

# 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

04391813

Name of Company

Shanks Capital Investment Limited

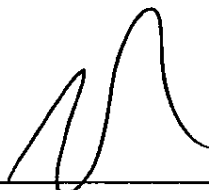
I / ~~We~~

Malcolm Cohen, 55 Baker Street, London, W1U 7EU

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 14/12/2015 to 27/10/2016

Signed



Date

27.10.16

BDO LLP  
55 Baker Street  
London  
W1U 7EU

Ref 00259272/MAC/SMB/RAF

SATURDAY



\*A5IMW5PE\*

A14

29/10/2016

#245

COMPANIES HOUSE

**Shanks Capital Investment Limited  
(In Liquidation)  
Liquidator's Abstract of Receipts & Payments**

**Statement  
of Affairs**

**From 14/12/2015  
To 27/10/2016**

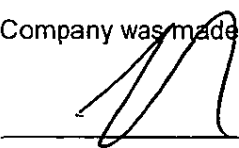
REPRESENTED BY

NIL

NIL

**Note**

A distribution in specie of the £2 intercompany debtor balance owed to the Company was made on 27 October 2016

  
\_\_\_\_\_  
Malcolm Cohen  
Liquidator



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55 Baker Street  
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TO ALL SHAREHOLDERS

27 October 2016

Our Ref 7/SMB/shanks

Please ask for Sharon Bloomfield  
Direct line 020 7893 2905  
Email [sharon.bloomfield@bdo.co.uk](mailto:sharon.bloomfield@bdo.co.uk)

Dear Sirs

**Shanks & McEwan (Environmental Services) Limited - 01954243**  
**Shanks Capital Investment Limited - 04391813**  
**Lothian Limited - 02470362**  
**Atlas Clensol Limited - 00220112**  
**Wastecom Limited - 05356245**  
**("the English Companies")**  
**Shanks Chemical Services (Scotland) Limited - SC009392**  
**("the Scottish Company")**  
**(all together "the Companies") - All In Members' Voluntary Liquidation**

In accordance with the provisions of Section 94 of the Insolvency Act 1986, I present, for your information, my final progress report on the liquidation for the period 14 December 2015 to 27 October 2016.

#### Statutory Information

I, Malcolm Cohen, of BDO LLP, 55 Baker Street, London, W1U 7EU was appointed as Liquidator of the Companies on 14 December 2015

The Companies' registered numbers are listed above. The Companies' former names are listed in Schedule A.

Prior to liquidation, The English Companies' trading address and former registered office was Dunedin House, Auckland Park, Mount Farm, Milton Keynes, Buckinghamshire, MK1 1BU. Their registered office was changed to 55 Baker Street, London, W1U 7EU following my appointment.

The Scottish Company's former registered office was 16 Charlotte Square, Edinburgh, EH2 4DF, and its former trading address is Dunedin House, Auckland Park, Mount Farm, Milton Keynes, Buckinghamshire, MK1 1BU. Following my appointment the registered office was changed to 70 York Street, Glasgow, G2 8JX.

The Companies are all wholly owned subsidiaries of Shanks Group PLC.

#### Receipts and Payments

There have been no receipts or payments in the period.

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Details of the authorising bodies of the insolvency appointment takers of BDO LLP are available at [www.bdo.co.uk/services/business\\_restructuring/authorising\\_bodies\\_of\\_insolvency\\_appointment\\_takers](http://www.bdo.co.uk/services/business_restructuring/authorising_bodies_of_insolvency_appointment_takers)



The Declaration of Solvency sworn by the Company's directors detailed that the Companies' sole assets were intercompany debtor balances of £1, and £21 in the case of Shanks & McEwan (Environmental Services) Limited ("SMESL"). These balances were distributed in specie before the final meetings of members were held

#### **HM Revenue & Customs ("HMRC")**

I am required to obtain clearances that there are no outstanding matters, and no objections to the final meeting of members being convened from both the Corporation Tax office, and HMRC's Enforcement & Insolvency Service ("EIS") which provides VAT and PAYE clearances, and also issues HMRC's overall claim in respect of all taxes

The Companies were all dormant for corporation tax purposes with the exception of SMESL. The Group's tax manager obtained agreement from the Corporation Tax Inspector that no final returns were required for the dormant companies.

