

In accordance with  
Rule 18.7 of the  
Insolvency (England &  
Wales) Rules 2016 and  
Sections 92A, 104A and  
192 of the Insolvency  
Act 1986.

# LIQ03

## Notice of progress report in voluntary winding up



Companies House

FRIDAY



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08/03/2019

COMPANIES HOUSE

#244

### 1 Company details

Company number 0 7 5 7 0 6 5 5

Company name in full Foxwell Jenkins Limited

→ Filling in this form

Please complete in typescript or in  
bold black capitals.

### 2 Liquidator's name

Full forename(s) Philip

Surname Booth

### 3 Liquidator's address

Building name/number Coopers House

Street Intake Lane

Post town Ossett

County/Region

Postcode W F 5 0 R G

Country

### 4 Liquidator's name

Full forename(s)

Surname

Other liquidator

Use this section to tell us about  
another liquidator.

### 5 Liquidator's address

Building name/number

Street

Post town

County/Region

Postcode

Country

Other liquidator

Use this section to tell us about  
another liquidator.

LIQ03

Notice of progress report in voluntary winding up

**6** Period of progress report

From date	<sup>d</sup> 3	<sup>d</sup> 0	<sup>m</sup> 0	<sup>m</sup> 1	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 8
To date	<sup>d</sup> 2	<sup>d</sup> 9	<sup>m</sup> 0	<sup>m</sup> 1	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 9

**7** Progress report

☒ The progress report is attached

**8** Sign and date

Liquidator's signature

Signature

X 

X

Signature date	<sup>d</sup> 0	<sup>d</sup> 7	<sup>m</sup> 0	<sup>m</sup> 3	<sup>y</sup> 2	<sup>y</sup> 0	<sup>y</sup> 1	<sup>y</sup> 9
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LIQ03

## Notice of progress report in voluntary winding up

**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 **Luke Brough**

Company name **Booth & Co**

Address **Coopers House**

**Intake Lane**

Post town **Ossett**

County/Region

Postcode **W F 5 0 R G**

Country

DX

Telephone **01924 263777**

**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](http://www.gov.uk/companieshouse) or email [enquiries@companieshouse.gov.uk](mailto: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](http://www.gov.uk/companieshouse)**

**FOXWELL JENKINS LIMITED  
IN CREDITORS VOLUNTARY LIQUIDATION**

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**Liquidator's Annual Progress Report To Members And Creditors  
Pursuant To Section 104a Of The Insolvency Act 1986 For The  
12 Month Period Ended  
29 January 2019**

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**Philip Booth  
Liquidator**

**Booth & Co  
Coopers House  
Intake Lane  
Ossett  
WF5 0RG**

Company Name: Foxwell Jenkins Ltd ("the Company")

Company Number: 07570655

Date of Incorporation: 21 March 2011

Principal Activity: Construction Management

Registered Office: Coopers House  
Intake Lane formerly Suite 4g, Goods Wharf  
Ossett Goods Road  
WF5 0RG Belper  
Derbyshire  
DE56 1UU

Trading Address: 14 Castle Meadows  
Hall Green  
Wakefield  
WF4 3QJ

Date of Liquidation: 30 January 2018

Liquidator: Philip Booth

Basis of Remuneration: On 25 October 2018 creditors approved a decision by correspondence to set the Liquidator's remuneration in the Creditors Voluntary Liquidation as follows:

- *A fixed fee of £5,000 for undertaking the following categories of work in the Liquidation; Administration and Planning, Investigations, Realisation of Assets and Creditors.*
- *A sum equivalent to 15% of all future realisations, including realisations in relation to i) the potential claim against the insurers of EDF Tax Ltd, in Liquidation, ii) the potential claim against the director of the Company. The potential claim is up to the amount of £130,811.*
- *Recovery of all Category 1 and Category 2 disbursements.*

## **1. Introduction**

- 1.1 Further to my appointment as Liquidator on 30 January 2018, I am writing to provide you with my first annual progress report on the conduct of the liquidation for the period from 30 January 2018 to 29 January 2019.
- 1.2 The Director of the Company had taken advice from EDF Tax Ltd ('EDF'), in relation to a tax efficiency scheme which was subsequently deemed by HM Revenue & Customs to be unlawful. EDF entered into Creditors Voluntary Liquidation on 24 March 2017 and I am in the process of investigating potential claims against EDF, their insurers and the Director of the Company. The sum of £200,000 was paid into the scheme and HMRC issued an Accelerated Payment Notice for tax due of £112,000.
- 1.3 The main issues to be dealt with during the course of the Liquidation were as follows:
  - To liaise with the liquidator of EDF with regard to advice provided in relation to a tax efficiency scheme.
  - To obtain legal advice with regard to the potential claim against the insurers of EDF, in liquidation.
  - To obtain legal advice with regard to the potential claim against the director of the Company.
  - To carry out the statutory investigations into the Company's affairs and the Director's conduct to ascertain whether any claims may be brought against any party.
  - To report to creditors as to the outcome of the above.
  - To report to creditors on the progress of the Liquidation.
- 1.4 HM Revenue & Customs have indicated that they will issue a personal liability notice against the Director, therefore it is not expected that a claim could be brought against him by me as Liquidator.

