In accordance with Rule 18.8 of the Insolvency (England & Wales) Rules 2016.

WU07

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



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

1	Company details	
Company number	0 5 4 2 6 2 1 6	→ Filling in this form Please complete in typescript or in
Company name in full	R W Construction & Plant Hire Limited	bold black capitals.
2	Liquidator's name	
ull forename(s)	Samantha	
Surname	Hawkins	
3	Liquidator's address	
Building name/number	The Clock House	
Street	High Street	
Post town	Wrington	
County/Region		
Postcode	B S 4 0 5 Q A	
Country		
4	Liquidator's name ●	
Full forename(s)		Other liquidator Use this section to tell us about
Surname		another liquidator.
5	Liquidator's address @	
Building name/numbe		Other liquidator Use this section to tell us about
Street		another liquidator.
Post town		
County/Region		
Postcode		
Country		

WU07
Notice of progress report in a winding-up by the court

6	Period of progress report
From date	1 8 0 5 × 2 0 2 1
To date	1 7 0 5 ½ 10 ½ ½
7	Progress report
	☑ The progress report is attached
8	Sign and date
Liquidator's signature	Signature X
Signature date	

P

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	Tanya Filer
Company name	Hawkins Insolvency Limited
Address	The Clock House
	High Street
Post town	Wrington
County/Region	
Postcode	B S 4 0 5 Q A
Country	
DX	
Telephone	01934 862877

✓ 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

RW Construction & Plant Hire Limited – in Compulsory Liquidation

LIQUIDATOR'S PROGRESS REPORT TO CREDITORS AND MEMBERS

For the year ending 17 May 2022

STATUTORY INFORMATION

Company name: RW Construction & Plant Hire Limited

Company number: 05426216

Trading address: Yew Tree Farm

Glascoed Pontypool Monmouthshire NP4 0TG

Registered office: The Clock House

High Street Wrington

North Somerset BS40 5QA

Former registered office: Yew Tree Farm

Glascoed Pontypool Monmouthshire NP4 0TG

Principal trading activity: Construction of roads and motorways

Liquidator's name Samantha Hawkins

Liquidator's address The Clock House

High Street Wrington North Somerset BS40 5QA

Date of appointment 18 May 2020

Court name and reference High Court of Justice

000543 of 2020

LIQUIDATOR'S ACTIONS SINCE LAST REPORT

As reported previously, my investigations identified several potential causes of action and routes to further realisations.

After reviewing transactions entered by the Company in the period leading up to the making of the winding up order, it became apparent that some payments were made to third parties between the presentation of the winding up petition and the making of the winding up order.

Pursuant to section 127 of the Insolvency Act 1986, any disposition of the Company's property between the date of the presentation of the winding up petition and the date of the winding up order is void unless a court has validated such disposition. I am not aware that the court had validated these dispositions.

Payments out in that period totalled £40,762.91 and were made to several third parties. I wrote to the third parties requesting that the payments be returned to the Company by being transferred to the Insolvency Service Account for the liquidation.

There were six payments each for less than £1,000 and totalling £1,327.66 which were unlikely to be economical to pursue.

There has been a lot of work carrying on behind the scenes trying to get payment of these void dispositions. One owing £17,000 agreed to the void disposition and has made a first payment of £10,192.13 in January this year but has yet to pay the remaining amount owing. This is constantly being chased for.

A second one owing £14,075.17 has submitted several proposals for paying of which the last one I accepted but has failed to pay anything as agreed in the proposal. As such I will be issuing proceedings against this party for payment of the full amount and for costs associated with the proceedings.

A third recipient took some tracking down to the correct company. I now believe that I have contacted the correct company, but they have failed to respond. Again, this is being followed up. The amount owing on this one is £1,706.88 so it is not cost effective to spend too much time on this.

I continue to be assisted in these investigations by my solicitor at DAC Beachcroft LLP.

In the period since my last progress report, I have also set a decision by correspondence procedure to agree the basis of my fees. I received two votes and my fees were agreed on a time cost basis on 31 May 2021. Further details regarding fees can be found below.

There is certain work that I am required by the insolvency legislation to undertake in connection with the liquidation that provides no financial benefit for the creditors. A description of the routine work undertaken since my last progress report is contained in Appendix 1.

RECEIPTS AND PAYMENTS

My Receipts & Payments Account for the period from 18 May 2021 to 17 May 2022 is attached at Appendix 2. All amounts are shown inclusive of VAT. I have reconciled the account against the financial records that I am required to maintain and with and with the Insolvency Services Account operated by The Insolvency Service in respect of the Liquidation.

The balance of funds is held in an interest bearing account at the Insolvency Services Account.

