

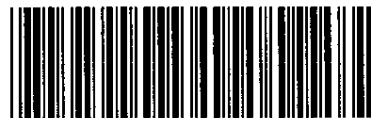
WU07

Notice of progress report in a winding-up by the court



Companies House

WEDNESDAY



A8H06EVS

A15

06/11/2019

#52

COMPANIES HOUSE

1 Company details

Company number 01528284

Company name in full Killby & Gayford (Electrical & Mechanical) Limited

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) Danny

Surname Dartnaill

3 Liquidator's address

Building name/number 55 Baker Street

Street

Post town London

County/Region

Postcode W1U7EU

Country

4 Liquidator's name •

Full forename(s) Simon

Surname Girling

• Other liquidator

Use this section to tell us about
another liquidator.

5 Liquidator's address •

Building name/number Bridgewater House

Street Counterslip

Post town Bristol

County/Region

Postcode BS16BX


Country

• Other liquidator

Use this section to tell us about
another liquidator.

WU07

Notice of progress report in a winding-up by the court

6	Period of progress report																
From date	^d	2	^d	7	^m	0	^m	9	^y	2	^y	0	^y	1	^y	8	
To date	^d	2	^d	6	^m	0	^m	9	^y	2	^y	0	^y	1	^y	9	
7	Progress report																
<input checked="" type="checkbox"/> The progress report is attached																	
8	Sign and date																
Liquidator's signature	Signature																
	<div>X</div> <div></div> <div>X</div>																
Signature date	^d	0	^d	5	^m	1	^m	1	^y	2	^y	0	^y	1	^y	9	

WU07

Notice of progress report in a winding-up by the court



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

Company name **BDO LLP**

Address
5 Temple Square
Temple Street

Post town
Liverpool

County/Region

Postcode
L 2 5 R H

Country

DX
BRNOTICE@bdo.co.uk

Telephone
01512 374 500



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 or email 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

Killby & Gayford (Electrical & Mechanical) Limited
(In Liquidation)
Joint Liquidators' Summary of Receipts & Payments

Statement of Affairs £	From 27/09/2018 To 26/09/2019 £	From 27/09/2012 To 26/09/2019 £
COST OF REALISATIONS		
Bank Charges	88.00	616.00
	(88.00)	(616.00)
	(88.00)	(616.00)
REPRESENTED BY		
ISA		(616.00)
		(616.00)



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Fax: +44 (0)151 237 4545
www.bdo.co.uk

5 Temple Square
Temple Street
Liverpool
L2 5RH

TO ALL KNOWN CREDITORS AND CONTRIBUTORIES

5 November 2019

Our Ref DD/OC/00181845/C2

Please ask for
Olivia Craven
Dial: 0151 237 4652
Email: BRCMT@bdo.co.uk

Dear Madams/Sirs

Killby & Gayford (Electrical & Mechanical) Limited - In Compulsory Liquidation ('the Company')

Registered number: 01528284

High Court of Justice, Chancery Division No 005009 of 2012

I provide to creditors my report on the annual progress in respect of this Liquidation in accordance with Rule 18.3 of the Insolvency Rules 2016 ('the Rules'). This report covers the Period from 27 September 2018 to 26 September 2019 ('the Period') and should be read in conjunction with my previous reports.

Professional information regarding the Joint Liquidators

The current Joint Liquidators are Danny Dartnaill (officeholder No: 10110) and Simon Girling (officeholder No: 9283) both of BDO LLP, 55 Baker Street, London, W1U 7EU. The Joint Liquidators were appointed on 27 September 2012, following a winding up order made on 6 August 2012. The Joint Liquidators carry out their functions jointly and severally meaning any action can be done by one Liquidator or by both of them.

Receipts and Payments Account

I attach for your information a summary of my Receipts and Payments account, analysed to show activity in the last year compared to the whole of the Liquidation. The account shows an overdrawn balance of £616.

The transactions shown during the Period are largely self-explanatory. There has not been any accrual of external expenses for which the Liquidation estate is liable.

Progress of the Liquidation

The Joint Liquidators have continued to perform their statutory duties in the Liquidation. As discussed in further detail in the 'Assets' section of this report, the only prospect of an asset realisation rests with the claim against Killby & Gayford Limited ('K&G'). It is still expected that the Company may receive some £70,000 from this source although the timing of any such recovery still remains uncertain.

