

# LIQ03

## Notice of progress report in voluntary winding up



Companies House

SATURDAY



\*A868JVAQ\*

A25

25/05/2019

#303

COMPANIES HOUSE

### 1 Company details

Company number

Company name in full

#### → Filling in this form

Please complete in typescript or in  
bold black capitals.

### 2 Liquidator's name

Full forename(s)

Surname

### 3 Liquidator's address

Building name/number

Street

Post town

County/Region

Postcode

Country

### 4 Liquidator's name ①

Full forename(s)

Surname

#### ① Other liquidator

Use this section to tell us about  
another liquidator.

### 5 Liquidator's address ②

Building name/number

Street

Post town

County/Region

Postcode

Country

#### ② 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> 2	<sup>d</sup> 8	<sup>m</sup> 0	<sup>m</sup> 3	<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> 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

### 7 Progress report

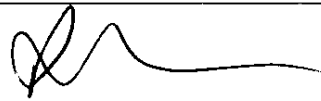
☒ The progress report is attached

### 8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

<sup>d</sup> 2	<sup>d</sup> 2	<sup>m</sup> 0	<sup>m</sup> 5	<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 **Katrina Jane Orum**

Company name **Begbies Traynor (Central) LLP**

Address **1st Floor North, Anchor Court  
Keen Road**

Post town **Cardiff**

County/Region

Postcode **C F 2 4 5 J W**

Country

DX

Telephone **029 2089 4270**

**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)**

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# **Duncan Logistics Limited (In Creditors' Voluntary Liquidation) (“the Company”)**

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## **Joint Liquidators' Report for the**

**Period: 28 March 2018 to 27 March 2019**

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### **Contents**

- ❑ Interpretation
- ❑ Company and liquidators' details
- ❑ Progress during the period covered by this report
- ❑ Creditor claims and estimated outcome for creditors
- ❑ Remuneration and disbursements
- ❑ Liquidators' expenses
- ❑ Assets that remain to be realised and work that remains to be done
- ❑ Other relevant information
- ❑ Creditors' rights
- ❑ Conclusion
- ❑ Appendices
  - 1. Joint liquidators' account of receipts and payments for the period from 28 March 2018 to 27 March 2019
  - 2. Joint liquidators' time costs and expenses

## 1. INTERPRETATION

<b><u>Expression</u></b>	<b><u>Meaning</u></b>
"the Company"	Duncan Logistics Limited (In Creditors' Voluntary Liquidation)
"the liquidation"	The appointment of liquidators on 28 March 2018.
"the liquidators", "we", "our" and "us"	Huw Morgan Powell and Katrina Jane Orum both of Begbies Traynor (Central) LLP, 1st Floor North, Anchor Court, Keen Road, Cardiff, CF24 5JW
"the Act"	The Insolvency Act 1986 (as amended)
"the Rules"	The Insolvency (England & Wales) Rules 2016
"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"	<p>(i) In relation to England and Wales, any mortgage, charge, lien or other security (Section 248(1)(b)(i) of the Act); and</p> <p>(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)</p>
"preferential creditor"	Any creditor of the Company whose claim is preferential within Sections 386, 387 and Schedule 6 to the Act

## 2. COMPANY AND LIQUIDATORS' DETAILS

Company registered number:	9346406
Nature of business.	Haulage and Storage
Former trading address:	28 Mill Street, Tonyrefail, Rhondda Cynon Taff, CF39 8AA
Date winding up commenced:	28 March, 2018
Names of joint liquidators:	Huw Morgan Powell and Katrina Jane Orum
Date of liquidators' appointment:	Huw Morgan Powell - 28 March 2018 Stephen Wade - 28 March 2018 Katrina Jane Orum - 25 April 2019
Changes in office holder (if any):	Please be advised that by Order of the Court dated 25 April 2019, Stephen Wade was replaced as joint liquidator by Katrina Jane Orum.
Registered office address:	1st Floor North, Anchor Court, Keen Road, CF24 5JW

### 3. PROGRESS SINCE APPOINTMENT

#### **Receipts and Payments**

Attached at Appendix 1 is our abstract of receipts and payments for the period from 28 March 2018 to 27 March 2019.

