

The Insolvency Act 1986

**Administrator's progress report****R2.38**

Pursuant to Rule 2.38 of the Insolvency (Scotland) Rules 1986

Name of Company

New Edinburgh Limited

Company number

SC126384

(a) Insert full  
name(s) and  
address(es) of  
administrator(s)

We (a)

Matthew James Cowlshaw  
Deloitte LLP  
Four Brindleyplace  
Birmingham  
B1 2HZNeville Barry Kahn  
Deloitte LLP  
Athene Place  
66 Shoe Lane  
London  
EC4A 3BQJohn Charles Reid  
Deloitte LLP  
Saltire Court  
20 Castle Terrace  
Edinburgh  
EH1 2DB

administrators of the above company attach a progress report for the period

from

to

(b) Insert date(s)

(b) 9 January 2013

(b) 8 July 2013

Signed

  
Joint Administrator

Dated

07/08/2013

**Contact Details:**

You do not have to give any contact information in the box opposite but if you do, it will help Companies House to contact you if there is a query on the form.

The contact information that you give will be visible to searchers of the public record

Matthew James Cowlshaw  
c/o Deloitte LLP  
Lomond House  
9 George Square  
Glasgow  
G2 1QQ

DX Number DX: GW 223

Tel: 0141 204 2800  
DX Exchange

When you have completed and signed this form, please send it to the Registrar of Companies at:-  
**Companies House, 4<sup>th</sup> Floor, Edinburgh Quay 2, 139 Fountainbridge, Edinburgh, EH3 9FF**  
**DXED235 Edinburgh 1 / LP- 4 Edinburgh 2**

FRIDAY



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09/08/2013  
COMPANIES HOUSE

#507

**NEW EDINBURGH LIMITED - IN ADMINISTRATION ("the Company")**

**Court No. P714 of 2012**

**SIX MONTHLY PROGRESS REPORT TO CREDITORS**

**FOR THE PERIOD TO 8 JULY 2013**

**PURSUANT TO RULE 2.38 OF THE INSOLVENCY (SCOTLAND) RULES 1986 AND THE  
INSOLVENCY (SCOTLAND) AMENDMENT RULES 2010**

**7 August 2013**

This report has been prepared for the sole purpose of updating the creditors for information purposes. The report 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.

Matthew Cowlishaw, Neville Kahn and John Reid were appointed Joint Administrators of New Edinburgh Limited on 9 July 2012. The affairs, business and property of the Company are managed by the Joint Administrators. The Joint Administrators act as agents of the Company only and contract without personal liability.

All licensed Insolvency Practitioners of Deloitte LLP are licensed in the UK to act as Insolvency Practitioners.

Matthew Cowlishaw  
Deloitte LLP  
Four Brindleyplace  
Birmingham  
B1 2HZ

Tel: 0141 204 2800  
Fax: 0141 314 5895

Neville Kahn  
Deloitte LLP  
Athene Place  
66 Shoe Lane  
London  
EC4A 3BQ

John Reid  
Deloitte LLP  
Saltire Court  
20 Castle Terrace  
Edinburgh  
EH1 2DB

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## ABBREVIATIONS

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

"the Act"	Insolvency Act 1986 (as amended)
"the Administrators"	Matthew Cowlshaw, Neville Kahn and John Reid of Deloitte LLP
"the Bank" / "Secured Creditor"	Bank of Scotland PLC
"BLP"	Berwin Leighton Paisner LLP
"CEC"	City of Edinburgh Council
"CECHL"	C.E.C. (Holdings) Limited
"the Company"	New Edinburgh Limited (in Administration)
"the Court"	The Court of Session in Edinburgh
"Deloitte"	Deloitte LLP
"the Directors"	Eric Adair, Pamela Grant, Euan Haggerty, Philip Miller, Andrew Sutherland and Peter Watton
"EOS"	Estimated Outcome Statement
"GVA"	GVA Grimley Limited
"JLL"	Jones Lang LaSalle
"the Land"	c.39 acres of undeveloped land at the Southern and Northern phase of Edinburgh Park
"Miller"	Miller Developments Limited
"MMS"	Maclay Murray & Spens LLP
"PP"	The Prescribed Part of the Company's net property subject to Section 176A of the Insolvency Act 1986 (as amended).
"the Property"	No.7 Lochside View, Edinburgh Park, Edinburgh EH12 9DH
"the Rules"	Insolvency (Scotland) Rules 1986 and the Insolvency (Scotland) Amendment Rules 2010
"S&W"	Shepherd and Wedderburn LLP
"SIP2 (Scotland)"	Statement of Insolvency Practice 2 (Scotland) – Investigations by Office Holders in Administrations and Insolvent Liquidations
"SIP7 (Scotland)"	Statement of Insolvency Practice 7 (Scotland) – Presentation of Financial Information in Insolvency Proceedings
"SIP9 (Scotland)"	Statement of Insolvency Practice 9 (Scotland) – Remuneration of Insolvency Office Holders