BDO LLP, a UK limited liability partnership registered in England and Wales under number OC305127, is a member of BDO International Limited, a UK company limited by guarantee, and forms part of the international BDO network of independent member firms. A list of members' names is open to inspection at our registered office, 55 Baker Street, London W1U 7EU. BDO LLP is authorised and regulated by the Financial Conduct Authority to conduct investment business

The Joint Liquidators are Data Controllers as defined by the General Data Protection Regulations. BDO LLP will act as Data Processor on the instruction of the Data Controllers. Personal data will be kept secure and processed only for matters relating to the Liquidation of Killby & Gayford (Electrical & Mechanical) Limited. Please see the privacy statement at <https://www.bdo.co.uk/en-gb/privacy-notices/insolvencies>



Assets

As previously reported, the only assets of the Company are three inter-company debts. All three debtor companies are subject to formal insolvency proceedings.

1 Intercompany Debt Due From Killby & Gayford Limited ('K&G')

A claim for £10,911,928 has been submitted to K&G but a recovery for the Company is dependent on the realisations achieved in the K&G winding-up.

2 Intercompany Debt Due From Killby & Gayford (Consolidation) Limited

As previously advised, no recovery is expected from this source.

3 Intercompany Debt Due From Killby & Gayford (Joinery & Security) Limited

Again, no recovery is expected from this source.

I can confirm that there are no assets of a peculiar or special nature, which cannot be sold. Consequently, there has been no distribution of unsold assets to creditors, as mentioned in Rules 18.10/14.13 of the Rules.

Future Prospects for Creditors

Secured Creditor

There is no secured creditor in this Liquidation.

Preferential Creditors

Preferential claims relate to employee claims for arrears of wages and unpaid holiday pay at the date of appointment.

The Joint Liquidators are not aware of any preferential claims in this matter.

Unsecured Creditors & Prescribed Part

Unsecured creditor claims received to date total £12,718,979, with the main claim being from Killby & Gayford Holdings Ltd. It is anticipated that there will be a distribution to unsecured creditors in this matter.

Under the provisions of Section 176A of the Insolvency Act 1986 the Joint Liquidators must state the amount of funds available to unsecured creditors in respect of the prescribed part. This provision only applies where a company has granted a floating charge to a creditor after 15 September 2003.

The Company has not granted a floating charge to any creditor after 15 September 2003 and consequently, there will be no prescribed part in this Liquidation.

Investigations

As this is a Compulsory Liquidation, the requirement to investigate the conduct of the directors and to submit a confidential statutory report to the Secretary of State falls to the Official Receiver.

If any creditor believes that they may have any information that would assist the Official Receiver in their enquiries, they should write to the Official Receiver's office at 4 Abbey Orchard Street, London SW1P 2HT.

Joint Liquidators' Remuneration

Pursuant to the Insolvency (England & Wales) Rules 2016, the Joint Liquidators are obliged to fix their remuneration in accordance with Rule 18.16. This permits remuneration to be fixed either:

- (1) As a percentage of the assets realised and distributed; and/or
- (2) By reference to the time the Joint Liquidators and the staff have spent attending to matters in the Liquidation; and/or
- (3) As a set amount; and/or
- (4) As a combination of the above.

At a meeting of creditors held on 4 December 2012, the creditors resolved the Joint Liquidators' remuneration be on a time costs basis.

The Joint Liquidators' time costs charged (excluding VAT) are as follows:

Details	Incurred	Paid/Drawn
27 September 2012 to 20 September 2013	£8,760.75	£Nil
21 September 2013 to 26 September 2014	£3,248.65	£Nil
27 September 2014 to 25 September 2015	£2,941.50	£Nil
26 September 2015 to 23 September 2016	£3,973.30	£Nil
24 September 2016 to 22 September 2017	£3,745.65	£Nil
23 September 2017 to 21 September 2018	£3,287.45	£Nil
22 September 2018 to 21 September 2019	£6,656.25	£Nil
Total	£32,613.55	£Nil

I attach two schedules detailing the time costs incurred to date. The first schedule covers the Period and records time costs of £6,656.25 representing 23.05 hours spent at an average charge out rate of £288.77.