#### **What work has been done in the period of this report, why was that work necessary and what has been the financial benefit if any to creditors?**

Details of the types of work that generally fall into the headings mentioned below are available on our firm's website - <http://www.begbies-traynorgroup.com/work-details> Under the following headings we have explained the specific work that has been undertaken on this case. Not every piece of work has been described, but we have sought to give a proportionate overview which provides sufficient detail to allow creditors to understand what has been done, why it was necessary and what financial benefit (if any) the work has provided to creditors.

The costs incurred in relation to each heading are set out in the Time Costs Analysis which is attached at Appendix 2.

#### General case administration and planning

We are required to maintain records to demonstrate how the case has been administered and to document the reasons for any decisions that materially affect the case. A liquidation case file has been set up and regular case reviews have been carried out to ensure that the case specific matters are progressed. Although there is no direct financial benefit to creditors, this work has been undertaken in furtherance of our statutory and regulatory duties.

#### Compliance with the Insolvency Act, Rules and best practice

We are also required to comply with statutory reporting requirements. This has included preparing the post-appointment statutory notifications to Companies House, HM Revenue & Customs, the members and creditors, and statutory advertising. Whilst there is no direct financial benefit to creditors, this work has been undertaken in furtherance of our statutory and regulatory duties and creditors do benefit from the information they receive.

We also have a duty to ensure that the case is adequately bonded, with regular bond reviews being carried out to ensure that the bond level remains sufficient.

#### Realisation of assets

##### *Factored Book Debts*

Book debts were subject to a factoring agreement with Marketinvoice Limited, the valuation of the book debts still to be collected was £5,000 with an outstanding balance of £15,705 due to Marketinvoice Limited.

The book debts proved impossible to collect, as not all the necessary paperwork was available as evidence of the debts due. It was decided that the factoring account be closed and after the calculation of the final balance including costs, a proof of debt was received on 24 May 2018 showing a shortfall of £28,451.

#### *Non-Factored Book Debt*

There was one non-factored invoice for £4,320. Requests for payment were made by the liquidator. However, one of the vehicles on hire from the debtor to the Company was damaged by an employee. The vehicle was sent for repair, but the garage invoice proved to be higher than expected, which resulted in the cost along with other disputes and counter claims being offset against the invoice.

#### *Motor Vehicles Subject to Hire Purchase*

There were two tractor units subject to Hire Purchase with Shawbrook Bank and VFS Financial Services Limited, the realisable figures provided for the statement of affairs were originally provided by the director. The units were later valued by Gerald Cole, MRICS of Gavel Auctioneers Limited who stated that the director's valuations exceeded the true value and that a shortfall could be expected. I understand that the vehicles have been collected however, a claim for any shortfall has yet to be received.

#### *Dealing with all creditors' claims (including employees), correspondence and distributions*

As is expected with such an assignment, claims and general queries have been received from creditors throughout the course of the liquidation to date. The liquidators have endeavoured to respond to all queries in an efficient and timely manner.

#### *Other matters which includes seeking decisions from creditors (via Deemed Consent Procedure and/or Decision Procedures and tax.*

We are required to deal with the post appointment taxation matters, and this includes the submission of corporation tax and VAT returns to HM Revenue & Customs. The timely submission of such returns prevent incurring penalties and allows the liquidators to reclaim any funds due.

## **4. ESTIMATED OUTCOME FOR CREDITORS**

Details of the sums owed to each class of the Company's creditors were provided in the director's statement of affairs issued to creditors on 24 July 2018.

On the basis of realisations to date we estimate an outcome for each class of the Company's creditors as follows:

### **Secured creditors**

#### *Book Debts*

The book debts were subject to a factoring agreement with Marketinvoice Limited created on 28 November 2017 and contains a fixed and floating charge over all property or undertaking of the Company. The balance due as provided by Marketinvoice Limited at the time of the liquidation was £15,705, with book debts valued at £5,000 for collection. However, after costs a proof of debt was received on 24 May 2018 showing a shortfall of £28,451 to the bank.

I would confirm that there are insufficient funds for the payment of a dividend to the secured creditor.

