## **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

07610726

Name of Company

Cabair International (UK) Limited

1 / We

Rebecca Jane Dacre, Suite 1C, Oak House, Woodlands Business Park, Linford Wood West, Milton Keynes, **MK14 6EY** 

Peter John Windatt, Suite 1C, Oak House, Woodlands Business Park, Linford Wood West, Milton Keynes, **MK14 6EY** 

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 27/03/2013 to 26/03/2014

Signed

Date (6-4-14

**BRI Business Recovery & Insolvency** 100 St James Road Northampton

NN5 5LF

Ref 6207MK/RD/PJW/SB/MP1/js/DMH





23/04/2014 COMPANIES HOUSE

## Cabair International (UK) Limited (In Liquidation) Joint Liquidators' Abstract of Receipts & Payments

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## Cabair International (UK) Limited (In Liquidation) Joint Liquidators' Abstract of Receipts & Payments

From 27/0 To 26/0	
	NIL NIL
>	NIL NIL
	NIL NIL
	NIL (29,648 84)
13 (97,	96) (97,889 96)
(97,	96) (127,538 80)
(000	FO) 442 070 21
(222,	.52) 143,979.33
	140,917 69
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Rebecca Jane Dacre Joint Liquidator



# CABAIR INTERNATIONAL (UK) LIMITED (IN CREDITORS' VOLUNTARY LIQUIDATION) JOINT LIQUIDATORS' ANNUAL REPORT TO MEMBERS AND CREDITORS FOR THE YEAR ENDING 26 MARCH 2014

## 1. Statutory and general information

Company number:

07610726

Date of incorporation:

20 April, 2011

Previous name(s) of Company:

N/A

Registered office:

100 - 102, St James Road

Northampton NN5 5LF

(From: 6 March 2012)

Formerly:

Cabair Building 1 Cranfield Airport

Cranfield Bedfordshire MK43 0JR

Liquidators:

Rebecca Jane Dacre of BRI Business Recovery and Insolvency, Suite 1C, Oak House, Woodlands Business Park, Linford Wood West, Milton Keynes, MK14 6EY, licensed to act as an Insolvency Practitioner in the United Kingdom by the ICAEW under registration number 009572 and Peter John Windatt of BRI Business Recovery and Insolvency, Suite 1C, Oak House, Woodlands Business Park, Linford Wood West, Milton Keynes, MK14 6EY, licensed to act as an Insolvency Practitioner in the United Kingdom by the ACCA under registration number 008611.

Date of appointment:

27 March, 2012

## 2. Receipts and payments

- 2.1. My receipts and payments account for the period from 27 March 2012 to 26 March 2014 is attached. Please note that the figures are shown net of VAT
- 2. An amount of £140,917.69 is currently held in the liquidation bank account, at Barclays Bank Plc. This is an interest-bearing account.

### 3. Asset realisations

3.1 There have been no further asset realisations since my previous annual report to creditors, other than gross bank interest totalling £128 07. Total realisations since my appointment amount to £486,099.43



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## 4. Liabilities

- 4.1 Secured Liabilities
- 4 1.1 An examination of the Company's mortgage register held by the Registrar of Companies showed that the Company had granted the following charges,
  - Cabair International Aviation Limited (in Administration) ("CIAL") C/o Begbies Traynor (Central) LLP, 32 Cornhill, London, EC3V 3BT, holds an outstanding debenture over the Company's assets, created on 8 November 2011 and registered at Companies House on 11 November 2011

It is not believed that any funds are due to CIAL in this respect, as the debenture relates to an asset purchase agreement between the Company and CIAL, whereby further commission related funds, in addition to those already paid by the Company for the assets of the business of CIAL, would only become payable upon the Company achieving over 100 students signing on to the relevant pilot training scheme. This target was not achieved during the Company's trade. The fact that no funds are due to CIAL from the Company has been confirmed by the relevant staff at Begbies Traynor Plc (having previously been appointed to act as Administrators of CIAL)