ASSETS

As stated in my last report, the Official Receiver's report stated that the unrealised assets available were plant & machinery with an estimated value of £100,000. These were uplifted and sold at auction by Gavel Auctioneers Limited, an independent firm of valuers who have confirmed that they hold Professional Indemnity Insurance.

The assets were sold for a total of £165,968,46.

During my investigations some further potential assets came to light and were reported in my last progress report. Follows is an update on these potential assets.

Void Dispositions

As reported above, I have become aware of several void dispositions made by the Company. This means they took place between the presentation of the petition and the hearing. They are automatically void unless they are ratified by the Court. I am not aware that these dispositions have been ratified by the Court.

Therefore, I can pursue them as assets of the Company which should be realised for the benefit of the Company.

Considering this I have written to the recipients to repay the funds. Again, I am assisted in these investigations by my solicitor at DAC Beachcroft LLP.

Payments received total £17,556.03 and have been paid from 3 recipients.

I continue to chase for the payments outstanding totalling £23,206.88 from 3 different parties as reported above.

LIABILITIES

Secured Creditors

An examination of the Company's mortgage register held by the Registrar of Companies, showed that the Company has no current charges over its assets.

The legislation requires that if the Company has created a floating charge after 15 September 2003, a prescribed part of the Company's net property (i.e. the money that would otherwise be available to the charge holder) should be ring-fenced for distribution to unsecured creditors. In this case there were no creditors secured by a floating charge such that the prescribed part provisions do not apply.

Preferential Creditors

I am not aware of any preferential creditors.

Crown Creditors

HMRC are the petitioning creditor. The Company was indebted to the petitioners in the sum of £106,659.72 according to the petition.

I have now received HMRC's final claim in the liquidation which totals £96,351.05.

Non-preferential unsecured Creditors

The Official Receiver's report did not include any non-preferential unsecured creditors other than HMRC. I have received claims from 3 creditors at a total of £29,514.77.

DIVIDEND PROSPECTS

As I am still investigating potential asset recovery, I am not in a position to agree the claims of the creditors nor to comment on the dividend prospects at this time. Once all my investigations are complete, I am satisfied that all assets have been recovered and all fees and expenses of the liquidation have been paid I will be in a better position to comment.

LIQUIDATOR'S REMUNERATION

My remuneration was approved on a time cost basis based on a fees estimate of £73,869. The fees estimate acts as a cap, and I cannot draw remuneration in excess of that estimate without first seeking approval from the creditors. My total time costs to 17 May 2022 amount to £74,346.22, representing 227.35 hours of work at a blended charge out rate of £327.01 per hour, of which £32,774.40, representing 99.48 hours of work, was charged in the period since 17 May 2021, at a blended charge out rate of £329.44 per hour. The actual blended charge out rate incurred compares with the estimated blended charge out rate of £276.66 in my fees estimate. There is a difference in the blended rate charged, compared with the estimated blended rate because work has been conducted by more senior members of staff and this is reflected in their hourly rate.

I have drawn £73,869 plus VAT to 17 May 2022 of which £73,869 plus VAT was drawn in the period since 17 May 2021.

A detailed schedule of my time costs incurred to date and since 17 May 2021 compared with my original fees estimate is attached as Appendix 3.

As of 17 May 2022, then as you can see from the information provided in this report, the total time costs I have incurred in this matter, in respect of the categories of work for which I am being remunerated on a time cost basis, have exceeded the total estimated remuneration I set out in my fees estimate when my remuneration was authorised by the creditors. However, I have not drawn remuneration in excess of my fee estimate. The reasons my time costs have exceeded the fees estimate are because of the extra legal work required to realise assets for the benefit of creditors.

Further information about creditors' rights can be obtained by visiting the creditors' information microsite published by the Association of Business Recovery Professionals (R3) at www.cred.tornsolven.cygu.de.co.uk. Details about how an office holder's fees may be approved for each case type are available in a series of Guidance Notes issued with Statement of Insolvency Practice 9, and they can be accessed at www.hawkinsinsciven.cy cour company tantf There are different versions of these Guidance Notes, and in this case please refer to the most recent version. Please note that we have also provided further information about an office holder's remuneration and expenses in our practice fee recovery sheet, which can be accessed at www.hawkinsinsolven.co.uk

LIQUIDATOR'S EXPENSES

Expenses are any payments from the estate which are neither an office holder's remuneration nor a distribution to a creditor or a member. Expenses also includes disbursements. Disbursements are payments which are first met by the office holder and then reimbursed to the office holder from the estate. Expenses are split into:

- category 1 expenses, which are payments to persons providing the service to which the
 expense relates who are not an associate of the office holder; and
- category 2 expenses, which are payments to associates or which have an element of shared costs. Before being paid category 2 expenses require approval in the same manner as an office holder's remuneration.