"SIP13 (Scotland)"	Statement of Insolvency Practice 13 (Scotland) – Acquisition of Assets of Insolvent Companies by Directors
"SSE"	Scottish and Southern Energy T/A Scottish Hydro Electric
"SWIP"	Scottish Widows Investment Partnership

## **1. INTRODUCTION**

### **1.1 Introduction**

This report has been prepared in accordance with Rule 2.38 of the Rules to provide creditors with an update on the progress of the Administration of the Company since our last report to creditors dated 28 January 2013.

Given the information previously provided to creditors in our earlier reports, we have not included detailed background information in respect of the Company and have focussed on progress of the Administration subsequent to those reports.

The Administrators' proposals as deemed approved following the issue of a notice under Paragraph 52(1) of Schedule B1 of the Act on 30 August 2012 and the expiry of eight business days thereafter are detailed in section 2.1 below.

On the basis that there remained unrealised assets of the Company which were not sold before 9 July 2013, the one year anniversary of the Administration, the Administrators submitted an application to the Court seeking to extend the period of the Administration by 12 months, pursuant to Paragraph 76(2)(a) of Schedule B1 of the Act. This is discussed further at section 5.1 below.

A schedule of statutory information in respect of the Company is attached at Appendix 1.

### **1.2 Details of the appointment of the Administrators**

Matthew Cowlshaw, Neville Kahn and John Reid of Deloitte were appointed Joint Administrators of the Company by the Directors on 9 July 2012.

The Court having conduct of the proceedings is The Court of Session, Edinburgh (case number P714 of 2012).

For the purposes of Paragraph 100(2) of Schedule B1 of the Act, the Administrators confirm that they are authorised to carry out all functions, duties and powers by either of them jointly and severally.

### **1.3 Electronic communication with creditors**

In an effort to reduce the costs of the Administration, all future communications with creditors, including updates and progress reports, will be posted onto a website, which has been set up specifically for this purpose. The web address is [www.deloitte.com/uk/newedinburgh](http://www.deloitte.com/uk/newedinburgh).

A letter will be issued to all creditors each time the website is updated with a statutory notice or report. All creditors' statutory notices will be retained on the website for three months after being uploaded to the site.

## **2. JOINT ADMINISTRATORS' PROPOSALS**

### **2.1 Introduction**

As previously reported, the Company had significant secured debts and as a restructuring of the Company was not possible, the Administrators concluded that the first objective, to rescue the Company as a going concern, could not be achieved.

The Administrators are undertaking a pro-active asset management strategy over a period of time to enhance the value of the Property and the Land prior to sale. However, as the value of the secured debt is in excess of the potential realisable value of the Property, the Administrators have performed their functions in relation to the Company with the objective set out in Paragraph 3(c) of Schedule B1 of the Act, which is to realise property in order to make a distribution to secured and/or preferential creditors if applicable.