- 2) Mr Tamer Talaat, Dr Ludwig H Bertsch and Mr Clive Dolman ("Investor Group") hold an outstanding fixed charge and floating charge over the Company's assets created on 3 January 2012 and registered at Companies House on 19 January 2012 A settlement was reached with the Investor Group in respect of fixed and floating charge claims and amounts have been paid over totalling £97,889 96 and £77,922 54 respectively (as shown in the enclosed receipts and payments account)
- 4.2 Preferential Creditors
- 4.2.1 The statement of affairs anticipated £33,362 in preferential creditors. Claims totalling £29,648 84 were agreed.
- 4.3 Crown Creditors
- 4.3.1 The statement of affairs included an estimated total amount of £94,005 owed to HM Revenue & Customs ("HMRC") in respect of VAT, Corporation Tax ("CT"), PAYE and National Insurance Contributions.
- 4.3.2 HMRC's current claim totalling £82,616 in respect of VAT/CT has been received and agreed in full. The claim represents a much higher amount than was estimated in the Company's Statement of Affairs. This is likely due to the figure being estimated by HMRC, as a result of no VAT/CT return having been submitted by the Company due to it having such a short trading period.
- 4 3 3 HMRC is currently claiming nil in respect of PAYE and National Insurance Contributions, significantly lower than was initially anticipated in the Statement of Affairs
- 4 4 Unsecured Creditors
- 4.4.1 The statement of affairs included 152 unsecured creditors with an estimated total liability of £3,031,187. I have received claims from 126 unsecured creditors at a total of £3,755,003. Claims totalling £1,823,336.97 have been agreed. Claims totalling £1,884,807.47 have been rejected. Two claims from the Company's former director Mr James Haddock (one personal claim and one via an associated company) (totalling £46,859.87) remain held over. To date I have not received claims from 26 creditors.



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- 4.4 2 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. We received confirmation that no monies are due from the Company to CIAL. The settlement paid to the Investor Group in respect of fixed and floating charge claims was to have the effect that all claims from the Investor Group have be settled in full. Given the above, the prescribed part payment will not apply payment in full to the floating charge creditor was made.
- 5. Joint liquidators' actions since last report
- 5.1 Since my previous report I have continued to focus upon the adjudication of creditor claims.
- I have (following advice received from my instructed lawyers) agreed and paid a settlement to the Investor Group, in relation to amounts claimed in respect of their purported fixed and floating charges.
- 5.3 All unsecured creditor claims have now been either agreed or rejected (with the expectation of the final two held claims from Mr James Haddock and Haddocks Limited) This was a particularly lengthy process, as given legal advice I had to reject a number of former students' claims
- 5.4 In the last twelve months I spent additional time liaising with the Liquidation Committee with regard to possible action against the directors of the Company. The opinion of the general body of creditors was sought (via correspondence) with regard to ascertaining their view as to whether or not to pursue action against the directors. The creditors chose not to pursue any action against the directors
- 5.5 A substantial amount of time has been spent arranging and conducting interviews with the Company's former directors.
- Further time was spent drafting and sending progress reports to the Liquidation Committee and the general body of creditors
- 6. Investigation into the affairs of the Company
- I undertook an initial investigation into the Company's affairs to establish whether there were any potential asset recoveries or conduct matters that justified further investigation, taking account of the public interest, potential recoveries, the funds likely to be available to fund an investigation, and the costs involved.
- A number of separate lines of investigation continued to be undertaken during the last twelve months. This resulted in seeking the opinion of initially the Liquidation Committee and subsequently the general body of creditors, who voted against taking further action against the directors of the Company
- Within six months of my appointment as liquidator, I am required to submit a confidential report to the Secretary of State to include any matters which have come to my attention during the course of my work which may indicate that the conduct of any past or present director would make him unfit to be concerned with the management of the Company. I would confirm that my report has been submitted

J W Rimmer and P J Windatt are Insolvency Practitioners licensed in the United Kingdom by the Association of Chartered Certified Accountants

A R Limb is an Insolvency Practitioner licensed in the United Kingdom by the Insolvency Practitioners Association

S K Bains and R J Dacre are Insolvency Practitioners licensed in the United Kingdom by the Institute of Chartered Accountants in England and Wales



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## 7. Pre-appointment remuneration

7.1 The creditors previously authorised my payment for our assistance with preparing the statement of affairs, producing and circulating the notices for the meeting of members and creditors and all other preappointment work, prior to my appointment at a meeting held on 27 March 2012. The Liquidation Committee subsequently also approved my pre-appointment costs at the first Meeting of the Liquidation Committee, held on 16 May 2012. My costs for undertaking the pre-appointment work were £10,000 plus VAT. My pre-appointment costs were paid from first realisations (drawn on 28 May 2012) following approval from the Liquidation Committee, as is shown in the enclosed receipts and payments account.