I have incurred total expenses of £29,318.78 incl VAT where applicable of which I incurred £14,270.40 incl VAT in the period since 17 May 2021. I have drawn £29,318.78 incl VAT where applicable to 17 May 2022, of which £14,270.40 incl VAT where applicable was drawn in the period since 17 May 2021.

I have used the following professional advisors in the reporting period:

Professional Advisor	Nature of Work	Basis of Fees
DAC Beachcroft LLP	Solicitors	time costs

The choice of professionals used was based on my perception of their experience and ability to perform this type of work, the complexity and nature of the assignment and the basis of my fee arrangement with

them. I also confirmed that they hold appropriate regulatory authorisations. I have reviewed the fees they have charged and am satisfied that they are reasonable in the circumstances of this case.

My solicitor at DAC Beachcroft LLP continues to assist me with my investigations into potential asset recovery namely overdrawn director loan account and HMRC.

His total fees to 17 May 2022 are £26,805.60 incl VAT of which £14,342.40 incl VAT incurred in the period since 17 May 2021. This amount has slightly exceeded the estimate given due to the need to chase third parties and to draft proceedings for the recovery of the void dispositions.

DAC Beachcroft LLP have been paid a total of £23,560.80 incl VAT of which £14,270.40 incl VAT was paid in the period since 17 May 2021.

I have incurred the following expenses in the period since the last progress report:

Type of expense	Amount incurred/ accrued in the reporting period
DAC Beachcroft LLP – legal fees	£14,270.40 incl VAT

Details of the category 1 expenses that I have paid to date and in the reporting, period are included in the receipts and payments account attached.

Nature of expense	Estimated expenses	Expenses incurred to date
	£103.98 incl VAT	£103.98 incl VAT
Statutory Advertising Specific Insolvency Penalty	£800.00 Nil VAT	£800.00 Nil VAT
Bond Insurance of Assets	£1,369.20 incl IPT	£1,369.20 incl IPT
Auction Costs	£240.00 incl VAT	£240.00 incl VAT
Solicitor's fees	£38,739.10 incl VAT	£26,805.60 incl VAT
Total	£41,252.28 incl VAT	£29,318.78 incl VAT

As you can see above, the total expenses I incurred were in line with the total expenses I estimated I would incur when my remuneration was approved.

FURTHER INFORMATION

An unsecured creditor may, with the permission of the Court, or with the concurrence of 5% in value of the unsecured creditors (including the creditor in question), request further details of the Liquidator's remuneration and expenses within 21 days of their receipt of this report. Any secured creditor may request the same details in the same time limit.

An unsecured creditor may, with the permission of the Court, or with the concurrence of 10% in value of the unsecured creditors (including the creditor in question), apply to Court to challenge the amount of remuneration charged by the Liquidator as being excessive, and/or the basis of the Liquidator's remuneration, and/or the amount of the expenses incurred as being excessive, within 8 weeks of their receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

To comply with the Provision of Services Regulations, some general information about Hawkins Insolvency Limited can be found at www.hawkinsolvency.co.uk

SUMMARY

The Liquidation will remain open until I am satisfied that all realisations have been made. I am unable to estimate how long this will take as I am reliant on third parties and it would seem that I am going to have to issue proceedings for payment of a void disposition.

If creditors have any queries regarding the conduct of the Liquidation, or if they want hard copies of any of the documents made available on-line, they should contact Tanya Filer by email at titler@hawkinsinsotvency.co.uk, or by phone on 01934 862877.

Samantha Hawkins

Liquidator

Appendix 1

1. Administration

This represents the work involved in the routine administrative functions of the case by the office holder and their staff, together with the control and supervision of the work done on the case by the office holder and their managers. It does not give direct financial benefit to the creditors but has to be undertaken by the office holder to meet their requirements under the insolvency legislation and the Statements of Insolvency Practice, which set out required practice that office holders must follow.

- Case planning devising an appropriate strategy for dealing with the case and giving instructions to the staff to undertake the work on the case.
- Dealing with all routine correspondence and emails relating to the case.
- Maintaining and managing the office holder's estate bank account.
- Maintaining and managing the office holder's cashbook.
- Undertaking regular bank reconciliations of the bank account containing estate funds.
- Reviewing the adequacy of the specific penalty bond on a quarterly basis.
- Undertaking periodic reviews of the progress of the case.
- Overseeing and controlling the work done on the case by case administrators.
- Preparing, reviewing and issuing an annual progress report to creditors and members.
- Filing returns at Companies House.
- Preparing and filing Corporation Tax returns.