#### *Hire Purchase*

The two vehicles were subject to a hire purchase agreement with Shawbrook Bank and VFS Financial Services Limited. The estimated balance outstanding was shown as £27,000, with sale values estimated by the director of £24,500, however it was later confirmed by agents that the total value was more in the region of £12,500.

As mentioned above a claim for the shortfall has not yet been received.

#### **Preferential creditors**

The director was due outstanding arrears and holiday pay but he failed to complete his claim in the liquidation therefore, there have been no preferential claims made to date.

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

To the best of our knowledge and belief, the Company's undertaking and assets are not subject to any unsatisfied floating charges before 15 September 2003 and the provisions of section 176A of the Act have no application and consequently the value of both the *prescribed part* and the Company's *net property* is nil.

#### **Unsecured creditors**

No dividend is available for unsecured creditors as no funds have been realised.

## **5. REMUNERATION & DISBURSEMENTS**

Our remuneration has not been fixed by the creditors and it is not our intention to prepare a remuneration report for the agreement of our fees in this matter.

Our total time post appointment costs for the period from 28 March 2018 to 27 March 2019 amount to £5,993.50 which represents 29 hours at an average rate of £206.67 per hour, in respect of which we have not drawn any fee and have written off the balance as irrecoverable. However, we reserve the right to recover our unbilled time costs in the event that circumstances subsequently permit us to do so.

#### **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 our appointment in assisting with the preparation of the statement of affairs and seeking the decisions of creditors on the nomination of liquidators have not been agreed.

## **6. LIQUIDATORS' EXPENSES**

#### **Category 2 Disbursements**

There have been no category 2 disbursements incurred or drawn in this matter.

#### **Expenses actually incurred compared to those that were anticipated**

Creditors will recall that we estimated that the expenses of the liquidation would total £162. That estimate has not been exceeded and we do not expect it to be exceeded if matters progress to conclusion as envisaged.



## 7. WORK THAT REMAINS TO BE DONE

**What work remains to be done, why is this necessary and what financial benefit (if any) will it provide to creditors?**

### General case administration and planning

Although there will be no direct financial benefit to the liquidation, we will continue to maintain sufficient records to demonstrate how the case is being administered until we proceed to the closure of the case.

### Compliance with the Insolvency Act, Rules and best practice

The Insolvency Act 1986, The Insolvency Rules 2016 and best practice require us to undertake various activities during the course of the liquidation, which will include the following:

- Providing members and creditors with annual progress reports, including filing at Companies House;
- Producing a final report at the end of the liquidation and filing a final account at Companies House; and
- Performing regular statutory bond reviews to ensure the case is adequately bonded.

Whilst there is no direct financial benefit to creditors, all of the above is required to ensure we comply with our statutory duties.

### Realisation of assets

As can see above there are no assets to realise.

### Dealing with all creditors' claims (including employees), correspondence and distributions

We will continue to deal with general creditor queries as and when they arise.

### Other matters which includes seeking decisions from creditors (via Deemed Consent Procedure and/or Decision Procedure, tax, litigation, pensions and travel

As part of the process of the liquidation we have a duty to submit VAT and corporation tax returns to HM Revenue & Customs. We will continue to submit these returns until the conclusion of the liquidation. We will also deregister the Company for VAT, submit a final VAT return to recover any VAT incurred on expenses, submit a final corporation tax return and pay any liability due, and seek tax clearance to close.

### **How much will this further work cost?**

In addition to the time costs detailed above it is anticipated that further time costs of approximately £1,000 will be incurred to completion.

## 8. OTHER RELEVANT INFORMATION

### **Block Transfer**

On 25 April 2019 Katrina Jane Orum replaced Stephen Wade as Joint Liquidator of the Company by Order of the Court. The Order was advertised in the London Gazette on 3 May 2019. Under the terms of the Order, Stephen Wade will be granted his release, or discharge from liability as appropriate, 21 days after the publication of the Order in the London Gazette. We also write to advise all creditors and members that the

members that they are at liberty to apply to discharge or vary the Order upon an application to the Court.

### **Bankruptcy**

A Bankruptcy Order was made against the sole director, Richard John Duncan in the County Court at Pontypridd on 2 October 2018 from a petition presented on 20 July 2018.

### **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, 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, Energy and Industrial Strategy. We can confirm that we have discharged our duties in these respects.