## 8. Joint liquidators' remuneration

- 8! My remuneration was previously authorised by creditors at a meeting held on 27 March 2012 to be drawn on a time costs basis. My total costs to 26 March 2014 amount to £79,934 50 plus VAT, which have been charged at an average charge out rate of £182 33 I have drawn a total of £82,884 plus VAT to date (to include a provision of my estimated costs to closing) My total costs incurred since my last report amount to £27,839 50. I have drawn a total of £33,884 plus VAT since my last report Approval was previously given to the joint liquidators from the Liquidation Committee to draw future time costs as and when they arise. A schedule of my time costs incurred to the date of the anniversary is attached.
- 8.2 A description of the routine work undertaken in the liquidation to date is as follows
- 8.3 Administration and Planning

Preparing the documentation and dealing with the formalities of appointment. Statutory notifications and advertising.

Preparing documentation required.

Dealing with all routine correspondence

Maintaining physical case files and electronic case details on IPS.

Review and storage.

Pension matters.

Case planning and administration.

## 8.4 Cashiering

Maintaining and managing the liquidator's cashbook and bank account Ensuring statutory lodgements and tax lodgement obligations are met Conducting bank reconciliations in accordance with practice policy

## 8 5 Creditors

Dealing with over 200 creditor correspondence and telephone conversations. Maintaining creditor information on IPS.

Reviewing and adjudicating on proofs of debt received from creditors

Dealing with associated company creditor queries on a regular basis



#### 86 Investigations

Review and storage of books and records.

Preparing a return pursuant to the Company Directors Disqualification Act

Extensive investigation work and liaising with the liquidation committee and general body of creditors, as detailed in section 6 above

Liaising with lawyers.

Conducting investigations into suspicious transactions

#### 87 Realisation of Assets

Liaising with the Agent regarding the securing, marketing and sale of the Company's assets Liaising with the Company's bank regarding the closure of the account and transfer of funds Case bordereau

Reviewing books and records to identify any transactions or actions a liquidator may take against third party in order to recover funds for the benefit of creditors

#### 8.8 Reporting

Preparing reports to creditors and members and to the Liquidation Committee

8.9 Copies of 'A Creditors Guide to Liquidators' Fees' published by the Association of Business Recovery Professionals are available at the link www.bruk.co.uk Please note that there are different versions for cases that commenced before or after 6 April 2010 and in this case you should refer to post-April 2010 version. A hard copy of both documents can be obtained on request from any of our offices

#### 9. Joint liquidators' expenses

- 9.1 My expenses incurred since my last report amount to £347.73. I have drawn the full amount to date
- 9.2 My Category 2 expenses have been incurred and paid as follows.

Type of expense	Amount billed (£)	Amount still to be paid(£)
Postage/Tel/Photocopying/Fax	331 33	-
Travel	16 20	-
Total	347.73	-

9.3 The following agents or professional advisors have been utilised since my previous report:

Nature of work	Professional Advisor	Amount (£)	Fee arrangement
Accountancy fees - re annual and final Corporation Tax returns	Hawsons Chartered Accountants	136.00	Fixed fee.
Legal fees	Tollers Solicitors LLP	12,950 00	Time costs.
Storage costs	Box It	152 00	Fixed fee.
Statutory Advertising	Courts Advertising Limited	74.00	Fixed fee
Total		13,312.00	

<sup>&</sup>quot;BRI" and "BRI Business Recovery and insolvency" are trading names of BRI (UK) Lid, BRI (Northampton) Lid, BRI (Coventry) Lid, BRI (Milton Keynes) Lid and BRI (Southampton) Ltd whose registered numbers are 4130230, 4682072, 4682073, 4682077 and 8435529 respectively Registered office addresses are all 100 St James Road, Northampton, Northamptonshire NN5 SLF. All formal insolvency appointments are personal and in the name(s) of J W Rimmer and P J Windatt are Insolvency Practitioners licensed in the United Kingdom by the Association of Chartered Certified Accountants.

A R Limb is an Insolvency Practitioner licensed in the United Kingdom by the Insolvency Practitioners Association.

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9.4 The choice of professionals 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. The fees charged have been reviewed and I am satisfied that they are reasonable in the circumstances of this case.

### 10. Further information

- 10.1 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 Joint Liquidators' remuneration and expenses, within 21 days of 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 creditors (including the creditor in question), apply to court to challenge the amount and/or basis of the Joint Liquidators' fees and the amount of any proposed expenses or expenses already incurred, within 8 weeks of receipt of this report. Any secured creditor may make a similar application to court within the same time limit.

