

## Liquidator's Progress Report

# S.192

Pursuant to Sections 92A and 104A and 192  
of the Insolvency Act 1986

To the Registrar of Companies

Company Number

187698

Name of Company

Longwall Roof Supports Limited

I / We

Andrew Stephen McGill, 3rd Floor, 9 Colmore Row, Birmingham, B3 2BJ

Gilbert John Lemon, 3rd Floor, 9 Colmore Row, Birmingham, B3 2BJ

the liquidator(s) of the company attach a copy of my/our Progress Report  
under section 192 of the Insolvency Act 1986

The Progress Report covers the period from 31/05/2014 to 30/05/2015

Signed



Date

23/7/15.

Smith & Williamson LLP  
3rd Floor  
9 Colmore Row  
Birmingham  
B3 2BJ

Ref LO604/CA3/TRDF

WEDNESDAY



A13 29/07/2015 #42  
COMPANIES HOUSE

**Longwall Roof Supports Limited**  
**(In Liquidation)**  
**Joint Liquidators' Abstract of Receipts & Payments**

| Statement<br>of Affairs          | From 31/05/2014<br>To 30/05/2015 | From 31/05/2012<br>To 30/05/2015 |
|----------------------------------|----------------------------------|----------------------------------|
| ASSET REALISATIONS               |                                  |                                  |
| Third Party Monies               | NIL                              | 3,955 80                         |
|                                  | NIL                              | 3,955 80                         |
| COST OF REALISATIONS             |                                  |                                  |
| Specific Bond                    | NIL                              | 20 00                            |
| S&W Prep of Dec of Solvency Fees | NIL                              | 3,000 00                         |
| Irrecoverable VAT                | NIL                              | 659 30                           |
| Company Search                   | NIL                              | 6 00                             |
| Statutory Advertising            | NIL                              | 270 50                           |
|                                  | NIL                              | (3,955 80)                       |
|                                  |                                  |                                  |
|                                  | NIL                              | 0.00                             |

REPRESENTED BY

NIL



Andrew Stephen McGill  
Joint Liquidator

# Longwall Roof Supports Limited (in members' voluntary liquidation)

Joint liquidators' annual progress  
report for the period from 31 May  
2014 to 30 May 2015

23 July 2015

Longwall Roof Supports Limited  
(in members' voluntary liquidation)

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## 1. Glossary

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| Abbreviation                      | Description  |
|-----------------------------------|--|
| the Company                       | Longwall Roof Supports Limited   |
| the liquidators/joint liquidators | Andrew Stephen McGill and Gilbert John Lemon   |
| IA86                              | Insolvency Act 1986<br>If preceded by S this denotes a section number  |
| IR86                              | Insolvency Rules 1986<br>If preceded by R this denotes a rule number   |
| DOS                               | Declaration of Solvency  |
| ETR                               | Estimated to realise   |
| HMRC                              | HM Revenue & Customs   |
| Note                              | The IA86 and IR86 have been subject to a number of significant amendments since their original issue, including a number of substantial and important changes in April 2010. References to IA86 and IR86 in this report are to the legislation as it applies to this case. |

## 2. Introduction and statutory information

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This report provides an update on the progress in the liquidation of the Company for the year ended 30 May 2015. It should be read in conjunction with any previous reports.

Paul Michael McConnell and Neil Francis Hickling, of Smith & Williamson LLP were appointed liquidators of the Company on 31 May 2012.

Gilbert John Lemon of Smith & Williamson LLP, Portwall Place, Portwall Lane, Bristol BS1 6NA replaced Mr Hickling as joint liquidator of the Company on 12 November 2013.

Andrew Stephen McGill of Smith & Williamson LLP, 3rd Floor, 9 Colmore Row, Birmingham, B3 2BJ replaced Paul McConnell as joint liquidator on 1 December 2014.

The Company's registered office is 3rd Floor, 9 Colmore Row, Birmingham, B3 2BJ and its registered number is 187698.

## 3. Realisation of assets

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Attached at Appendix I is our receipts and payments account for the period from 31 May 2014 to 30 May 2015. This account includes cumulative figures for the period from 31 May 2012 to 30 May 2015.

Longwall Roof Supports Limited  
(in members' voluntary liquidation)

The receipts and payments account also includes a comparison with the directors' DOS values.

### 3.1. Assets

The DOS did not disclose any assets.

## 4. Creditors

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### 4.1. Directors' statement regarding solvency

Prior to the Company entering into solvent liquidation the directors made a DOS to the effect that all of the Company's debts would be paid in full, together with statutory interest, within 12 months of the commencement of the winding up.

Since the company was placed into liquidation on 31 May 2012 the joint liquidators have received notification of a number of claims from former employees of the company for damages, most of the claims being for noise induced hearing loss.

There is a historical insurance policy in place that provides for the insurers to pay 95% of any damages and costs arising from any successful claims against the company and another company in the group structure ("the group company") will pay the other 5%

The claims of the former employees against the company give rise to potential liabilities that could result in the company not being able to pay all its debts in full within twelve months of it going into liquidation, in which case the joint liquidators have a statutory duty to convene a meeting of creditors to convert the members' voluntary liquidation ("MVL") to creditors' voluntary liquidation ("CVL")

We have obtained legal advice on the effect of the claims of the former employees of the company. Our solicitors have advised that the twelve month time limit within which the company must be able to pay its debts in full applies to paying the debts, rather than ascertaining them. Therefore, if a debt materialises more than twelve months after the commencement of the liquidation and there are insufficient assets in the company to pay that debt at the point of the declaration of solvency then the company would be insolvent and the MVL should be converted into a CVL. As a result, before this decision can be made, the joint liquidators need to be satisfied that there is a debt arising either within that first twelve month period or subsequently that the company is liable to pay

Whilst there are outstanding claims against the company, these claims will not necessarily materialise into debts of the company and are only likely to crystallise upon a successful application to court, or upon settlement. Once crystallisation takes place they will be debts of the company but if the insurance policy is valid these debts will be matched by an indemnity from the insurance company to the value of 95% of the liability and the remaining 5% will be met if there is an appropriate indemnity from the group company.