### **Investigations carried out to date**

We have undertaken an initial assessment of the manner in which the business was conducted prior to the liquidation of the Company and potential recoveries for the estate in this respect.

### **Connected party transactions**

In accordance with Statement of Insolvency Practice 13, we are obliged to inform creditors of any sale of the Company's business or assets which involves a party connected to the Company. We confirm that there have been no such transactions

### **Use of personal information**

Please note that in the course of discharging our statutory duties as liquidators, we may need to access and use personal data, being information from which a living person can be identified. Where this is necessary, we are required to comply with data protection legislation. If you are an individual and you would like further information about your rights in relation to our use of your personal data, you can access the same at <https://www.begbies-traynorgroup.com/privacy-notice>. If you require a hard copy of the information, please do not hesitate to contact us.

## **9. CREDITORS' RIGHTS**

### **Right to request further information**

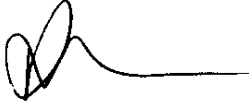
Pursuant to Rule 18.9 of the Rules, within 21 days of the receipt of this report a secured creditor, or an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors, including that creditor, (or an unsecured creditor with less than 5% in value of the unsecured creditors, but with the permission of the court) may request in writing that we provide further information about our remuneration or expenses which have been incurred during the period of this progress report.

### **Right to make an application to court**

Pursuant to Rule 18.34 of the Rules, any secured creditor or any unsecured creditor with the concurrence of at least 10% in value of the unsecured creditors including that creditor, (or any unsecured creditors with less than 10% in value of the unsecured creditors, but with the permission of the court) may, within 8 weeks of receipt of this progress report, make an application to court on the grounds that the remuneration charged or the expenses incurred during the period of this progress report are excessive or, the basis fixed for our remuneration is inappropriate.

## 10. CONCLUSION

It is anticipated that this matter will proceed to closure within the next six months

A handwritten signature in black ink, consisting of a stylized 'K' followed by a horizontal line.

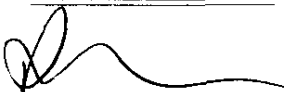
**Katrina Orum**  
Joint Liquidator

Dated: 22 May 2019

**JOINT LIQUIDATORS' ACCOUNT OF RECEIPTS AND  
PAYMENTS FOR THE PERIOD FROM 28 March 2018 to 27  
March 2019**

**Duncan Logistics Limited**  
**(In Liquidation)**  
**Joint Liquidators' Summary of Receipts & Payments**  
**To 22/05/2019**

S of A £		£	£
	<b>SECURED ASSETS</b>		
5,000.00	Book Debts	NIL	
(15,705.00)	Marketinvoice	NIL	
			NIL
	<b>HIRE PURCHASE</b>		
7,000.00	Tractor Unit 1	NIL	
(6,500.00)	Shawbrook Bank	NIL	
20,000.00	Tractor 2	NIL	
(18,000.00)	Volvo Finance Services	NIL	
			NIL
	<b>ASSET REALISATIONS</b>		
4,320.00	Book Debts	NIL	
			NIL
	<b>COST OF REALISATIONS</b>		
	Statutory Advertising	144.00	
			(144.00)
	<b>PREFERENTIAL CREDITORS</b>		
(1,956.00)	Employees re Arrears/Hol Pay estimated	NIL	
			NIL
	<b>UNSECURED CREDITORS</b>		
(15,298.54)	Trade Creditors	NIL	
(1,956.00)	Notice Pay and Redundancy Pay estimated	NIL	
(26,000.00)	Directors Loan Account	NIL	
(21,856.25)	Barclays Bank plc	NIL	
(3,000.00)	HMRC PAYE	NIL	
(1,500.00)	HMRC (VAT)	NIL	
			NIL
	<b>DISTRIBUTIONS</b>		
(1.00)	Ordinary Shareholders	NIL	
			NIL
<b>(75,452.79)</b>			<b>(144.00)</b>
	<b>REPRESENTED BY</b>		
	Vat Receivable		28.80
	Office		(172.80)
			<b>(144.00)</b>



Katrina Jane Orum  
Joint Liquidator

## **JOINT LIQUIDATORS' TIME COSTS AND DISBURSEMENTS**

- a. Begbies Traynor (Central) LLP's charging policy;
- b. Time Costs Analysis for the period from to 28 March 2018 to 27 March 2019.