## 11 Dividend prospects

- 11 1 Fixed charge creditors.
- As detailed above a settlement was reached with the Investor Group in respect of their secured claims totalling £807,786 89. A fixed charge settlement payment was made on 22 August 2013 totalling £97,889 96. No further dividends will be paid to this class of creditor
- 11.3 Preferential creditors:
- Preferential creditors were paid a total of £29,648.84 on 13 November 2012, representing a dividend rate of 100 pence in the £. No further dividends will be paid to this class of creditor
- 11.5 Floating charge creditors.
- As detailed above a settlement was reached with the Investor Group in respect of their purported secured claims totalling £807,786 89 A floating charge settlement payment was made on 22 August 2013 totalling £77,922.54. No further dividends will be paid to this class of creditor
- 117 Unsecured creditors.
- 11.8 Claims totalling £1,823,336 97 have been agreed. Claims totalling £1,884,807 47 have been rejected Two claims from the Company's former director Mr James Haddock (one personal claim and one via an associated company) (totalling £46,859.87) remain held over I anticipate adjudicating upon the two held over claims shortly, following which I plan to issue a notice to declare a first and final dividend to unsecured creditors and make payment (within two months of the notice being served). The estimated dividend is expected to be in the region of seven pence in the pound



## 12. Summary

- 12.1 The liquidation will remain open until the final held claims are agreed and the first and final dividend to unsecured creditors has been paid. Once these issues have been dealt with the liquidation will be finalised and our files will be closed.
- 12.2 Should you have any queries regarding this matter please contact Marco Piacquadio on 01908 576 852

Yours faithfully
For and on behalf of
Cabair International (UK) Limited
(in liquidation)

R J Dacre
Joint Liquidator

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## Cabair International (UK) Limited (In Liquidation)

## Summary of Receipts & Payments

RECEIPTS	Statement	From 27/03/2012	From 27/03/2013	Totai
	of Affairs (£)	To 26/03/2013 (£)	To 26/03/2014 (£)	(2)
Paramanent Florist Cinculators with VAT		75 200 00	0.00	
Equipment Flight Simulators with VAT		75,300 00	0 00	75,300 00
Equipment Flight simulators no VAT		33,200 00	0 00	33,200 00
Office Furniture and equipment	2,500 00	3,050 00	0 00	3,050 00
Rates refund		1,357 57	0 00	1,357 57
Petty Cash		49 70	0 00	49 70
Cash at bank - company account	370,709 00	369,783 51	0 00	369,783 51
Bank Interest gross		173 60	128 07	301 67
Coumputers and bus machinery incl pickup		3,056 98	0 00	3,056 98
	<u> </u>	485,971.36	128 07	486,099 43
PAYMENTS				
Agents Fees/disb re fixed charge assets		10,610 35	0 00	10,610 35
Settlement of floating charge creditor		812 50	77,110.04	77,922 54
Legal Disbursements - Tollers		0 00	3 00	3 00
Preparation of S of A		10,000 00	0 00	10,000 00
Liquidator's Remuneration		50,200 00	33,884 00	84,084 00
Comittee Expenses		0.00	479 50	479 50
Room hire		116 67	0 00	116 67
Indemnity		792 00	0 00	792 00
AgentFees/disb re free assets		1,086 37	0 00	1,086 37
Accountancy Fees		0 00	138 00	138 00
IT Service Provider		1,100 00	0 00	1,100 00
Legal fees		5,511 00	12,950 00	18,461 00
Corporation Tax				
•		0 00	41 56	41 56
Unclaimed Dividends		0 00	25 00	25.00
Postage/tel/p copying/fax		287 32	331 33	618.65
Website		20 00	0 00	20 00
Storage Costs		418 50	152 00	570.50
Travel		21 87	16 20	38 07
Statutory Advertising		306 00	74 00	380,00
PAYE & NIC deducted from pref dividend		3,717 65	0 00	3,717 65
Rates payments re occupation		1,214 12	0 00	1,214 12
Insurance of Assets		1,242 32	0.00	1,242 32
ERA Fees		1,625 00	0 00	1,625 00
PAYE & NI		295 00	0 00	295 00
Payment in full to prefs - 13 11 12		29,648 84	0 00	29,648 84
Dividend to fixed charge cred - 22 8 13		0 00	97,889.96	97,889 96
		119,025 51	223,094.59	342,120.10
Net Receipts/(Payments)	<del>- The Do</del>	366,945.85	(222,966.52)	143,979.33
MADE UP AS FOLLOWS				
Floating Current A/c		257,811.60	(116,893.91)	140,917 69
Vat Control Account		0.00	3,061.64	3,061 64
		257,811.60	(113,832 27)	143,979.33
			R. Jon	
		<del></del>	<u> </u>	
				cca Jane Dacre
				Joint Liquidator