Returns were prepared and submitted for SMESL and clearances were sought. I have now received these in respect of Corporation Tax and I have now also received clearances from EIS

#### **Other Matters**

As a matter of course I am required to send a s 120 notice to the Pension Protection Fund ("PPF") once appointed in a liquidation. The results of the PPF's searches on the Companies' names showed that both Atlas Clensol Limited and Shanks Chemical Services (Scotland) Limited has schemes associated with their names

My further enquiries of the Shanks Group confirmed that these schemes had been transferred into the Group scheme some years previously, and hence no further action was required.

#### **Distributions**

As detailed above, distributions in specie of the intercompany debtor balances owed to the Companies were made prior to the conclusion of the liquidations

#### **Liquidator's Remuneration**

Pursuant to the Insolvency Rules 1986, the Liquidator is obliged to fix his remuneration in accordance with Rule 4 148A(2) of the Insolvency Rules 1986. 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 Liquidator 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.

My staff and I have spent time on matters arising in the normal course of the liquidation. The main areas dealt with include

- liaising with the Companies and the Shanks Group in relation to matters prior to the Liquidator's appointment;

- statutory reporting requirements to members;
- statutory reporting requirements to the Registrar of Companies;
- dealing with statutory advertising requirements,
- correspondence with HMRC in order to obtain the necessary clearances to close the liquidation,
- dealing with the pension enquiries;
- distributions in specie, and
- convening of and holding the final meetings of members

My remuneration was approved on a time costs basis on the date of my appointment. Time costs to date for all six liquidations total £14,805.90 represented by 33.05 hours of work carried out by myself and my staff at an average hourly rate of £447.98. The costs of any single liquidation do not exceed £10,000.

As agreed with Shanks Group I have invoiced the sum of £12,000 plus VAT and disbursements, the costs of the liquidation (including disbursements as outlined below) will be paid by an appropriate associated company. No further costs will be invoiced.

#### **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.

The sum of £1,555.20 has been incurred in respect of category 1 disbursements for statutory advertising costs and the costs of the indemnity bonding.

#### **Members' rights**

I provide at the end of this report an extract from the Insolvency Rules 1986 setting out the rights of members to request further information and/or challenge the remuneration or expenses within the liquidations.

#### **Liquidation Closure**

The following resolutions were considered and approved by the members:

- 1 That the Liquidator's reports and accounts to 27 October 2016 be and are hereby approved.
- 2 That the Liquidator is authorised to dispose of the Companies' books and records one year after the dissolution of the Company.
- 3 The Liquidator is released.

**Further Information**

If you have a complaint you should address it in the first instance to the Senior Partner, BDO LLP, 55 Baker Street, London W1U 7EU. If you are still dis-satisfied, complaints to the office holder's regulatory body should be made via the Insolvency Service Complaints Gateway.


Complaints to the single Complaints Gateway may be made either by:

- calling the Insolvency Service Enquiry Line on 0845 602 9848 (Monday to Friday 8am to 5pm), or
- completing and emailing the online complaints form on the Insolvency Service website <http://www.insolvencydirect.bis.gov.uk/contactus/ipcomplaint/complaintform.htm>, or
- completing the online complaints form and posting it to IP Complaints, Insolvency Service, 3rd Floor, 1 City Walk, Leeds, LS11 9DA

For more details, please visit <https://www.gov.uk/complain-about-insolvency-practitioner>

If you have any queries please contact Sharon Bloomfield as detailed above

Yours faithfully  
For and on behalf of  
The Companies



Malcolm Cohen  
Liquidator  
Enc

**SCHEDULE A**

<b>Company Name</b>	<b>Company Number</b>	<b>Former names</b>
Shanks & McEwan (Environmental Services Limited	01954243	Rechem Environmental Services Limited - 13/4/1993 Rechem Environmental Services PLC - 8/1/1992
Shanks Capital Investment Limited	04391813	None
Lothian Limited	02470362	Lothian Public Limited Company - 23/10/2006 Assetnet Public Limited Company - 14/6/1990
Atlas Clensol Limited	00220112	Clensol - 30/12/1986
Wastecom Limited	05356245	None
Shanks Chemical Services (Scotland) Limited	SC009392	Lothian Chemical Company Limited - 6/7/1999

**Statement from the Insolvency Rules 1986 (as amended) regarding the rights of members in respect of the Liquidators' fees and expenses:****Rule 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[s] 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

**Rule 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