The Administrators' proposals in order to achieve this objective, which, as noted above, were deemed approved following the issue of a notice under Paragraph 52(1) of Schedule B1 of the Act on 30 August 2012 and the expiry of eight business days thereafter are as follows:

1. the Administrators continue to manage the affairs and any remaining assets of the Company and the settlement of all Administration expenses;
2. the Administrators continue with their enquiries into the conduct of the Directors of the Company and continue to assist any regulatory authorities with their investigation into the affairs of the Company;
3. the Administrators be authorised to agree the claims of the secured, preferential and unsecured creditors against the Company unless the Administrators conclude, in their reasonable opinion, that the Company will have no assets available for distribution;
4. the Administrators be authorised to distribute funds to the secured and preferential creditors as and when claims are agreed and funds permit and, in relation to distributions to unsecured creditors, if the Court gives permission following an appropriate application;
5. that, in the event the creditors of the Company so determine, at a meeting of creditors, a Creditors' Committee be appointed in respect of the Company comprising of not more than five and not less than three creditors of the Company;
6. that, if a Creditors' Committee is not appointed, the secured creditor(s) and preferential creditors (if applicable) of the Company shall be asked to fix the basis of the Administrators' remuneration, in accordance with Rule 2.39(9) of the Rules, to be fixed by reference to the time properly given by the Administrators and their staff in attending to matters arising in the Administration, calculated at the prevailing standard hourly charge out rates used by Deloitte at the time when the work is performed, plus VAT, and asked to agree the Administrators' expenses. In addition those creditors shall also be asked to agree the Administrators' expenses for mileage be calculated by reference to mileage properly incurred by the Administrators and their staff in attending to matters arising in the Administration, at the prevailing standard mileage rate used by Deloitte at the time when the mileage is incurred, plus VAT where applicable;
7. that, the Administrators' Pre Administration Costs as detailed in Appendix 4 of the Administrators' Proposals be approved. And that the Administrators be authorised to draw their Costs, plus VAT, from the Administration estate;
8. that, following the realisation of assets and resolution of all matters in the Administration, and as quickly and efficiently as is reasonably practicable, the Administrators implement the most cost effective steps to formally conclude the Administration. This may include the distribution

of funds to unsecured creditors (provided Court permission is obtained) and then the dissolution of the Company or alternatively, seeking to put the Company into Creditors' Voluntary Liquidation ("CVL") or Compulsory Liquidation, depending on which option will result in a better realisation for creditors;

9. that, if the Company were to be placed into CVL, the Administrators propose to be appointed Liquidators and any Creditors' Committee appointed will become the Liquidation Committee pursuant to Rule 2.47(3) of the Rules. As per Paragraph 83(7) of Schedule B1 of the Act and Rule 2.47(3) of the Rules, the creditors may nominate a different person to be Liquidator provided the nomination is made before the proposals are approved by creditors. For the purposes of Section 231 of the Act the Liquidators will each be authorised to carry out all functions, duties and powers either jointly or severally.
10. in the absence of Creditors' Committees, each secured creditor and preferential creditors (if applicable) of the Company agree that the Administrators be discharged from liability per Paragraphs 98 and 99 of Schedule B1 of the Act immediately upon the Administrators' filing their final report to creditors and vacating office.

## 2.2 Amendments to proposals

There were no amendments to the proposals.

## 2.3 Progress on and achievement of the approved proposals

We have summarised below the progress and current status in respect of each of the approved proposals:

Proposal	Current status
1	Ongoing.
2	Completed. A confidential report/return was submitted to The Insolvency Service on 14 November 2012.
3	Ongoing. It is not anticipated that there are any preferential creditors in this case. It is also not anticipated that there will be a return to unsecured creditors, therefore at this stage, no work is being done to adjudicate on any claims received.
4	Ongoing. No distributions have as yet been made to the Bank. There are no preferential creditors.
5	N/A. No meeting was held and no creditors' committee has been formed.
6	The Secured Creditor approved a resolution on 3 October 2012.
7	The Secured Creditor approved a resolution on 3 October 2012.
8	Exit route yet to be confirmed.
9	Exit route yet to be confirmed.
10	The Secured Creditor approved a resolution on 3 October 2012.

Further information in respect of the realisation of assets, the status of liabilities and the estimated outcome for creditors is contained in the following sections of this report.



### **3. JOINT ADMINISTRATORS' RECEIPTS AND PAYMENTS ACCOUNT AND ESTIMATED OUTCOME STATEMENT**

#### **3.1 Introduction**

Attached at Appendix 2 is a Receipts and Payments account covering the period from 9 July 2012 to 8 July 2013, together with details of transactions in the interim period 9 January 2013 to 8 July 2013, in accordance with SIP7 (Scotland).

