

LIQ03

Notice of progress report in voluntary winding up



Companies House

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

1 Company details

Company number 0 9 0 4 5 2 3 5

Company name in full Castlemaine Fiduciary Services Limited

→ Filling in this form

Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) Thomas Charles

Surname Russell

3 Liquidator's address

Building name/number The White Building

Street 1-4 Cumberland Place

Post town Southampton

County/Region

Postcode S O 1 5 2 N P

Country

4 Liquidator's name ①

Full forename(s) Sandra Lillian

Surname Mundy

① Other liquidator

Use this section to tell us about
another liquidator.

5 Liquidator's address ②

Building name/number 1 Fetter Lane

Street

Post town London

County/Region

Postcode E C 4 A 1 B R


Country

② Other liquidator

Use this section to tell us about
another liquidator.

LIQ03

Notice of progress report in voluntary winding up

6	Period of progress report											
From date	^d 1	^d 4	^m 0	^m 2	^y 2	^y 0	^y 2	^y 1				
To date	^d 1	^d 3	^m 0	^m 2	^y 2	^y 0	^y 2	^y 2				
7	Progress report											
	<input checked="" type="checkbox"/> The progress report is attached											
8	Sign and date											
Liquidator's signature	<div>Signature</div> <div>  </div>											
Signature date	^d 1	^d 2	^m 0	^m 4	^y 2	^y 0	^y 2	^y 2				

**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 **Shannen Kavanagh**

Company name **James Cowper Kreston**

Address
The White Building
1-4 Cumberland Place

Post town **Southampton**

County/Region

Postcode **S O 1 5 2 N P**

Country

DX

Telephone
023 8022 1222

**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

Castlemaine Fiduciary Services Limited
(In Liquidation)
Joint Liquidators' Summary of Receipts & Payments

Statement of Affairs £		From 14/02/2021 To 13/02/2022 £	From 14/02/2017 To 13/02/2022 £
	ASSET REALISATIONS		
	Bank Interest Gross Fiduciary	NIL	265.12
	Bank Interest Gross Trust	NIL	3,177.68
	Book Debts	54,149.99	54,149.99
29,429.30	Cash at Bank	NIL	2,012,579.92
		54,149.99	2,070,172.71
	COST OF REALISATIONS		
	Agents Fees - ERI Recoveries	320.00	320.00
	Bank Charges	0.30	26.65
	Joint Liquidators Disbursements	NIL	859.40
	Joint Liquidators' Fees	35,532.50	175,500.50
	Legal Disbursements - CRS	NIL	5,937.50
	Legal Fees Charles Russell Speechlys	NIL	34,667.50
	Pre App Accountancy Fees (Mint Acc)	NIL	1,600.00
	Specific Bond	NIL	1,120.00
	Statutory Advertising	NIL	413.59
	Web Portal	NIL	94.00
		(35,852.80)	(220,539.14)
	UNSECURED CREDITORS		
(7,755,000.00)	Deficit re: The Castlemaine Trust	NIL	NIL
	HM Revenue & Customs	NIL	1,700,000.00
		NIL	(1,700,000.00)
	DISTRIBUTIONS		
(1.00)	Ordinary Shareholders	NIL	NIL
		NIL	NIL
(7,725,571.70)		18,297.19	149,633.57
	REPRESENTED BY		
	Non Interest bearing Account		140,522.89
	Vat Receivable		9,110.68
			149,633.57

Thomas Charles Russell
Joint Liquidator

Castlemaine Fiduciary Services Limited
In Liquidation

Annual Progress Report
Pursuant to Part 18 of the Insolvency (England and Wales) Rules 2016



Summary Information

The Company	Castlemaine Fiduciary Services Limited("the Company")
Registered Number	09045235
Registered Address	c/o James Cowper Kreston The White Building 1-4 Cumberland Place Southampton Hampshire SO15 2NP
Trading Address	2 Rutland Gate Mews Rutland Gate Mews London SW7 1PH
Activity of the Company	Other professional services
Date of the Liquidation	14 February 2017
Liquidator Details	Sandra Lillian Mundy and Thomas Charles Russell James Cowper Kreston 5 Chancery lane London EC4A 1BL
IP Numbers	9441 and 15994 (respectively)
Date of Liquidators' Appointment	14 February 2017 and 20 February 2020
Changes to Office Holders	Thomas Charles Russell replaced Alan Peter Whalley on 20 February 2020 due to his impending retirement
Dividend Prospect	On 16 December 2019 a dividend to the only unsecured creditor of 85p in £ was declared and paid on agreed claims. A further dividend is expected.