The second schedule covers the whole period of appointment and records time costs of £32,613.55 representing 120.80 hours spent at an average charge out rate of £269.98.

Detail of Work Undertaken

The work undertaken in the Period includes:-

- Preparation and publication of the 2018 annual report.
- Initial preparations for the 2019 annual report.



- Various communications regarding the principal debt due to the company.
- Completion of internal case reviews.
- Attendances at case progression meetings and documenting matters discussed.
- Liaison with the Insolvency Service for account reconciliation purposes.
- Attending to statutory and internal compliance matters.

For guidance, I enclose 'A creditors' guide to Liquidators' fees', together with a document that outlines the policy of BDO LLP in respect of fees and disbursements.

Disbursements

Where disbursements are recovered in respect of precise sums expended to third parties there is no necessity for these costs to be authorised. These are known as category 1 disbursements. No category 1 disbursements have been incurred or drawn within the current Period.

Some Liquidators recharge expenses, for example printing, stationery, photocopying, telephone and electronic communications, which cannot economically be recorded in respect of a specific case. Such expenses, which are apportioned to cases, require the approval of the creditors, before they can be drawn and these are known as category 2 disbursements. The policy of BDO LLP in respect of this appointment is not to charge any category 2 disbursements with the exception of mileage on the basis of the mileage scale approved by HMRC, being 45p per mile unless otherwise disclosed to the creditors. No category 2 disbursements have been incurred.

Creditors' rights

I provide at the end of this report an extract from the Rules setting out the rights of creditors to request further information and/or challenge the remuneration or expenses within the Liquidation. Creditors may access information setting out creditors' rights in respect of the approval of Liquidator's remuneration at <https://www.r3.org.uk/what-we-do/publications/professional/fees>.

The Insolvency Service has established a central gateway for considering complaints in respect of Insolvency practitioners. In the event that you make a complaint to me but are not satisfied with the response from me then you should visit <https://www.gov.uk/complain-about-insolvency-practitioner> where you will find further information on how you may pursue the complaint.

The Joint Liquidators are bound by the Insolvency Code of Ethics when carrying out all professional work relating to this appointment. A copy of the code is at: <http://www.icaew.com/en/members/regulations-standards-and-guidance/ethics/code-of-ethics-d>

If you require any further information please do not hesitate to contact Olivia Craven of my office at BRCMT@bdo.co.uk.



Yours faithfully
for and on behalf of
Killby & Gayford (Electrical & Mechanical) Limited

A handwritten signature in black ink, appearing to be 'D Dartnaill', with a horizontal line extending from the end of the signature.

D Dartnaill
Joint Liquidator
Authorised by the Institute of Chartered Accountants in England & Wales to act as an Insolvency Practitioner in the UK

Enclosures:
Receipts and Payments Account
SIP 9 Time Cost Report for the Period
SIP 9 Time Cost Report for the period of Liquidation
BDO LLP Policy in respect of Fees and Disbursements
Statement of Creditors' Rights in respect of Fees and Disbursements

Killby & Gayford (Electrical & Mechanical) Limited
(In Liquidation)
Joint Liquidators' Summary of Receipts & Payments

Statement of Affairs £	From 27/09/2018 To 26/09/2019 £	From 27/09/2012 To 26/09/2019 £
COST OF REALISATIONS		
Bank Charges	88.00	616.00
	(88.00)	(616.00)
	(88.00)	(616.00)
REPRESENTED BY		
ISA		(616.00)
		(616.00)

Summary of Time Charged and Rates Applicable for the Period ending 21/09/2019

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		AV R I
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	
B. Steps on Appointment	0.60	270.60	4.50	1,675.05					1.85	351.50			6.95	2,297.15	330.5
C. Planning and Strategy	4.65	2,187.65	4.85	1,802.65					9.50	1,912.90			19.00	5,903.20	310.6
D. General Administration	0.05	24.80	23.90	8,942.00			0.55	53.80	17.30	2,626.50	0.90	113.30	42.70	11,760.40	275.4
E. Assets Realisation/Dealing	0.50	225.50	0.65	242.85					0.65	123.50			1.80	591.85	328.8
G. Employee Matters									0.50	45.50			0.50	45.50	91.0
H. Creditor Claims									3.85	256.50			3.85	256.50	66.6
I. Reporting	1.05	501.15	19.65	7,179.30			1.30	164.10	23.90	3,892.30			45.90	11,736.85	255.7
J. Distribution and Closure									0.10	22.10			0.10	22.10	221.0
	6.85	3,209.70	53.55	19,841.85	0.00	0.00	1.85	217.90	57.65	9,230.80	0.90	113.30			