If, however, it becomes apparent that any liability is not matched by either of these indemnities then it is at that stage that the MVL must be converted to CVL. We are currently awaiting further information in relation to the insurance policy and any contract between the group company and the company.

Longwall Roof Supports Limited  
(in members' voluntary liquidation)

Based on present information our solicitors have advised that the MVL should continue until such a time as the joint liquidators are certain that there is a debt owing by the company which is not matched by enforceable indemnities.

## 5. Distributions to members

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There will be no distribution to members

## 6. Liquidators' remuneration

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The liquidators' time costs since their appointment are:

| Period                    | Total<br>hours<br>hrs | Total<br>costs<br>£ | Average<br>hourly rate<br>£/hr | Fees<br>drawn<br>£ |
|---------------------------|-----------------------|---------------------|--------------------------------|--------------------|
| 31 May 2012 – 30 May 2013 | 23 10                 | 5,175 25            | 223 26                         | 0                  |
| 31 May 2013 – 30 May 2014 | 9 50                  | 2,286 50            | 240 68                         | 0                  |
| 31 May 2014 – 30 May 2015 | 20 20                 | 5,576 25            | 276 05                         | 0                  |
| Total                     | 52 80                 | 13,038 00           | 246 93                         | 0                  |

The liquidators' remuneration has not yet been approved but will be paid by a third party

## 7. Liquidation expenses

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### 7.1. Professional advisers

Legal costs of Higgs & Sons solicitors in the amount of £360 plus VAT were incurred in a previous reporting period, these costs remain unpaid

### 7.2. Liquidators' disbursements

We have not paid or incurred any disbursements in the current period.

### 7.3. Category 2 disbursements

We have not paid or incurred any Category 2 disbursements in the current period

## 8. Outstanding matters

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The remaining actions to be concluded in the liquidation are as follows

Longwall Roof Supports Limited  
(in members' voluntary liquidation)

- Confirm the position in relation to the claims from former employees of the company, referred to at section 4.1,
- Completing the required Corporation Tax returns up to the end of the liquidation,
- Closure of the liquidation, including preparation of the final report to members, issuing the report to members, finalising the final report and submitting this to the Registrar of Companies, convening and holding the final meeting of members

## 9. Members' rights

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Within 21 days of the receipt of this report, members with at least 5% of the total voting rights of all members having the right to vote at general meetings of the Company or otherwise with the court's permission may request in writing that the liquidators provide further information about their remuneration or expenses which have been itemised in this report

Any members with at least 10% of the total voting rights of all members having the right to vote at general meetings of the Company or otherwise with the court's permission may within 8 weeks of receipt of this report make an application to court on the grounds that, in all the circumstances, the basis fixed for the liquidators' remuneration is inappropriate and/or the remuneration charged or the expenses incurred (including any paid) by the liquidators, as set out in this report, are excessive

These rights apply only to matters which have not been disclosed in previous reports

Further information regarding members' rights is available on application to the liquidators

## 10. Next report

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We are required to provide a further report on the progress of the liquidation within two months of the next anniversary of the liquidation unless we have concluded matters prior to this, in which case we will write to all members with our final progress report and convene the final meeting of members

A handwritten signature in black ink, appearing to read 'AS McGill'.

**Andrew Stephen McGill**

Joint Liquidator

Date 23 July 2015



## I Receipts and payments account to 30 May 2015

**Longwall Roof Supports Limited  
(In Liquidation)  
Joint Liquidators' Abstract of Receipts & Payments**

| Declaration<br>of Solvency       | From 31/05/2014<br>To 30/05/2015 | From 31/05/2012<br>To 30/05/2015 |
|----------------------------------|----------------------------------|----------------------------------|
| ASSET REALISATIONS               |                                  |                                  |
| Third Party Monies               | NIL                              | 3 955 80                         |
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| Company Search                   | NIL                              | 6 00                             |
| Statutory Advertising            | NIL                              | 270.50                           |
|                                  | NIL                              | (3,955 80)                       |
|                                  | NIL                              | 0 00                             |
| REPRESENTED BY                   |                                  | NIL                              |

### Notes and further information required by SIP 7

- Third party monies were provided to pay Smith & Williamson LLP's costs to assist in the preparation of the declaration of solvency and our disbursements
- The liquidators' remuneration has not yet been approved but will be paid by a third party.
- We have not yet sought approval of or drawn any other costs that would require the same approval as our remuneration
- Information concerning the liquidators' remuneration and disbursements incurred is provided in the body of our report
- All bank accounts are interest bearing
- There are no foreign currency holdings
- All amounts in the receipts and payments account are shown exclusive of any attributable VAT Where VAT is not recoverable it is shown as irrecoverable VAT.

**[www.smith.williamson.co.uk](http://www.smith.williamson.co.uk)**

**Principal offices:** London, Belfast, Birmingham, Bristol, Dublin, Glasgow, Guildford, Manchester, Salisbury and Southampton

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