In accordance with Rule 2.25(1)(k)(i)(bb) of the Rules, the Administrators have not included an EOS for the purposes of this report, on the basis that the value of the Property and Land is commercially sensitive and its disclosure would prejudice the interests of creditors. Further information regarding the management and disposal of the Company's assets will be provided in subsequent progress reports.

In this section, we have summarised the main asset realisations during the period from 9 January 2013 to 8 July 2013 and an estimation of those assets yet to be realised.

#### **3.2 Asset realisations**

##### Rental and associated income

As previously reported, the Administrators have continued to operate the development collecting rental income in this period totalling £374,562 and pay and display car park income of £25,400.

##### Transfer of Corporation Tax losses

A consideration of £250,140 was received from CECHL (a 50% shareholder in the Company) on 21 February 2013 following the sale of an element of the Company's tax losses.

##### Other realisations

Other income collected in this period includes £6,466 of insurance recharges received from tenants, and other income of £13,745 comprising bank interest, rates refunds and other sundry trading income.

#### **3.3 Estimated future realisations**

##### Property and Land

The Administrators continue to operate the business, including the collection of rents, service charges and pay and display car park income and settling associated property holding costs.

The Property will be marketed for sale at an appropriate time following the conclusion of certain asset management initiatives, in line with the realisation strategy recommended by SWIP.

##### Transfer of Corporation Tax losses

The Company has significant tax losses. The Administrators are investigating the possibility of a further sale of certain of these losses to CECHL.

#### **4. DISTRIBUTIONS TO CREDITORS**

##### **4.1 Secured creditors**

The Company's Bank debt at the date of the appointment of the Administrators totals £17.96m.

The Bank holds a standard security dated 25 August 1992 over the Property and Land and a floating charge dated 21 August 1992 over general assets of the Company. Assets not specifically secured will be captured by the Bank's floating charge.

##### **4.2 Preferential creditors**

The Company employed no staff as at the date of the Administrators' appointment. It is therefore anticipated that there will be no preferential claims against the Company.

##### **4.3 Prescribed Part**

The PP (section 176A of the Insolvency Act 1986 (Prescribed Part) Order 2003) applies where there are floating charge realisations, net of costs to be set aside for unsecured creditors. As the floating charge pre-dates the application of this legislation, the PP is not applicable.

##### **4.4 Unsecured creditors**

The total unsecured creditors' balance as at 9 July 2012 per the Directors' Statement of Affairs (excluding any shortfall to floating charge holders) is £142,457. Claims totalling £9,757 have been received to date.

After discharging the costs of the Administration, it is estimated that there will not be sufficient realisations from the Company's assets to fully repay the Bank. Accordingly, we do not expect any funds to be available to pay a dividend to the unsecured creditors of the Company.

## **5. OTHER MATTERS AND INFORMATION TO ASSIST CREDITORS**

### **5.1 Extensions to the initial appointment period**

As indicated at section 1.1 above, on the basis that there remained unrealised assets of the Company (as detailed at section 3.3 above) which were not realised before 9 July 2013, the one year anniversary of the Administration, the Administrators submitted an application to the Court seeking to extend the period of the Administration by 12 months, pursuant to Paragraph 76(2)(a) of Schedule B1 of the Act. On 25 June 2013 the Court ordered that the Administration be extended to 8 July 2014.

The extension is anticipated to allow sufficient time for the sale of the Property and the Land, realisation of tax losses, the finalisation of trading and service charge accounts, settlement of Corporation Tax and VAT liabilities, and any other outstanding Administration matters.

Please be advised that it may become necessary for the Administrators to seek to extend the Administration for a further period of up to 12 months from 9 July 2014. The extension would be required to conclude any matters still outstanding at that time, which may include the sale of the Property and Land, realisation of tax losses, closure of trading and service charge accounts and settlement of Corporation Tax and VAT liabilities.

Prior to seeking an extension from the Court pursuant to Paragraph 76(2)(a) of Schedule B1 of the Act the Administrators are required to notify the Company's creditors of their intention to seek an extension of the Administration.

Any creditor who wishes to object to the proposed extension of the Administration should provide written notice of their objection(s) and the reason(s) therefore to the Administrators at the address on the front of this report within **21 days** of the date of this report.