## **BEGBIES TRAYNOR CHARGING POLICY**

### **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.

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. Best practice guidance<sup>2</sup> indicates 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 in Appendix 2

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 at the individual's hourly rate in force at that time which is detailed in Appendix 2. This is only applicable to those cases where the office holder is remunerated on a time costs basis.

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

Best practice guidance classifies expenses into two broad categories:

- ❑ *Category 1 disbursements (approval not required)* - specific expenditure that is directly related to the case and referable to an independent external supplier's invoice. All such items are charged to the case as they are incurred.
- ❑ *Category 2 disbursements (approval required)* - items of expenditure that are directly related to the case which include an element of shared or allocated cost and are based on a reasonable method of calculation, but which are not payable to an independent third party.

(A) The following items of expenditure are charged to the case (subject to approval):

- Internal meeting room usage for the purpose of statutory meetings of creditors is charged at the rate of £100 per meeting;
- Car mileage is charged at the rate of 45 pence per mile;
- Storage of books and records (when not chargeable as a *Category 1 disbursement*) 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;

<sup>1</sup> Statement of Insolvency Practice 9 (SIP 9) – Remuneration of insolvency office holders in England & Wales

<sup>2</sup> Ibid 1

- *Expenses which should be treated as Category 2 disbursements (approval required)* – in addition to the two categories referred to above, best practice guidance indicates that where payments are to be made to outside parties in which the office holder or his firm or any associate has an interest, these should be treated as Category 2 disbursements.
- (B) 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



SIP9 Duncan Logistics Limited - Creditors Voluntary Liquidation - 40DU080.CVL : Time Costs Analysis From 28/03/2018 To 27/03/2019

Staff Grade	Consultant/Partner	Director	Sr Mgr	Mngr	Asst Mgr	Sr Admin	Admin	Jr Admin	Support	Total Hours	Time Cost £	Average hourly rate £
General Case Administration and Planning						7.2				7.2	1,285.00	178.47
		0.6				3.2	1.4	0.9		6.3	1,229.00	195.08
		0.8				10.4	1.4	0.9		13.5	2,514.00	186.22
Compliance with the Insolvency Act, Rules and best practice		1.5								1.5	517.50	345.00
						0.4		1.1		1.5	213.00	142.00
												0.00
						3.2				3.2	560.00	175.00
		1.5				3.6		1.1		6.2	1,290.80	208.15
Investigations		0.5				1.8				2.3	487.50	211.96
		0.5				1.8				2.3	487.50	211.96
Realisation of assets		1.0								1.0	345.00	345.00
		1.0				1.6				2.6	625.00	240.38
												0.00
		2.0				1.6				3.6	970.00	269.44
Trading												0.00
												0.00
Dealing with all creditors claims (including employees), correspondence and distributions		0.5								0.5	172.50	345.00
			0.2			0.8	0.3			1.3	292.50	217.31
												0.00
		0.5	0.2			0.8	0.3			1.8	455.00	252.78
Other matters which includes seeking decisions of creditors, meetings, tax, litigation, pensions and travel												0.00
								0.1		0.1	11.00	110.00
						1.4				1.5	265.50	177.00
												0.00
						0.1						0.00
		5.3	0.2		0.1	1.4		0.1		1.6	276.50	172.81
		1,878.50	62.00		20.50	19.6	1.7	2.1		25.0	5,903.50	
	0.00	354.43	310.00	0.00	205.00	180.87	142.06	117.14	0.00		0.00	206.87

## STATEMENT OF EXPENSES

Type of expense	Name of party with whom expense incurred	Amount incurred £	Amount discharged £	Balance (to be discharged) £
Expenses incurred with entities not within the Begbies Traynor Group				
Statutory Advertising	EPE Reynell Advertising Limited	144.00	144.00	0.00
Specific Penalty Bonding	AUA Insolvency Risk Services Limited	18.00	18.00	0.00
	Total	162.00	162.00	0.00

The above expenses have been paid by Begbies Traynor and will be reimbursed should the liquidation come into funds.