

WU07

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



Companies House

For further information, please
refer to our guidance at
www.gov.uk/companieshouse

1 Company details

Company number 0 1 5 2 8 2 8 4

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 W 1 U 7 E U

Country

4 Liquidator's name ①

Full forename(s) Simon

Surname Girling

① Other liquidator

Use this section to tell us about
another liquidator.

5 Liquidator's address ②

Building name/number Bridgewater House

Street Counterslip

Post town Bristol

County/Region

Postcode B S 1 6 B X

Country

② 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 2	^y 0
To date	^d 2	^d 6	^m 0	^m 9	^y 2	^y 0	^y 2	^y 1

7 Progress report

☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d 1	^d 9	^m 1	^m 0	^y 2	^y 0	^y 2	^y 1
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**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 **Danny Dartnaill**

Company name **BDO LLP**

Address **5 Temple Square**

Temple Street

Post town **Liverpool**

County/Region

Postcode

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Country

DX

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 27/09/2020 To 26/09/2021 £	From 27/09/2012 To 26/09/2021 £
COST OF REALISATIONS		
Bank Charges	88.00	792.00
	(88.00)	(792.00)
	<u>(88.00)</u>	<u>(792.00)</u>
REPRESENTED BY		
ISA		(792.00)
		<u>(792.00)</u>

TO ALL CREDITORS AND MEMBERS

19 October 2021

Our Ref: DD/TW/00181845/C2

Please ask for:
Theo Warren
BRCMTLondonandSouthEast@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 2012-005009

I set out below an annual progress report in accordance with Section 104A of the Insolvency Act 1986 ('the Act') and Rules 18.3 and 18.8 of the Insolvency (England and Wales) Rules 2016 ('the Rules'). This report covers the period from 27 September 2020 to 26 September 2021 ('the Period') and should be read in conjunction with my previous reports.

Professional information regarding the Joint Liquidators

The Joint Liquidators are Danny Dartnaill (officeholder No: 10110) of BDO LLP, 55 Baker Street, London, W1U 7EU and Simon Girling (officeholder No: 9283) of BDO LLP, Bridgewater House, Counterslip, Bristol, BS1 6BX. The Joint Liquidators were appointed on 27 September 2012 and 28 March 2018 respectively and carry out their functions jointly and severally meaning any action can be done by one Liquidator or 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 £792.

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

Costs in the Liquidation

It has not been necessary to instruct solicitors or agents in this case and therefore, no external costs have been incurred or paid in this winding-up.

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').

As detailed in my previous report, it is apparent that the anticipated dividend from K&G will be very small in magnitude. K&G's first and final dividend is anticipated to be declared in the coming months.

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 Insolvency (England & Wales) Rules 2016.

Future Prospects

Secured Creditors

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 Liquidation.

Unsecured Creditors and the Prescribed Part

Unsecured creditor claims received to date total £12,718,979, with the main claim being from Killby & Gayford Holdings Ltd. Should there be an eventual dividend paid to the Company's creditors, it is likely to be very small.

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

The Joint Liquidators have a duty to investigate the affairs of the Company.

I have completed my review of the Company's affairs and assets to establish whether there are any actions that can be investigated for the benefit of the creditors and concluded there are no causes of action to be pursued.

Joint Liquidators' Remuneration

Pursuant to the Rules, 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;
- (3) as a set amount; and/or
- (4) as a combination of the above.

The creditors resolved the Joint Liquidators' remuneration be on a time cost basis at a meeting held on 4 December 2012.

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
22 September 2019 to 27 September 2020	£2,767.05	£Nil
28 September 2020 to 26 September 2021	£5,148.80	£Nil
Total	£40,529.40	£Nil

BDO LLP changed time recording systems with effect from 17 April 2021.

I therefore attach three detailed reports of the time incurred by the Joint Liquidators for the periods:

- 27 September 2020 to 16 April 2021
- 27 September 2012 to 16 April 2021
- 17 April 2021 to 26 September 2021

The first and third reports read in conjunction cover the total time incurred by the Joint Liquidators in the Period. The second and third reports read in conjunction cover the total time incurred since appointment.

In the Period time costs of £5,149 have been incurred over 28 hours at an average rate of £181 per hour.

From date of appointment, time costs of £40,529 have been incurred over 170 hours of work at an average charge out rate of £238 per hour.

Detail of Work Undertaken

The work undertaken in the Period primarily involved dealing with internal and regulatory compliance matters, the preparation and publication of the 2020 annual report to creditors and enquiries made of K&G in relation to the awaited dividend payment.

For guidance, I enclose a document that outlines the policy of BDO LLP in respect of fees and disbursements.

Joint Liquidators' Disbursements

Expenses have been incurred and paid in this Liquidation as detailed below.

Expenses	Incurred in Period £	Incurred cumulatively £	Paid in the Period £	Paid cumulatively £
Category 1				
Statutory Bonding	Nil	120.00	Nil	Nil
Statutory Advertising	Nil	69.75	Nil	Nil
Bank Charges	88.00	792.00	88.00	792.00
Category 2				
Mileage	Nil	Nil	Nil	Nil

The expenses shown are self-explanatory.

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 the Joint Liquidators' remuneration and on the rights, duties and functions of a liquidation

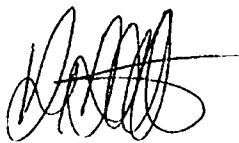
committee at <https://www.bdo.co.uk/en-gb/insights/advisory/business-restructuring/creditors-guides>.