It is the Administrators' intention to apply to the Court for the extension to be granted following the lapse of the given time period, if required. However, due consideration will be given by the Administrators to any objections received within that time period and details thereof will be provided to the Court as part of the extension application.

### **5.2 Investigations into the Directors Conduct**

As part of the 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 14 November 2012.

### **5.3 SIP2 (Scotland) – Initial Assessment of Potential Recoveries**

As part of our duties as Administrators, we are obliged shortly after our appointment to review all of the information available to us and conduct an initial assessment of whether there are any matters that might lead to a recovery for the benefit of creditors. This initial assessment included enquiries into any potential claims that may be brought against parties either connected to or who have had past dealings with the Company.

Having completed this review, we identified the assets and actions as detailed in paragraphs 3.2 and 3.3 of this report. If you have any information that you feel we should be made aware of in relation to the above, please contact us as a matter of urgency.

### **5.4 Exit**

In accordance with the provisions of the Act incorporated by The Enterprise Act 2002, all Administrations automatically come to an end after one year, unless an extension is granted by the Court or with consent of the creditors.

The exit route chosen in relation to the Company will largely depend on the circumstances of the Administration. Based on current information, the Administrators expect to exit the Administration by moving the Company to dissolution.

## 5.5 SIP13 (Scotland) – Transactions with connected parties

In accordance with the guidance given in SIP13 (Scotland), we are not aware of any transactions with connected parties in the two years prior to our appointment.

As previously reported, the Administrators reached agreement with Miller, who has common directors with the Company, to continue to provide property management services to the Company for an interim period. Miller's services ceased with effect from 8 March 2013, when they were replaced by JLL in order to minimise costs.

In accordance with the guidance given in SIP13 (Scotland), details of the Company's transactions with connected parties during the period covered by this report are provided below:

Date	Net payment (£)
22/01/2013	2,000
14/02/2013	2,000
13/03/2013	2,000
<b>Total this period</b>	<b>6,000</b>
Transactions in a prior reporting period	12,000
<b>Total transactions</b>	<b>18,000</b>

These amounts are included within the Net Service Charge Account shown in the "Represented By" section of the Receipts and Payments Account at Appendix 2.

## 5.6 EC Regulations

As stated in the Administration Order in respect of the Company, Council Regulation (EU) No 1346/2000 applies and these are the main proceedings as defined in Article 3(1) of that regulation.

## **6. PRE-ADMINISTRATION COSTS**

Included within the Administrators' report and Proposals dated 30 August 2012 was a Statement of Pre-Administration Costs, in accordance with Rule 2.25(1)(ka) of the Rules.

The Secured Creditor has provided a resolution approving the Administrators' pre-Administration costs totalling £24,162, which are currently unpaid. We will seek further specific approval from the Secured Creditor if a decision is made to draw the pre-Administration costs.

## 7. JOINT ADMINISTRATORS' REMUNERATION AND EXPENSES

### 7.1 Joint Administrators' Remuneration

There will be no funds available to the unsecured creditors, therefore, fixing of the Administrators' remuneration will be approved in accordance with Rule 2.39(9) of the Rules, which is outlined as follows:

- Where the Administrators have made a statement under Paragraph 52(1)(b) of Schedule B1 of the Act the Administrators' remuneration may be fixed by the approval of:
  - each secured creditor; or
  - if the Administrators intend to make a distribution to preferential creditors, with the approval of each secured creditor and 50% of preferential creditors who respond to an invitation to consider approval.

The Secured Creditor approved a resolution on 3 October 2012 fixing the basis of the Administrators' fees by reference to the time properly given by the Administrators and their staff in attending to matters arising in the Administration. In the period covered by this report, the Administrators have drawn fees totalling £150,000, with reference to their total time costs to 8 July 2013 of £383,261.75. This represents 755.9 hours at an average rate of £507.03; time is charged in six minute increments. The Administrators' fees are shown in the Receipts and Payments Account at Appendix 2. The Administrators' time costs for the Administration are detailed at Appendix 3.