Net Total

120.80

Secretarial Expense

0.00

Other Disbursements

0.00

Grand Total

32,613.55



Killby & Gayford (Electrical & Mechanical) Limited - In Compulsory Liquidation

In accordance with best practice I provide below details of policies of BDO LLP in respect of fees and expenses for work in relation to the above insolvency.

The current charge out rates per hour of staff within my firm who may be involved in working on the insolvency, follows:

GRADE	£
Partner	533-646
Manager	235-499
Assistant Manager	212-257
Senior Administrator	200-257
Administrator	116-230
Other Staff	71 - 90

This in no way implies that staff at all such grades will work on the case. The rates charged by BDO LLP are reviewed on a regular basis and are adjusted to take account of inflation and the firm's overheads.

Time spent on casework is recorded directly to the relevant case using a computerised time recording system and the nature of the work undertaken is recorded at that time. Units of time can be as small as 3 minutes. BDO LLP records work in respect of insolvency work under the following categories:-

- Pre Appointment
- Steps upon Appointment
- Planning and Strategy
- General Administration
- Asset Realisation/Management
- Trading Related Matters
- Employee Matters
- Creditor Claims
- Reporting
- Distribution and Closure
- Other Issues.

Under each of the above categories the work is recorded in greater detail in sub categories. Please note that the 11 categories provide greater detail than the six categories recommended by the Recognised Professional Bodies who are responsible for licensing and monitoring insolvency practitioners.

Where an officeholder's remuneration is approved on a time cost basis the time invoiced to the case will be subject to VAT at the prevailing rate.

Where remuneration has been approved on a time costs basis a periodic report will be provided to any committee appointed by the creditors or in the absence of a committee to the creditors. The report will provide a breakdown of the remuneration drawn and will enable the recipients to see the average rates of such costs.



Other Costs

Where expenses are incurred in respect of the insolvent estate they will be recharged. Such expenses can be divided into two categories.

Category 1

This heading covers expenses where BDO LLP has met a specific cost in respect of the insolvent estate where payment has been made to a third party. Such expenses may include items such as advertising, couriers, travel (by public transport), land registry searches, fees in respect of swearing legal documents etc. In each case the recharge will be reimbursement of a specific expense incurred.

Category 2

We propose to recover from the estate the cost of travel where staff use either their own vehicles or company cars in travelling connected with the insolvency. In these cases a charge of 45p per mile is raised which is in line with the HM Revenue & Customs Approved Mileage Rates (median - less than 10,000 miles per annum) which is the amount the firm pays to staff. Where costs are incurred in respect of mileage, approval will be sought in accordance with the Insolvency (England and Wales) Rules 2016 to recover this disbursement.

Where applicable, all disbursements will be subject to VAT at the prevailing rate.

BDO LLP
5 November 2019

Statement from the Insolvency (England and Wales) Rules 2016 regarding the rights of creditors in respect of the Joint Liquidators' fees and expenses:

Creditors' and members' requests for further information in administration, winding up and bankruptcy

18.9.—(1) The following may make a written request to the office-holder for further information about remuneration or expenses (other than pre-administration costs in an administration) set out in a progress report under rule 18.4(1)(b), (c) or (d) or a final report under rule 18.14—