BRI (UK) Limited

SIP 9 Summary of hours and costs from 27/03/2013 to 26/03/2014

Cabair International (UK) Ltd

Client 6207

		Hours	urs							
Classification of work			Assistant			1	Assistants			
function	Lead IP	Manager	manager	sentor administrator	Junior administrator Administrator Administrator	Junior Administrator	and support staff	Total	Time Cost £	Average Time Cost £ hourly rate £
Admin & planning	0 40	2 70	3 20	0 10	1 60			8 00	£1,747 00	£218 37
Cashienng	2 00	2 10	0 7 0		12 30	09 0	1 40	19 10	£2,884 00	£150 99
Creditors	030	44 40	30 30	5 80	7 60		4 00	92 40	£21,508 50	£232 78
investigations				0 20				0.50	697 50	£195 00
Realisation of assets			2 10	1 20				3 30	£643 50	£195 00
Reporting		1 50		2 20			0.20	3 90	00 6563	£245 90
Posted time	2.70	50 70	36 30	08 6	21 50	090	5 60	127 20	527,839 50	£218 86
Unposted time Total time										
Total time costs/grade	915 00	15,188 00	7,078 50	1 836 00	2,203 00	59 00	260 00	27 839 50		

03 April 2014

BRI (UK) Limited

SIP 9 Summary of hours and costs from 01/01/1980 to 26/03/2014

Client 6207	Caba	Cabair International (UK) Ltd	nal (UK) Ltt	74						
		Hours	22	The state of the s		a management of these to management with the top	*			
Classification of work function	Lead IP	Manager	Assistant manager	Senior administrator,	Senior Junior administrator Administrator		Assistants and support staff	Total	Time Cost £	Average Time Cost £ hourly rate £
Admin & planning	1 10	5 60	4 90	06 6	6 30			27 80	£4,989 00	£179 46
Cashiering	3 70	4 10	080	1 50	28 40	1 80	1 40	41 70	£5,881 50	£141 04
Creditors	06 0	108 60	33 70	77 00	83 80		2 60	309 60	£58,409 50	£188 66
Insolvency other			4 20					4 20	6777 00	2185 00
Investigations	0 10	5 40	2 60	17 60				25 70	£4,573 00	£177 94
Realisation of assets	0 20	2 60	6 50	9 40	090			19 30	£3,456 50	£179 09
Reporting		1 50		8 20			0 40	10 10	£1 848 00	£182 97
Posted time	6 00	127 80	52 70	123 60	119 10	1 80	7 40	438 40	£79,934 50	£182 33

Unposted time

Total time

ł		79,934 50
		723 00
		173 00
		11,546 00
		315 00
		10,067 50
		37,118 00
		1,992 00
	Total time	costs/grade

02 April 2014

## BRI BUSINESS RECOVERY & INSOLVENCY CREDITORS' GUIDE TO FEES

## Charge-out rates

Grade	Charge-out rate (£ per hour, charged in 6 minute units)
Directors/Insolvency Practitioners	230-340
Managers	195-290
Administrators	130-155
Secretaries & Support Staff	100

Rates are subject to a periodic review and are likely to increase each April. A copy of our previous rates can be found on our website at www bruk.co.uk

## Agent costs

These are charged at cost based upon the charge(s) made by the Agent instructed The term "Agent" includes

- Solicitors/legal fees
- Auctioneers/valuers.
- Accountants.
- Quantity surveyors.
- Estate agents.
- Other specialist advisors

## Storage costs

Charged at actual cost incurred for storage (and retrieval, when appropriate) of records.

## Other disbursements

Category	Basis of charge
Category 1	
Indemnity Bond	At cost of mandatory cover required in accordance with the Insolvency Act 1986 for each appointment
Insurance of assets	At cost in relation to asset coverage requirements
Company searches	At cost incurred
Travel	At actual cost including train fare and all other public transport
Other	At actual cost charged
Category 2	
Mileage	Motor vehicle at 45p per mile from 6 April 2011
Room hire	Held at BRI offices: £50 Any other venue at actual cost
Stationery	A standard £8 charge is made for all files with a further £6 for any additional files required
Photocopying	Specific calculation of 2 pence per sheet x number of creditors
Postage	Standard charge of £30 per case plus a specific calculation of postage cost x number of creditors
Storage	Case records stored in BRI's own facility will be charges at the same rate levied by external storage providers as follows. Box costs at £4.70 per box and storage charge of £7.60 per annum