The work has been categorised into the following task headings and sub categories:

- **Administration and planning** includes case planning, case set-up, notification of appointment, maintenance of our case files and insolvency case record, statutory reporting, compliance, cashiering and accounting.
- **Investigations** includes investigating the Company's affairs and in particular any antecedent transactions and also reporting on the conduct of its directors.
- **Realisation of Assets** includes identifying, securing and insuring assets, transition of contracts, property issues, asset management issues, collection of debts, realisation of other fixed assets and VAT and taxation matters.
- **Trading** includes planning, identifying strategy, preparation of trading forecasts, monitoring of performance against the forecasts, managing operations, dealing with supplier and tenant issues to ensure continuity of operations and accounting.
- **Creditors** includes set-up of creditor records, creditor communications, unsecured claims and secured claims.
- **Other matters** include completion and submission of Corporation Tax and VAT returns.

"A Creditors' Guide to Administrators' Remuneration" is available for download at [www.deloitte.com/uk/sip-9-scotland](http://www.deloitte.com/uk/sip-9-scotland). Should you require a paper copy, please send your request in writing to the Administrators at the address on the front of this report and this will be provided to you at no cost.

## 7.2 Expenses

The Administrators' expenses incurred but not paid to 8 July 2013 are as follows:

Nature of expenses	Total (£)
<b>Direct expenses</b>	
Mileage	4.72
Other travel	237.86
<b>Total</b>	<b>242.58</b>
<b>Indirect expenses</b>	
Postage	55.52
Travel and meeting costs	47.10
Specific bond	150.00
<b>Total</b>	<b>252.62</b>

Mileage is calculated at the prevailing standard mileage rate of presently up to 45p used by Deloitte at the time when the mileage is incurred.

Indirect expenses totalling £252.62 have been incurred but not paid, comprising postage, travel and meeting costs (categorised as "Administrators' third party expenses"). This is recorded as "Due to Deloitte" in the Receipts and Payments account at Appendix 2.

## 7.3 Charge out rates

The range of charge out rates for the separate categories of staff is based on our 2012-2013 charge out rates as summarised below. Manager rates include all grades of assistant manager:

Grade	£ 2012 (Jan-Aug)	£ 2012 / 2013 (Sept 2012-Aug 2013)
Partners/Directors	585 to 920	605 to 950
Managers	295 to 700	305 to 720
Assistants and Support Staff	150 to 295	155 to 305

The above bands are specific to the Restructuring Services department partners and staff. In certain circumstances the use of specialists from other Deloitte departments such as Tax/VAT, Corporate Finance or Real Estate may be required on the case. These departments may charge rates that fall outside the Restructuring Services department bands quoted above so, where such specialists have performed work on the case, average rates may also fall outside the Restructuring Services department bands.

All partners and technical staff (including cashiers) assigned to the case recorded their time spent working on the case on a computerised time recording system. Time spent by secretarial staff working on the assignment has not been recorded or recovered. The appropriate staff have been assigned to work on each aspect of the case based upon their seniority and experience, having regard to the complexity of the relevant work, the financial value of the assets being realised and/or claims agreed.

With effect from 1 September 2012, charge out rates were increased by an average 3% and the charge out rate bandings have been amended, where applicable, to reflect this change.

#### 7.4 Other professional costs

As previously reported, to advise on appropriate legal matters and to prepare required legal documentation the Administrators appointed MMS, a firm of lawyers with the appropriate expertise and experience in dealing with these types of Administrations.

The Company's previous lawyers, S&W, were instructed by the Directors to apply for the Administrators' appointment. The Administrators have also instructed them on certain discrete matters where their prior involvement with property transactions leads to it being more expeditious to do so. All professional fees are based upon their recorded time costs incurred at discounted charge out rates and will be reviewed by the Administrators' staff before being approved for payment.

BLP, a firm of lawyers, were engaged for the discrete task of preparing an Asset Management Agreement (the agreement between the Company and SWIP). The Bank has previously developed a pro forma document for such appointments which is cost effective for the Company to utilise. BLP received a fixed fee.

Miller, who managed the Property during the pre-appointment period, were initially requested by the Administrators to continue with the property management services for an interim period. This work was undertaken based on a fixed monthly fee.

SWIP have been appointed as Asset Manager. Their fees comprise a fixed annual management fee and a sale fee as a percentage of the sale price achieved. JLL replaced Miller as property managers with effect from 8 March 2013 and receive a fixed set up fee, a fixed annual management fee and a fixed sale administration fee for this work.