Introduction

This progress report has been prepared to provide an update for the work undertaken in the period. This report should be read in conjunction with previous reports.

The following appendices accompany this report:

Appendix A	Joint Liquidators' Receipts and Payments account
Appendix B	Joint Liquidators' Statement of Remuneration and Expenses
Appendix C	Joint Liquidators' SIP9 Time Costs

Assets

As previously reported, the Court ordered in June 2018 that cash of £1.6m which had been retained for the purchase of bonds be treated as property of the Company. These funds, along with cash at bank already realised allowed us to declare and pay a first dividend to HMRC, being the sole creditor of the Company.

We had put in place a protocol with HMRC in February 2019 in relation to loans to former employees which totalled approximately £16m. Pursuant to that protocol we agreed to release former employees who conclude their tax affairs in relation to the loans with HMRC from liability to repay them.

During the reporting period HMRC confirmed to us that more former employees have concluded their tax affairs and we therefore released those employees from their obligation to repay the loans to the Company. Over 50% of the outstanding former employee loans by number and approximately 50% by value have now been released.

There remains approximately £7m of loans due from former employees who have not agreed a settlement with HMRC and we have issued formal demand to those former employees and instructed solicitors to advise us on recovery action. Where necessary we also engaged tracing agents to locate former employees whose correspondence was returned as 'gone away'.

Creditors

There are no preferential or secured creditors and the prescribed part will not apply. We have not received any further claims during the reporting period and HMRC remains the only creditor.

On the 16 December 2019 we made a dividend distribution of 85p in £ to HMRC amounting to £1.7m.

Compliance

We have, during the period since our appointment, complied with the requirement to notify interested parties of our appointment and filed the necessary documents with both the Registrar of Companies and the London Gazette. We have also notified HM Revenue and Customs and submitted tax returns as necessary. In addition, we have attended to case maintenance including set-up, banking, record collection and periodic file reviews.

Investigation

We have a statutory duty to consider and report to the Insolvency Service on the conduct of any person who had been a director of the Company in the three years proceeding our appointment. We also have to consider whether any civil proceedings should be taken against the directors or others for the recovery of Company assets or contributions to its estate. We can report that we have complied with our obligations under the Company Directors Disqualification Act 1986. To enable us to do this we have undertaken a review of the Company's records.

Liquidators' Remuneration

On 26 April 2019, creditors approved the basis of our remuneration by decision procedure by correspondence as follows:

- A set amount of £25,000 plus VAT in respect of Compliance;
- Time costs capped at £90,487 without further recourse to creditors, in respect determining the position in respect of the bond contributions and dealing with creditors.
- A percentage of amounts collected from the former employees' loan book as follows.

	£000	%age	£000	£000	£000	£000	£000	£000	£000	£000
on first	250	17.50	44							44
on next	250	15.00		38						38
on next	500	10.00			50					50
on next	1,250	5.00				63				63
on next	2,500	2.50					63			63
on next	4,500	1.75						79		79
on next	6,740	1.25							84	84
	15,990		44	38	50	63	63	79	84	421

On 21 January 2020 HMRC approved a revised basis for our remuneration by decision procedure by correspondence as follows:

- In respect of Compliance – a set amount of a further £2,500 per year or part year from the second anniversary of the liquidation.
- In respect of determining the position in respect of the bond contributions and dealing with creditors an increase of £43,712.20 in the time costs estimate to £134,199.30 without further recourse to creditors.