- (a) a secured creditor;
 - (b) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question);
 - (c) 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;
 - (d) any unsecured creditor with the permission of the court; or
 - (e) any member of the company in a members' voluntary winding up with the permission of the court.
- (2) A request, or an application to the court for permission, by such a person or persons must be made or filed with the court (as applicable) within 21 days of receipt of the report by the person, or by the last of them in the case of an application by more than one member or creditor.
- (3) The office-holder must, within 14 days of receipt of such a request respond to the person or persons who requested the information by—
- (a) providing all of the information requested;
 - (b) providing some of the information requested; or
 - (c) declining to provide the information requested.
- (4) The office-holder may respond by providing only some of the information requested or decline to provide the information if—
- (a) the time or cost of preparation of the information would be excessive; or
 - (b) disclosure of the information would be prejudicial to the conduct of the proceedings;
 - (c) disclosure of the information might reasonably be expected to lead to violence against any person; or
 - (d) the office-holder is subject to an obligation of confidentiality in relation to the information.
- (5) An office-holder who does not provide all the information or declines to provide the information must inform the person or persons who requested the information of the reasons for so doing.
- (6) A creditor, and a member of the company in a members' voluntary winding up, who need not be the same as the creditor or members who requested the information, may apply to the court within 21 days of—
- (a) the office-holder giving reasons for not providing all of the information requested; or
 - (b) the expiry of the 14 days within which an office-holder must respond to a request.
- (7) The court may make such order as it thinks just on an application under paragraph (6).

Remuneration and expenses: application to court by a creditor or member on grounds that remuneration or expenses are excessive

18.34.—(1) This rule applies to an application in an administration, a winding-up or a bankruptcy made by a person mentioned in paragraph (2) on the grounds that—

- (a) the remuneration charged by the office-holder is in all the circumstances excessive;
 - (b) the basis fixed for the office-holder's remuneration under rules 18.16, 18.18, 18.19, 18.20 and 18.21 (as applicable) is inappropriate; or
 - (c) the expenses incurred by the office-holder are in all the circumstances excessive.
- (2) The following may make such an application for one or more of the orders set out in rule 18.36 or 18.37 as applicable—
- (a) a secured creditor,
 - (b) an unsecured creditor with either—
 - (i) the concurrence of at least 10% in value of the unsecured creditors (including that creditor), or
 - (ii) the permission of the court, or
 - (c) in a members' voluntary winding up—
 - (i) 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

(ii) a member of the company with the permission of the court.

(3) The application by a creditor or member must be made no later than eight weeks after receipt by the applicant of the progress report under rule 18.3, or final report or account under rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report").

Applications under rules 18.34 and 18.35 where the court has given permission for the application

18.36.—(1) This rule applies to applications made with permission under rules 18.34 and 18.35.

(2) Where the court has given permission, it must fix a venue for the application to be heard.

(3) The applicant must, at least 14 days before the hearing, deliver to the office-holder a notice stating the venue and accompanied by a copy of the application and of any evidence on which the applicant intends to rely.

(4) 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 office-holder is entitled to charge;

(b) an order reducing any fixed 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 is not to be treated as expenses of the administration, winding up or bankruptcy;

(e) an order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by —

(i) the administrator or liquidator or the administrator's or liquidator's personal representative to the company, or

(ii) the trustee or the trustee's personal representative to such person as the court may specify as property comprised in the bankrupt's estate;

(f) any other order that it thinks just.

(5) An order under paragraph (4)(b) or (c) may only be made in respect of periods after the period covered by the relevant report.

(6) 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 administration, winding up or bankruptcy.

Applications under rule 18.34 where the court's permission is not required for the application

18.37.—(1) On receipt of an application under rule 18.34 for which the court's permission is not required, the court may, if it is satisfied that no sufficient cause is shown for the application, dismiss it without giving notice to any party other than the applicant.

(2) Unless the application is dismissed, the court must fix a venue for it to be heard.

(3) The applicant must, at least 14 days before any hearing, deliver to the office-holder a notice stating the venue with a copy of the application and of any evidence on which the applicant intends to rely.

(4) 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 office-holder is entitled to charge;

(b) an order reducing any fixed 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 administration or winding up or bankruptcy;

(e) an order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by —

(i) the administrator or liquidator or the administrator's or liquidator's personal representative to the company, or

(ii) the trustee or the trustee's personal representative to such person as the court may specify as property comprised in the bankrupt's estate;

(f) any other order that it thinks just.

(5) An order under paragraph (4)(b) or (c) may only be made in respect of periods after the period covered by the relevant report.

(6) 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 administration or as winding up or bankruptcy.