Administrator	165
Administrator	130
Junior Administrator	90
Cashier	90
Other	60
Time costs are calculated using 6 minute units.	

The Office Holder does not recover the costs of support staff other than where their time is specifically incurred and can be identified in dealing with work undertaken on a specific engagement.

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

Disbursements

In accordance with Statement of Insolvency Practice 9 (SIP9) the basis of disbursement allocation in respect of disbursements incurred by the Office Holder in connection with the administration of the estate must be fully disclosed to creditors. Disbursements are categorised as either Category 1, being expenses directly referable to a third party, eg statutory advertising, external meeting room hire, specific bond insurance and courier costs, external archive, storage and subsequent destruction and Company Search fees, or Category 2, being expenses incurred by the firm and recharged to the estate, which may include a profit element, eg postage, stationery and storage.

Category 1 disbursements are recoverable in full from the estate without the prior approval of creditors. Category 2 disbursements are recoverable in full from the estate, subject to the basis of the disbursement allocation being approved by creditors in advance.

Category 2 disbursements are proposed to be recovered, subject to obtaining the requisite approval, as follows:-

Postage	Charged at actual cost (first class)
Photocopying	Recharged at 17p per sheet
Storage	Charged at cost
Room Hire	£50 per meeting held Smith Cooper offices
Archiving case files & closure	Recharged at £42.70 per box
Archiving records & closure	Recharged at £9.55 per box
Mileage	45p per mile

NIGHTINGALE ENGINEERING LIMITED (IN ADMINISTRATION)**DETAILS OF WORK UNDERTAKEN BY THE JOINT ADMINISTRATORS DURING THE REVIEW PERIOD**

General Description	Includes
Administrator (including statutory reporting)	
Statutory/advertising	Filing of documents to meet statutory requirements Advertising in accordance with statutory requirements Attendance at Court for the hearing of the application of the Administration extension
Document maintenance/file review/checklist	Filing of documents Periodic file reviews Periodic reviews of the application of ethical, anti-money laundering and anti-bribery safeguards Maintenance of statutory and case progression task lists/diaries Updating checklists
Bank account administration	Bank account reconciliations Maintenance of the estate cash book Banking remittances and issuing cheques/BACS payments
Planning / review	Discussions regarding strategies to be pursued Meetings with team members and independent advisers to consider practical, technical and legal aspects of the case
Creditor reports	Circulating the six monthly report Preparing an extension report for the Court Circulating confirmation of the Administration extension to creditors
Investigations	
SIP 2 Review	Correspondence to request information on the company's dealings, making further enquiries of third parties Review of specific transactions and liaising with directors regarding certain transactions Liaising with the creditors on the quasi creditors committee about further action to be taken Requesting further information from creditors
Statutory reporting on conduct of directors	Liaising with the Insolvency Service Assisting the Insolvency Service with its investigations
Litigation / Recoveries	Strategy meetings regarding litigation Correspondence in relation to the various claims following our investigations
Realisation of Assets	
Debtors and retentions	Communicating with the insurers with regards to the insurance bond refund Submitting VAT paperwork for refund and liaising with a VAT expert with regards to further refunds available
Work in progress ("WIP")	Liaising with solicitors with regards to pursuing the WIP

General Description	Includes
Other assets VAT Refunds and Terminal Loss Relief claim	Exchanges with government departments to determine the value of their claim to understand the amount they can set-off against a potential VAT refund Pulling together information for a Terminal Loss Relief claim and liaising with the tax team to progress Chasing HMRC for confirmation of the refund / set-off Preparing and sending VAT returns for refund
	Liaising with a creditor with regards to providing evidence for the un-invoiced WIP to consider a further VAT refund.
Cashiering	
	Journals / Cheque Reqs / Deposit Vouchers / Daily Bank Postings Filing Bordereau
Creditors (claims and distribution)	
Creditor communication	Receive and follow up creditor enquiries via telephone Review and prepare correspondence to creditors and their representatives via facsimile, email and post
Subrogated Secured Creditor	Liaising with our solicitors with regards to NBML's claim to be a subrogated secured creditor Receiving and reviewing the advice thereupon
Dealing with proofs of debt (POD) and Pension	Receipting and filing POD when not related to a dividend Corresponding with RPO regarding POD when not related to a dividend Liaising with Clumber with regards to the pension scheme and submitting the RP15 with their assistance Liaising with Clumber to confirm the pension has been dealt with correctly
Processing proofs of debt	Receipt of POD

NIGHTINGALE ENGINEERING LIMITED (IN ADMINISTRATION)

PROOF OF DEBT

PROOF OF DEBT - GENERAL FORM

Nightingale Engineering Limited – In Administration

DETAILS OF CLAIM		
1.	Name of Creditor (if a company, its registered name)	
2.	Address of Creditor (i.e. principal place of business)	
3.	If the Creditor is a registered company: <ul style="list-style-type: none"> For UK companies: its registered number For other companies: the country or territory in which it is incorporated and the number if any under which it is registered The number, if any, under which it is registered as an overseas company under Part 34 of the Companies Act 	
4.	Total amount of claim, including any Value Added Tax, as at the date of administration, less any payments made after this date in relation to the claim, any deduction under R14.20 of the Insolvency (England & Wales) Rules 2016 and any adjustment by way of set-off in accordance with R14.24 and R14.25	£
5.	If the total amount above includes outstanding uncapitalised interest, please state	YES (£) / NO
6.	Particulars of how and when debt incurred	
7.	Particulars of any security held, the value of the security, and the date it was given	
8.	Details of any reservation of title in relation to goods to which the debt relates	
9.	Details of any document by reference to which the debt can be substantiated. [Note the liquidator may call for any document or evidence to substantiate the claim at his discretion]	
10.	Give details of whether the whole or any part of the debt falls within any (and if so which) of the categories of preferential debts under section 386 of, and schedule 6 to, the Insolvency Act 1986	Category Amount(s) claimed as preferential £
11.	If you wish any dividend payment that may be made to be paid in to your bank account please provide BACS details. Please be aware that if you change accounts it will be your responsibility to provide new information	Account No.: Account Name: Sort code:
AUTHENTICATION		
Signature of Creditor or person authorised to act on his behalf		
Name in BLOCK LETTERS		
Date		
If signed by someone other than the Creditor, state your postal address and authority for signing on behalf of the Creditor		
Are you the sole member of the Creditor?		YES / NO