## **2. Receipts**

- 2.1 A copy of the Receipts and Payments Account made up to 29 January 2019 is attached.
- 2.2 The Director of the Company agreed to meet the costs of the Liquidation and the amount of £2,405 has been received from Mr Peter Jones.
- 2.3 The amount of £2,594 has been received in respect of cash held in the Company's bank account.
- 2.4 There have been no other realisations during the period.

## **3. Payments**

- 3.1 In accordance with the resolution passed at the virtual meeting of creditors on 30 January 2018, the agreed fee for assisting the Director with the preparation of the Statement of Affairs and Director's Report is £4,000 plus disbursements and VAT. The amount of £3,750 plus VAT has been paid to Booth & Co in respect of these costs and I intend to draw the balance as and when funds permit.
- 3.2 The amount of £875 has been paid to HM Revenue & Customs in respect of their costs for issuing a winding up petition against the Company.

- 3.3 The only other payment made during the period has been a small amount of bank charges.
- 3.4 I have engaged Rowland Law Ltd solicitors to investigate a possible claim against the professional indemnity insurance of EDF Tax Ltd. No basis of remuneration has yet been agreed with Rowland Law Ltd as it is not yet certain whether a claim will be possible.

#### **4. Secured Creditors**

- 4.1 There are no secured creditors in this matter.

#### **5. Preferential Creditors**

- 5.1 There are no preferential creditors in this matter.

#### **6. Unsecured Creditors**

- 6.1 The Director estimated in the Statement of Affairs that unsecured creditors amounted to £154,995.
- 6.2 I have received two proofs of debt totalling £168,344.
- 6.3 The prospect of a dividend being paid to unsecured creditors is dependent upon the outcome of the claims against EDF and their insurers.

#### **7. Director's Conduct Report & Investigation**

- 7.1 As required, I have submitted my confidential report to the Insolvency Service. I have also carried out my investigations into the conduct of the business, pursuant to the provisions of Statement of Insolvency Practice 2.
- 7.2 Pursuant to the provisions of Statement of Insolvency Practice 2, other than the matter in relation to the tax scheme as explained in Section 1 above, my investigations did not reveal any matters which would require me to take further action against any officer of the Company, or any third parties.

#### **8. Liquidator's Receipts & Payments Account**

- 8.1 Attached is a copy of the Liquidator's Abstract of Receipts and Payments for the preceding 12 months ending 29 January 2019.

#### **9. Liquidator's Remuneration**

- 9.1 No resolution in respect of the Liquidator's remuneration was passed at the virtual meeting of creditors held on 30 January 2018.
- 9.2 On 1 October 2018 I issued a proposal for creditors to pass a resolution by correspondence to agree my remuneration as Liquidator. The final date for voting was 25 October 2018. My proposals were agreed by creditors as detailed below.
- 9.3 Creditors voted to approve the resolution that the Liquidator's remuneration be based on a fixed fee of £5,500 for undertaking the following categories of work in the Liquidation, namely; Administration and Planning, Investigations, Realisation of Assets and Creditors.

- 9.4 Creditors also agreed the payment of a sum equivalent to 15% of all future realisations, including realisations in relation to i) the potential claim against insurers of EDF Tax Ltd, in Liquidation, ii) the potential claim against the director of the Company. The potential claim is up to the amount of £130,811, therefore the percentage of realisations due could be between £0 and £19,622, depending on the successful collection of funds from the insurer.
- 9.5 Realisations to date have been insufficient to allow any amounts to be drawn in respect of the above resolutions.
- 9.6 Creditors also approved the recovery of all Category 1 and Category 2 disbursements.
- 9.7 Disbursements incurred but not yet drawn amount to £346.60, details are provided below.

<b><u>Category 1</u></b>	<b>£</b>	<b><u>Category 2</u></b>	<b>£</b>
<b><u>Disbursements</u></b>		<b><u>Disbursements</u></b>	
Statutory Advertising	248.50	Photocopying	13.05
Insurance Bond	80.00		
Postage	5.05		
	<hr/>		<hr/>
	333.55		13.05
	<hr/>		<hr/>

