

# Liquidator's Progress Report

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

## S.192

To the Registrar of Companies

Company Number

00284151

Name of Company

(a) Insert full name of  
company

(a) Hafod Quarries Limited

(b) Insert full name(s) and  
address(es)

I/We, (b)

Simon Allport

Thomas Andrew Jack

Ernst & Young LLP

Ernst & Young LLP

100 Barbirolli Square, Manchester,  
M2 3EY

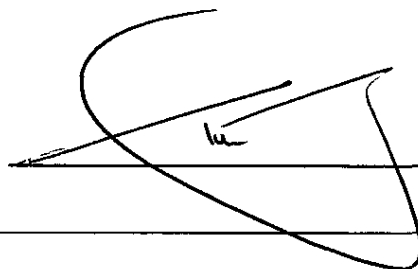
100 Barbirolli Square, Manchester,  
M2 3EY

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 12 July 2013

to 11 July 2014

Signed



Date

8 September 2014

Presenter's name,  
address and reference  
(if any)

FRIDAY



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12/09/2014

#285

COMPANIES HOUSE

Mersey Waste Holdings Limited  
7<sup>th</sup> Floor No 1  
Mann Island  
Liverpool  
L3 1BP

5 September 2014

Ref R/PM/CFR/NB/FP

Direct line 0141 226 9493  
Direct fax 0131 777 2213  
Email [vdaniel@uk.ey.com](mailto:vdaniel@uk.ey.com)

Dear Sirs

## **Hafod Quarries Limited (In Members' Voluntary Liquidation) ("the Company")**

Tom Jack and Simon Allport were appointed Joint Liquidators of the Company on 12 July 2010. I now write to provide you with our report on the progress of the liquidations from 12 July 2013 to 11 July 2014.

In accordance with the provisions of the Insolvency Rules 1986 we are required to provide certain information about the Company and the Joint Liquidators. This information can be found at Appendix 1.

There are copies of our receipts and payments accounts for the period from 12 July 2010 to 11 July 2014 at Appendix 2.

### **Progress during the period of the report**

As you will be aware, during the course of the liquidation, the Company has received notification of potential claims by former employees of the Company alleging industrial injury. In general, any such claims received by a company in liquidation would be forwarded to that company's former provider of employee liability insurance cover. However, in this case, I understand that the Company was unable to provide the historical records showing the Company's past providers of employee liability insurance cover. Consequently, the claims from the former employees of the Company remain as potential creditor claims against the Company.

In order to find a solution to this matter, the liquidators approached Jardine Lloyd Thomson, an insurance broker, to undertake a preliminary investigation to obtain the historical records of who provided employee insurance cover to the Company. This was undertaken by Jardine Lloyd Thomson on a no cost basis to the Company. This preliminary investigation has since been concluded, but the findings have proved to be inconclusive.

Since then, we have discussed the matter with Alex Murray on how best to proceed, and he has provided the liquidators with further information on the Company's potential former insurance policies. These details have now been forwarded to Jardine Lloyd Thomson to establish whether any further information can be found. The liquidators anticipate receiving a further update on this matter shortly.

During the course of the liquidation, the liquidators submitted the Company's outstanding Corporation Tax returns for the period prior to the liquidators' appointment. On 18 October 2013, HM Revenue & Customs provided the Company with tax clearance to conclude the liquidations. However, until the above matter in relation to the potential employee claims has been resolved, the liquidation should remain open.

### **Joint Liquidator's remuneration and expenses**

Mersey Waste Holdings Limited is responsible for the Joint Liquidators' remuneration and, previously, £6,508 70 plus VAT has been billed and paid. As you are aware, the liquidation of the Company was undertaken together with the liquidations of MWH Consulting Limited and MWH Recycling Limited. Consequently, time costs incurred are in respect of all of the liquidations. In the period covered by this report the Joint Liquidators incurred further time costs of £27,917 50, which includes time spent by the Company's tax advisors on the provision of relevant tax advice in relation to all of the companies.

### **Members' rights to further information about, and challenge, remuneration and expenses**

In certain circumstances, members are entitled to request further information about our remuneration or expenses, or to apply to court if members consider the costs to be excessive. Further information is provided in Appendix 3.

### **Other matters**

I will report again in twelve months' time on the progress of this liquidation or when the liquidation closes, whichever is sooner. Please contact Vladimir Daniel on the above direct telephone number should you require any further information.

Yours faithfully  
for the Company



pp C F Robertson  
for S Allport  
Joint Liquidator

Enc    Appendix 1    Information about the Company and the Joint Liquidators  
         Appendix 2    Joint Liquidators' receipts and payments account from 12 July 2010 to  
                         11 July 2014  
         Appendix 3    Members' rights to request further information about remuneration or expenses or to  
                         challenge a liquidator's remuneration

S Allport and T A Jack are licensed in the United Kingdom to act as insolvency practitioners by The Institute of Chartered Accountants in England and Wales

We may collect, use, transfer, store or otherwise process (collectively, "Process") information that can be linked to specific individuals ("Personal Data"). We may Process Personal Data in various jurisdictions in accordance with applicable law and professional regulations including (without limitation) the Data Protection Act 1998.