During the reporting period, we billed the fixed fee of £2,500 relating to the fifth year of the liquidation. We have incurred time costs totalling £15,576.50 against which we have billed £14,436.50. We have not drawn a fee in relation to collection of loan debts although we have expended time in pursuing the collection of the unpaid loans

Additionally, we agreed an increase in the set amount for the fifth year of £18,596 in respect to a malicious e-mail correspondence that was sent to ourselves and numerous other parties, including HMRC. Dealing with the malicious correspondence took considerable time, further details were set out in the letter we sent to creditors as part of our request for additional remuneration.

The majority of our time costs in the period were incurred in respect of confirming and releasing former employees from their obligations to HMRC and responding to associated queries from employees and HMRC

During the liquidation period as a whole we have drawn fixed fees including £51,096 including the increase of the £18,599 for year five) and time costs of £124,404.50 having incurred time costs of £125,544.50.

As no loans have been repaid, no remuneration has accrued as a percentage of such collections. A summary of time costs is shown at Appendix C.

We have also been authorised to draw category 2 disbursements as occurred during the liquidation. We did not draw any disbursements in this reporting period. In the period of the liquidation we have incurred and drawn disbursements of £859.

For more information on the joint liquidators' charging policy please visit;
<https://www.jamescowperkreston.co.uk/information-and-guides>

Click on "Information to creditors with regards to office holders' remuneration and expenses" under the heading "Other information".

What remains to be done

It remains for us to deal with the following

- Pursue collection of loans, as appropriate, from former employees who choose not to settle their tax affairs with HMRC.
- Continue to release those former employees who have taken advantage of the
- Declare and pay further dividends.
- Submit tax returns for the period of the liquidation and secure clearance from HMRC.
- Close the case and obtain our release

Statutory Rights

Rule 18.9 of the Insolvency Rules 2016 entitles 5% in value of the unsecured creditors or any unsecured creditor with the permission of the court to make a written request to the liquidators for further information about remuneration or expenses. In response to such a request the liquidators must respond within 14 days:-

- a) Providing all of the information requested;
- b) Providing some of the information requested; or
- c) Declining to provide the information requested.

The liquidators may provide only some of the information or decline the request if:

- a) The time or cost of preparing the information would be excessive;
- b) Disclosure of the information would be prejudicial to the conduct of the case;
- c) Disclosure might reasonably be expected to lead to violence against any person; or
- d) The liquidators are subject to an obligation of confidentiality in relation to the information.

If the liquidators do not provide all of the information or decline to provide any of the information they must inform the person or persons making the request of their reasons for so doing. A creditor, who need not be the same creditor(s) who requested the information may then apply to Court within 21 days of the following.

- a) The liquidators giving reasons for not providing all of the information requested; or
- b) The expiry of the 14 days in which the liquidators must respond.

The court may then make such order as it thinks just.

Rule 18.34 provides that an unsecured creditor with the concurrence of at least 10% of the total value of the unsecured creditors of the Company (or any unsecured creditor with the permission of the court) may apply to the court on the grounds that liquidators' remuneration or expenses are excessive or the basis fixed for the remuneration is inappropriate. Such application must be made no later than eight weeks after receipt by the applicant creditor(s) of this progress report.

Further details about creditors' rights can be found in statement of insolvency practice 9 which can be found at the following web address. The relevant version is the effective from 1 April 2021 version.

<https://www.icaew.com/-/media/corporate/files/technical/insolvency/regulations-and-standards/sips/england/sip-9-payments-to-insolvency-office-holders-and-their-associates-from-an-estate-e-and-w.ashx>

Further information on creditor's rights can be found here: <http://www.creditorinsolvencyguide.co.uk/>

A hard copy of this report is available on request.

Privacy Policy

The office holders and James Cowper Kreston respect your right to privacy. As a requirement of the insolvency procedure we may, in the course of our work, control or process personal data. Our privacy policy can be found at our website <https://www.jamescowperkreston.co.uk/privacy-policy/> and this details how we collect, use, share, protect, and retain personal information, what happens if we transfer information overseas, and your rights in relation to GDPR and the Data Protection Act 2018. If you wish to receive a hard copy of this privacy policy please let us know.