- 9.8 Category 1 disbursements relate to external services provided which are directly attributable to the case. Category 2 disbursements relate to shared or allocated costs which generally relate to internal charges made for items such as document storage, photocopying, room hire and mileage.
- 9.9 Creditor approval is required for Category 2 disbursements to be charged as an expense of the Liquidation in accordance with best practice guidelines as set out in Statement of Insolvency Practice 9.
- 9.10 Pursuant to Rule 18.9 of the Insolvency (England and Wales) Rules 2016, a secured creditor, or an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (or with the permission of the Court), have a period of twenty-one days from the receipt of this progress report to request (in writing) further information in respect of the Liquidator's remuneration and expenses.
- 9.11 The liquidator has 14 days from receipt of the request to comply with it, but he is treated as complying if: the time or cost of preparation of the information would be excessive; if the disclosure of the information would be prejudicial to the conduct of the liquidator might reasonably be expected to lead to violence against any person; if the liquidator is subject to an obligation of confidentiality in respect of the information, and he writes to the creditor(s) giving reasons for not providing the information requested.
- 9.12 A creditor may also apply to Court within 21 days of receipt of the reasons for not providing the information requested; or upon the expiry of the 14 day period for the liquidator to provide the information.
- 9.13 Pursuant to Rule 18.34 of the Insolvency (England and Wales) Rules 2016, any secured creditor, or any unsecured creditor with the concurrence of at least 10% in value of the creditors, including that



creditor (or with the permission of the Court), may make an application to the Court on the grounds that:-

- The remuneration charged by the Liquidator and, or
- The basis fixed for the Liquidator's remuneration and, or
- The expenses incurred by the Liquidator are excessive and, or
- The basis fixed for the liquidator's remuneration is inappropriate

Such an application to the Court must be made within eight weeks of the date of the receipt of the progress report.

9.14 Further information about creditors' rights can be obtained by visiting the creditors' information published by the Association of Business Recovery Professionals (R3) at <http://www.creditorinsolvencyguide.co.uk/>.

9.15 Further information in respect of the remuneration of Liquidators in a Creditors Voluntary Liquidation may be obtained from the R3 website using the following link: <http://www.r3.org.uk/index.cfm?page=1210>. A copy of this firm's fee policy can be obtained by sending a request to [enquiries@boothinsolvency.co.uk](mailto:enquiries@boothinsolvency.co.uk).

## **10. Dividend Prospects**

10.1 As explained above, the prospects of a dividend being paid to unsecured creditors are dependent upon the outcome of any potential action against EDF in liquidation and their insurers.

## **11. Conclusion**

11.1 I hope this report sufficiently updates you on the conduct of the Liquidation. There are no matters remaining to be dealt with and once the balance of the Statement of Affairs fee has been drawn I intend to issue my draft final report to creditors.

11.2 Should you have any queries regarding this report or any aspect of the case, please do not hesitate to contact me.

11.3 Any complaints should be directed to me in writing in the first instance. If my reply does not answer your concerns appropriately, you may complain to the regulatory body that licences the insolvency practitioner concerned.

11.4 Any such complaints should be addressed to The Insolvency Service, IP Complaints, 3<sup>rd</sup> Floor, 1 City Walk, Leeds, LS11 9DA, online at [www.gov.uk/complain-about-insolvency-practitioner](http://www.gov.uk/complain-about-insolvency-practitioner); or e-mail at [insolvency.enquiryline@insolvency.gsi.gov.uk](mailto:insolvency.enquiryline@insolvency.gsi.gov.uk); or by phone on 0300 678 0015 – calls are charged at up to 9p per minute from a land line, or for mobiles, between 8p and 40p per minute if you are calling from the UK.

- 11.5 To comply with the Provision of Services Regulations, some general information about Booth & Co can be found at <http://www.boothinsolvency.co.uk/>.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Booth', with a stylized flourish at the end.

**Philip Booth**  
**Liquidator**

**Foxwell Jenkins Limited**  
**(In Liquidation)**  
**Liquidator's Summary of Receipts & Payments**

Statement of Affairs £		From 30/01/2018 To 29/01/2019 £	From 30/01/2018 To 29/01/2019 £
	<b>ASSET REALISATIONS</b>		
2,595.00	Cash at Bank	2,594.85	2,594.85
	Contribution to Costs	2,405.00	2,405.00
		<u>4,999.85</u>	<u>4,999.85</u>
	<b>COST OF REALISATIONS</b>		
	Petitioners Costs	875.00	875.00
	Preparation of S. of A.	3,750.00	3,750.00
	Bank Charges	12.00	12.00
		<u>(4,637.00)</u>	<u>(4,637.00)</u>
	<b>UNSECURED CREDITORS</b>		
(1.00)	Trade & Expense Creditors	NIL	NIL
(24,183.00)	Director - Peter Jones	NIL	NIL
(130,812.00)	HM Revenue & Customs - APN	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
	<b>DISTRIBUTIONS</b>		
(100.00)	Ordinary Shareholders	NIL	NIL
		<u>NIL</u>	<u>NIL</u>
<u>(152,501.00)</u>		<u>362.85</u>	<u>362.85</u>
	<b>REPRESENTED BY</b>		
	Bank 1 Current		362.85
			<u>362.85</u>



Philip Booth  
Liquidator