GVA and JLL, the pre-appointment letting agents, were instructed to continue in their role and are paid on a commission only basis.

The professional costs paid to date are summarised in the table below. All professional costs are reviewed and analysed before payment is approved.

	NET (£)	VAT (£)	TOTAL (£)
MMS	2,063.00	370.00	2,433.00
BLP	10,000.00	2,000.00	12,000.00
S&W	27,913.19	5,499.45	33,412.64
<b>Subtotal</b>	<b>39,976.19</b>	<b>7,869.45</b>	<b>47,845.64</b>
Miller	21,000.00	3,600.00	24,600.00
<b>Subtotal</b>	<b>21,000.00</b>	<b>3,600.00</b>	<b>24,600.00</b>
GVA	14,024.38	2,804.88	16,829.26
JLL	14,024.38	2,804.88	16,829.26
<b>Subtotal</b>	<b>28,048.76</b>	<b>5,609.76</b>	<b>33,658.52</b>
<b>Total</b>	<b>89,024.95</b>	<b>17,079.21</b>	<b>106,104.16</b>

As stated in section 5.5, payments to Miller are included within the Net Service Charge Account shown in the "Represented By" section of the Receipts and Payments Account at Appendix 2.



# **NEW EDINBURGH LIMITED (IN ADMINISTRATION)**

## **STATUTORY INFORMATION**

Company Name	New Edinburgh Limited		
Previous Names	None		
Proceedings	In Administration		
Court	The Court of Session, Edinburgh		
Court Reference	P714 of 2012		
Date of Appointment	9 July 2012		
Joint Administrators	Matthew Cowlshaw Deloitte LLP Four Brindleyplace Birmingham B1 2HZ	Neville Kahn Deloitte LLP Athene Place 66 Shoe Lane London EC4A 3BQ	John Reid Deloitte LLP Saltire Court 20 Castle Terrace Edinburgh EH1 2DB
Registered office Address	Lomond House 9 George Square Glasgow G2 1QQ		
Company Number	SC126384		
Incorporation Date	19/07/1990		
Company Secretary	None registered		
Bankers	Bank of Scotland Plc		
Auditors	KPMG LLP		
Appointment by	The Directors – under Paragraph 22 of Schedule B1 of the Insolvency Act 1986 (as amended)		
Directors at date of Appointment	Eric Weir Adair Pamela Grant Euan James Edward Haggerty Phillip Hartley Miller Andrew Sutherland Peter Graham Watton		
Directors' Shareholdings	None		
Shareholders	Miller Group Limited 1 ordinary B £1 share (50% of issued share capital)	CECHL 1 ordinary A £1 share (50% of issued share capital)	

**New Edinburgh Limited - In Administration**  
**Joint Administrators' Receipts & Payments Account**  
**As at 8 July 2013**

	Notes	Statement of Affairs Estimated to Realise £	Interim Period From 09/01/2013 To 08/07/2013 £	Total From 09/07/2012 To 08/07/2013 £
<b>RECEIPTS</b>				
Property and land at Edinburgh Park	1	-	-	653,458.00
Rent		-	374,564.12	696,963.37
Pay and display car park		-	25,400.06	48,785.12
Other income		-	13,745.20	17,624.33
Pre-appointment utilities security deposit		25,500.00	-	16,082.01
Book debts - rents		51,222.60	-	38,925.00
Cash in hand		26,109.68	-	25,172.38
Insurance recharge		-	6,465.98	6,465.98
Corporation Tax losses		-	250,139.68	250,139.68
		<u>102,832.28</u>	<u>670,315.04</u>	<u>1,753,615.87</u>
<b>PAYMENTS</b>				
Void service charges			(12,525.00)	(25,050.00)
Repairs and maintenance			(42,951.57)	(60,023.72)
Consultancy fees and expenses			(5,200.00)	(6,995.00)
Agents' fees			(28,048.76)	(28,048.76)
Marketing			(1,251.00)	(1,251.00)
Tenants - schedule of dilapidations			(1,250.00)	(1,250.00)
Rates - pay and display car park			(6,764.21)	(6,764.21)
Specific bond			-	(150.00)
Administrators' fees			(150,000.00)	(150,000.00)
Administrators' expenses			(242.58)	(242.58)
Administrators' third party expenses			-	(47.10)
Legal fees and disbursements			(29,976.19)	(39,976.19)
Postage and redirection			-	(55.52)
Statutory advertising			-	(91.50)
Bank charges and debit interest			(105.52)	(155.52)
			<u>(278,314.83)</u>	<u>(320,101.10)</u>
			<u><b>392,000.21</b></u>	<u><b>1,433,514.77</b></u>
<b>REPRESENTED BY</b>				
Cash at Bank			286,339.18	1,406,989.43
VAT Control Account			129,804.72	3,872.80
Hotel site at A6 Edinburgh Park Retention			-	28,458.00
Due to Deloitte			252.62	-
CIS Deductions			136.00	-
Net Service Charge Account			(24,532.31)	(5,805.46)
			<u><b>392,000.21</b></u>	<u><b>1,433,514.77</b></u>