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 can be found at: <https://www.icaew.com/technical/ethics/icaew-code-of-ethics/icaew-code-of-ethics>.

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.

If you require any further information please do not hesitate to contact me or my colleague Theo Warren at BRCMTLondonandSouthEast@bdo.co.uk.

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



D Dartnaill
Joint Liquidator
Authorised by the Institute of Chartered Accountants in England & Wales in the UK

Enclosures:

Receipts and Payments Account
SIP9 Time Cost report from 27 September 2020 to 16 April 2021
SIP9 Time Cost report from 27 September 2012 to 16 April 2021
SIP9 Time Cost report from 17 April 2021 to 26 September 2021
BDO LLP Policy in respect of Fees and Disbursements
Statement of Creditors' Rights in respect of Fees and Disbursements

Statement of Affairs £	From 27/09/2020 To 26/09/2021 £	From 27/09/2012 To 26/09/2021 £
COST OF REALISATIONS		
Bank Charges	88.00	792.00
	(88.00)	(792.00)
	(88.00)	(792.00)
REPRESENTED BY		
ISA		(792.00)
		(792.00)

Name of Assignment Killby & Gayford (Electrical & 00181845
Summary of Time Charged and Rates Applicable for the Period From 27/09/2020 to 16/04/2021

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		AV R1
	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	Hours	Total £	
C. Planning and Strategy	0.30	169.30	0.65	268.45									0.95	437.75	460.7
D. General Administration	0.15	88.65	2.35	908.30	1.30	170.30			6.85	499.10	1.15	63.20	11.80	1,729.55	146.5
E. Assets Realisation/Dealing	0.10	59.10											0.10	59.10	591.0
I. Reporting			1.90	769.50	0.90	117.90			0.15	10.65	4.00	404.00	6.95	1,302.05	187.3
	0.55	317.05	4.90	1,946.25	2.20	288.20	0.00	0.00	7.00	509.75	5.15	467.20			
Net Total													19.80	3,528.45	
Secretarial Expense														0.00	
Other Disbursements														0.00	
Billed														0.00	
Grand Total														3,528.45	

Name of Assignment **Killby & Gayford (Electrical &** **00181845**
Summary of Time Charged and Rates Applicable for the Period From 22/09/2012 to 16/04/2021

Description	PARTNER		MANAGER		ASSISTANT MANAGER		SENIOR ADMINISTRATOR		ADMINISTRATOR		OTHER STAFF		GRAND TOTAL		AV. RPT. £
	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	5.35	2,561.35	6.30	2,395.10					9.50	1,912.90			21.15	6,869.35	324.7
D. General Administration	0.25	139.00	28.25	10,589.85	1.50	196.50	0.55	36.40	28.50	3,431.00	2.05	176.50	61.10	14,569.25	238.4
E. Assets Realisation/Dealing	0.70	335.70	1.10	425.10					0.65	123.50			2.45	884.30	360.9
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	23.05	8,556.30	2.20	288.20	1.15	144.45	29.60	4,297.00	8.50	629.00	65.55	14,416.10	219.9
J. Distribution and Closure									0.10	22.10			0.10	22.10	221.0
	7.95	3,807.80	63.20	23,641.40	3.70	484.70	1.70	180.85	74.55	10,440.00	10.55	805.50			

Net Total	161.65	39,360.25
Secretarial Expense		0.00
Other Disbursements		0.00
Billed		0.00
Grand Total		39,360.25

Detail of Time Charged and Rates Applicable for the Period from 17 April 2021 to 26 September 2021

Activity	Partner	Director	Senior Manager	Manager	Senior Executive	Executive	Total hours	Time Costs £	Av. Rate £/h
PLANNING AND STRATEGY	0.30		0.40	0.15			0.85	370.30	435.65
GENERAL ADMINISTRATION			0.80	1.30	2.50	2.30	6.90	1,011.00	146.52
ASSETS	0.15		0.10				0.25	132.65	530.60
REALISATION/DEALING									
CREDITOR CLAIMS					0.20		0.20	58.00	290.00
REPORTING					0.40		0.40	48.40	121.00
Total	0.45		1.30	1.45	3.10	2.30	8.60	1,620.35	188.41



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 Company.

The current charge out rates per hour of staff within my firm who may be involved in working on this case are:

GRADE	£
Partner	711-812
Director	340-681
Senior Manager	284-568
Manager	155-414
Senior Executive	124-290
Executive	76-151

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

Time spent on casework is recorded directly to the relevant case 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 time for this case under the following categories:-

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

Under each of the above categories the work is recorded in greater detail in sub categories. Please note that the 10 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.

Expenses

Expenses including disbursements (costs incurred in the case which have been paid by the firm and are recharged to the estate) can be divided into two categories.



1) Category 1 expenses

These are expenses relating directly to the estate incurred by an independent third party. In addition to professional fees and expenses, such expenses may include items such as bonding, advertising, insurance, external printing and postage costs, couriers, travel (by public transport), company and land registry searches, fees in respect of swearing legal documents and storage of the Company's records.

Creditor approval is not required to pay category 1 expenses.

2) Category 2 expenses

These are expenses relating directly to the estate which have been incurred by an associated party or which have an element of shared costs.

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 Company. 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.

Creditor approval is required to pay category 2 expenses from the estate.

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

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.