2. Creditors

Claims of creditors - the office holder needs to maintain up to date records of the names and addresses of creditors, together with the amounts of their claims as part of the management of the case, and to ensure that notices and reports can be issued to the creditors. The office holder also needs to deal with correspondence and queries received from creditors regarding their claims and dividend prospects as they are received. The office holder is required to undertake this work as part of his statutory functions.

- Dealing with creditor correspondence, emails and telephone conversations regarding their claims.
- Maintaining up to date creditor information on the case management system.

R W Construction & Plant Hire Limited (In Liquidation) Liquidator's Summary of Receipts and Payments

(£) (6) 109,568.4 77.3 0.6 0.6 56,400.0 0.6 1,600.0 21,896.2	165.87 3,453.25 00 17,909.49 00 0.00 00 13,412.13	109,568.46 243.23 3,453.25 17,909.49 56,400.00 13,412.13
77.3 0.0 0.0 56,400.0 0.0 1,600.0	165.87 3,453.25 17,909.49 0 0.00 13,412.13	243.23 3,453.25 17,909.49 56,400.00 13,412.13
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Samantha Hawkins Liquidator

Time Entry - Detailed SIP9 Time & Cost Summary

RWC0001 - R W Construction & Plant Hire Limited From: 18/05/2020 To: 17/05/2022 All Post Appointment Project Codes

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Senior Manager	Total Hours	Time Cost (£)	Average Hourly Rate (£)
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701 Strategy (incl Sales)	12 70	200	000	000	03 81	26.22	7 911 95	301.79
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Admin & Planning	37.02	00'0	0.00	1.90	28.33	67.25	21,023,59	312.62
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303 Book Debts	14.90	900	000	00:00	13.47	28.37	8,851 09	312 02
	67.6	000	00 0	0.70	1.17	11.63	3,887 54	334.15
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Realisation of Assets	86.07	0.00	0.00	0.70	14.83	101.60	34,282.63	337.42
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Total Hours	163.36	0.0						
							0.00	
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Time Entry - Detailed SIP9 Time & Cost Summary

RWCO001 - R W Construction & Plant Hire Limited From: 18/05/2021 To: 17/05/2022 All Post Appointment Project Codes

Classification of Work Function	Partner	Manager	Other Senior Professionals	Assistants & Support Staff	Senior Manager	Total Hours	Time Cost (£)	Average Hourly Rate (£)
700 Formalines 701 Strategy (incl Sales) 702 Banking 703 Case freview 704 Persion Matters 803 Communication with HMRC	0 60 2 50 2 92 5 70 0 00 1 30	000 0 000 0 000 0	00 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	0 10 0.50 0 80 0 00 0 10 0 40	2 43 0.00 6 70 0 40 0 00	3 13 3 00 1 3 4 2 3 10 0 10	888 91 985.00 4,055 95 1,053 00 22.00 543.00	283.72 328.33 302.30 339.68 220.00 319.41
Admin & Planning	13.02	0.00	0.00	1.90	9.53	24.45	7,547.86	308.71
600 Case Specific 802 Fee approval	1 40 4 40	00 0	00 0	0 00 0	000	140	490.00 1.675.00	350.00 341.84
Case Specific Matters	5.80	0.00	0.00	00:0	0.50	6.30	2,165.00	343.65
501 Unsecured Creditors 504 Statutory Reponing to Creditors 800 Shareholders - Distribution	7 30 11 10 0 50	00 0 00 0 00 0	0 (0 0 0 0 0 0	2 00 0 70 0 40	0.80 3.10 0.00	10 10 14 90 0 90	3 211 00 4.876.00 263.00	317 92 327 25 292 22
Creditors	18.90	0.00	0.00	3.10	3.90	25.90	8,350.00	322.39
202 Pursuing Antecedent Transactions 300 Ident Securing & Insuring 303 Book Debts 304 Plant & Machinery / Motor Vehicles 306 Other Assets	16.70 13.00 1.00 0.50 8.57	00 0 00 0 00 0 00 0	00 0 00 0 00 0 00 0	00 0 00 0 00 0 00 0	0 00 0 00 0 20 1 00 1 17	16 70 13 00 1 20 1 50 10 43	5,845 00 4,550 00 404,00 445,00 3,467 54	350.00 350.00 336.67 256.67 332.33
Realisation of Assets	39.77	0.00	0.00	0.70	2.37	42.83	14,711.54	343.45
Total Hours	77.48	0.00	0.00	5.70	16.30	99.48	32,774.40	329.44
Total Fees Claimed							00'0	