Further assistance

Should any member have any queries regarding this report, please do not hesitate to contact my assistant, Shannen Kavanagh, or me.



Thomas Russell
Joint Liquidator

11 April 2022

Appendix A

Joint Liquidators' Receipts and Payments Account
From 14 February 2021 to 13 February 2022

	From 14/02/2021 To 13/02/2022 £	From 14/02/2017 To 13/02/2022 £
RECEIPTS		
Book Debts	54,149.99	54,149.99
Cash at Bank	-	2,012,579.92
Bond Contribution	-	-
Employee Loans	-	-
Bank Interest	-	3,442.80
	<u>54,149.99</u>	<u>2,070,172.71</u>
PAYMENTS		
Specific Bond	-	1,120.00
Joint Liquidators' Fees	35,532.50	175,500.50
Liquidators Disbursements	-	859.40
Pre App Accountancy Fees (Mint Acc)	-	1,600.00
Agents Fees - ERI Recoveries	320.00	320.00
Legal Fees Charles Russell Speechlys	-	34,667.50
Legal Disbursements - CRS	-	5,937.50
Web Portal	-	94.00
Statutory Advertising	-	413.59
Bank Charges	0.30	26.65
Deficit re: The Castlemaine Trust	-	-
HM Revenue & Customs	-	1,700,000.00
	<u>35,852.80</u>	<u>1,920,539.14</u>
Net Receipts/(Payments)	<u>18,297.19</u>	<u>149,633.57</u>
MADE UP AS FOLLOWS		
Non Interest bearing Account	11,126.69	140,522.89
VAT Receivable / (Payable)	7,170.50	9,110.68
	<u>18,297.19</u>	<u>149,633.57</u>

Appendix B

Joint Liquidators' Statement of Remuneration and Expenses
From 14 February 2021 to 13 February 2022

Account	Incurring In Period	Accrued In Period	Total In Period
	£	£	£
Joint Liquidators' Fees	35,532.50	2,500.00	38,032.50
Agents Fees - ERI Recoveries	320.00	-	320.00
Bank Charges	0.30	-	0.30
	<u>35,852.80</u>	<u>2,500.00</u>	<u>38,352.80</u>

Castlemaine Fiduciary Services Limited in Liquidation
Annual Progress Report dated 14 February 2022

Appendix C

Joint Liquidators' Summary of Time Costs
From 14 February 2021 to 13 February 2022

Time Analysis			Actual time cost 14 February 2017 to 13 February 2021			Actual Time costs 14 February 2021 to 13 February 2022			Total Time Costs 14 February 2017 to 13 February 2021		
	Activity	Summary of work completed / required	Actual Hours	Actual Blended Rate (£)	Actual Time Cost (£)*	Actual Hours	Actual Blended Rate (£)	Actual Time Cost (£)	Actual Hours	Actual Blended Rate (£)	Actual Time Cost (£)
Assets	Employees, 2015/16 Bond contributions	Work in respect of the 2015/16 Bond Contribution including, instructing and correspondence with solicitors, application for directions, preparing for and attendance at hearings, correspondence with employees, responding to employee queries, undertaking orders of the court, releasing employees from loans, correspondence with employees on settlement.	271.90	290.09	77,832.50	50.30	243.29	12,237.50	322.20	281.85	90,070.00
	Other assets	Realising cash at bank, accounting, dealing with Trust funds	1.60		1,193.60	0.00		0.00	1.60		1,193.60
Creditors	Creditor and Tax matters	Responding to creditor (HMRC) queries and correspondence, meeting with HMRC, tax matters. Liaising with HMRC on settlement matters,	102.30	284.39	30,096.90	12.90	258.84	3,339.00	115.20	281.68	33,435.90
	Creditors dividend	Notices of intended dividend; correspondence regarding claims; agreement of claims; preparing and making payments; notification of payments; accounting for dividends.	6.50		845.00	0.00		0.00	6.50		845.00
Total Fee Estimate (£)					109,968.00				15,576.50		
									125,544.50		

*Prior year adjustment of £313.50