**Notes**

1. Represents the disposal of a small element of the development land following planning consent for a hotel development having been obtained. As detailed in section 3.1, in accordance with Rule 2.25(1)(k)(i)(bb) of the Rules, the Administrators have not disclosed an estimate of the total value of the Property and the Land on the basis that this is considered commercially sensitive and its disclosure would prejudice the interests of creditors.

New Edinburgh Limited - In Administration Joint Administrators' time costs for the period 9 July 2012 to 8 July 2013

	Partners & Directors		Managers		Assistants & Support		TOTAL		Average Hourly Rate Cost (£)
	Hours	Cost (£)	Hours	Cost (£)	Hours	Cost (£)	Hours	Cost (£)	
<b>Administration and Planning</b>									
Cashiering and Statutory Filing	0.70	595.00	42.20	19,706.50	44.80	12,895.50	87.70	33,197.00	378.53
Case Supervision, Management and Closure	-	-	20.65	6,765.00	3.80	881.50	24.45	7,646.50	312.74
Initial Actions (e.g. Notification of Appointment, Securing Assets)	9.30	5,913.00	14.20	4,578.00	-	-	23.50	10,491.00	446.43
General Reporting	4.90	3,005.50	30.50	10,228.50	-	-	35.40	13,234.00	373.84
	14.90	9,513.50	107.55	41,278.00	48.60	13,777.00	171.05	64,568.50	377.48
<b>Investigations</b>									
Reports on Directors' Conduct	0.50	355.00	3.60	1,237.50	-	-	4.10	1,592.50	388.41
	0.50	355.00	3.60	1,237.50	-	-	4.10	1,592.50	388.41
<b>Trading</b>									
Ongoing Trading	27.90	17,079.50	95.90	28,897.50	-	-	123.80	45,977.00	371.38
Monitoring Trading	-	-	71.30	26,313.50	-	-	71.30	26,313.50	369.05
	27.90	17,079.50	167.20	55,211.00	-	-	195.10	72,290.50	370.53
<b>Realisation of Assets</b>									
Other Assets (e.g. Stock)	1.00	710.00	4.20	1,661.00	-	-	5.20	2,371.00	455.96
Property - Freehold and Leasehold	99.90	67,997.00	185.70	127,889.00	-	-	285.60	195,886.00	685.88
Sale of Business / Assets	14.50	10,215.00	-	-	-	-	14.50	10,215.00	704.48
	115.40	78,922.00	189.90	129,550.00	-	-	305.30	208,472.00	682.84
<b>Creditors</b>									
Secured	18.30	11,017.50	12.60	4,149.00	-	-	30.90	15,166.50	490.83
Unsecured	-	-	2.30	701.50	2.40	486.00	4.70	1,187.50	252.66
	18.30	11,017.50	14.90	4,850.50	2.40	486.00	35.60	16,354.00	459.38
<b>Other Matters Include:</b>									
Tax and VAT	0.80	484.00	43.95	19,500.25	-	-	44.75	19,984.25	446.58
	0.80	484.00	43.95	19,500.25	-	-	44.75	19,984.25	446.58
<b>TOTAL HOURS &amp; COST</b>	177.80	117,371.50	527.10	251,627.25	51.00	14,263.00	755.90	383,261.75	507.03

TOTAL FEES DRAWN TO DATE

150,000.00