## Information about the Company and the Joint Liquidators

### Hafod Quarries Limited (In Members' Voluntary Liquidation)

Registered office address of the company	100 Barbirolli Square, Manchester M2 3EY
Registered number	00284151
Full names of the Joint Liquidators	Simon Allport and Thomas Andrew Jack
Joint Liquidators' address	Ernst & Young LLP, 100 Barbirolli Square, Manchester M2 3EY
Date of appointment of the Joint Liquidators	12 July 2010
Details of any changes of Joint Liquidator	None



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## Joint Liquidators' receipts and payments account from 12 July 2010 to 11 July 2014

### Hafod Quarries Limited (In Members' Voluntary Liquidation)

Declaration of Solvency Estimated to Realise values £		In this Report Period £	Cumulative Total £
<u>1,392,585</u>	Receipts	<u>-</u>	<u>-</u>
<u>1,392,585</u>		<u>-</u>	<u>-</u>
	Payments	<u>-</u>	<u>-</u>
		<u>-</u>	<u>-</u>
	Balance at bank at 11 July 2014	<u>-</u>	<u>-</u>

**Members' rights to request further information about remuneration or expenses or to challenge a liquidator's remuneration – Rules 4.49E and 4.148C of the Insolvency Rules 1986, as amended**

**4 49E Creditors' and members' request for further information**

- (1) If—
  - (a) within the period mentioned in paragraph (2)—
    - (i) a secured creditor, or
    - (ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or
    - (iii) members of the company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company, or
  - (b) with the permission of the court upon an application made within the period mentioned in paragraph (2)—
    - (i) any unsecured creditor, or
    - (ii) any member of the company in a members' voluntary winding up,

makes a request in writing to the liquidator for further information about remuneration or expenses set out in a progress report in accordance with Rule 4 49B(1)(e) or (f) (including by virtue of Rule 4 49C(5)) or in a draft report under Rule 4 49D, the liquidator must, within 14 days of receipt of the request, comply with paragraph (3) except to the extent that the request is in respect of matter in a draft report under Rule 4 49D or a progress report required by Rule 4 108 which (in either case) was previously included in a progress report not required by Rule 4 108

- (2) The period referred to in paragraph (1)(a) and (b) is—
  - (a) 7 business days of receipt (by the last of them in the case of an application by more than one member) of the progress report where it is required by Rule 4 108, and
  - (b) 21 days of receipt (by the last of them in the case of an application by more than one member) of the report or draft report in any other case
- (3) The liquidator complies with this paragraph by either—
  - (a) providing all of the information asked for, or
  - (b) so far as the liquidator considers that—
    - (i) the time or cost of preparation of the information would be excessive, or
    - (ii) disclosure of the information would be prejudicial to the conduct of the liquidation or might reasonably be expected to lead to violence against any person, or
    - (iii) the liquidator is subject to an obligation of confidentiality in respect of the information,giving reasons for not providing all of the information
- (4) Any creditor, and any member of the company in a members' voluntary winding up, who need not be the same as the creditors or members who asked for the information, may apply to the court within 21 days of—
  - (a) the giving by the liquidator of reasons for not providing all of the information asked for, or
  - (b) the expiry of the 14 days provided for in paragraph (1),

and the court may make such order as it thinks just

- (5) Without prejudice to the generality of paragraph (4), the order of the court under that paragraph may extend the period of 8 weeks or, as the case may be, 4 weeks provided for in Rule 4 131(1B) or 4 148C(2) by such further period as the court thinks just
- (6) This Rule does not apply where the liquidator is the official receiver



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#### **4 148C Members' claim that remuneration is excessive**

(1) Members of the company with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company, or any member with the permission of the court, may apply to the court for one or more of the orders in paragraph (6) on the grounds that—

- (a) the remuneration charged by the liquidator,
- (b) the basis fixed for the liquidator's remuneration under Rule 4 148A, or
- (c) expenses incurred by the liquidator,

is or are, in all the circumstances, excessive or, in the case of an application under sub-paragraph (b), inappropriate

(2) Application must, subject to any order of the court under Rule 4 49E(5), be made no later than 8 weeks (or 4 weeks when the liquidator has resigned in accordance with Rule 4 142) after receipt by the applicant of the report or account which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report")

(3) The court may, if it thinks that no sufficient cause is shown for a reduction, dismiss the application, but it must not do so unless the applicant has had the opportunity to attend the court for a hearing of which the applicant has been given at least 5 business days' notice but which is without notice to any other party

(4) If the application is not dismissed under paragraph (3), the court must fix a venue for it to be heard and give notice to the applicant accordingly

(5) The applicant must at least 14 days before the hearing send to the liquidator a notice stating the venue and accompanied by a copy of the application and of any evidence which the applicant intends to adduce in support of it

(6) If the court considers the application to be well-founded, it must make one or more of the following orders—

- (a) an order reducing the amount of remuneration which the liquidator was entitled to charge,
- (b) an order fixing the basis of remuneration at a reduced rate or amount,
- (c) an order changing the basis of remuneration,
- (d) an order that some or all of the remuneration or expenses in question be treated as not being expenses of the liquidation,
- (e) an order that the liquidator or the liquidator's personal representative pay to the company the amount of the excess of remuneration or expenses or such part of the excess as the court may specify,

and may make any other order that it thinks just, but an order under sub-paragraph (b) or (c) may be made only in respect of periods after the period covered by the relevant report

(7) Unless the court orders otherwise, the costs of the application must be paid by the applicant and are not payable as an expense of the liquidation

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