

## 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

04516845

Name of Company

04516845 Limited (formerly RSO Limited)

I / We

David J Dunckley, 30 Finsbury Square, London, EC2P 2YU

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 28/04/2015 to 27/04/2016

Signed

Date

21/6/16

Grant Thornton UK LLP  
Hartwell House  
55-61 Victoria Street  
Bristol  
BS1 6FT

Ref Z00044/DJD/PAM/RJJ/TXA

WEDNESDAY



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29/06/2016

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COMPANIES HOUSE



Our Ref DJD/PAM/RJJ/TXA/Z00044

To the creditors and members

21 June 2016

Dear Sirs

**Recovery and Reorganisation**

Grant Thornton UK LLP  
4 Hardman Square  
Spinningfields  
Manchester M3 3EB

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**04516845 Limited (formerly RSO Limited) - In Liquidation  
(the Company)**

**1 Introduction**

1.1 Following my appointment as liquidator of the Company on 28 April 2015, in accordance with section 104A of the Insolvency Act 1986 I now report on the progress of the liquidation for the year ended 27 April 2016 and attach

- Appendix A, an account of my receipts and payments for the year ended 27 April 2016 and also for the whole liquidation to date
- Appendix B, a statement of the remuneration charged by the joint liquidators in the period 28 April 2015 to 27 April 2016 and a statement of expenses incurred in the period
- Appendix C, an analysis of time costs as required by Statement of Insolvency Practice 9
- Appendix D, an extract from the Insolvency Rules 1986 relating to creditors' rights to request additional information from the liquidator (rule 4.49E)
- Appendix E, an extract from the Insolvency Rules 1986 relating to creditors' rights to challenge the liquidator's remuneration or expenses if excessive (rule 4.131)

1.2 Please note that I am authorised by the Insolvency Practitioners Association to act as an insolvency practitioner

**2 Statutory information**

2.1 The Company's statutory details are as follows

Registered number 04516845

Registered office Grant Thornton UK LLP  
4 Hardman Square  
Spinningfields  
Manchester  
M3 3EB

**Chartered Accountants**

Grant Thornton UK LLP is a limited liability partnership registered in England and Wales: No OC307742. Registered office: Grant Thornton House, Melton Street, Euston Square, London NW1 2EP. A list of members is available from our registered office. Grant Thornton UK LLP is authorised and regulated by the Financial Conduct Authority. Grant Thornton UK LLP is a member firm of Grant Thornton International Ltd (GTIL). GTIL and the member firms are not a worldwide partnership. Services are delivered by the member firms. GTIL and its member firms are not agents of, and do not obligate, one another and are not liable for one another's acts or omissions. A list of personnel permitted by Grant Thornton to accept appointments as insolvency practitioners and of their respective authorising bodies may be inspected at the above address. Please see grantthornton.co.uk for further details.

### **3 Progress report**

- 3 1 As previously reported I was previously appointed as joint administrator of the Company with James Stewart-Koster on 28 April 2011 and we ceased to act as joint administrators on 28 April 2012
- 3 2 On 20 March 2015, an application to the High Court of Justice was made to appoint me as administrator under a fresh administration order, which was duly granted
- 3 3 Following my re-appointment, I subsequently filed Form 2 34B – Notice of move from administration to creditors' voluntary liquidation. On 28 April 2015 the administration ended and I was appointed as liquidator
- 3 4 The Company was part of a group of companies which included The Ryes School Limited and Pump Farm Limited (the Group). James Stewart-Koster and I were appointed as joint administrators of the Group on 28 April 2011. We were subsequently appointed as joint liquidators of Ryes School Limited on 28 March 2012 and ceased to act on 7 May 2014. We ceased to act as administrators of Pump Farm Limited on 25 April 2012.

#### **Assets**

##### **Interest rate hedging product**

- 3 5 The Company's only asset is the funds available from an interest rate hedging product agreement the Company had with Lloyds Bank plc (Lloyds)
- 3 6 The investigations concluded that the product was mis-sold and therefore Lloyds offered compensation to the Company totalling £717,421
- 3 7 This sum has been received during the period
- 3 8 The tax implications regarding the above are currently being investigated by my tax team. Once concluded, I expect to be in a position to progress the case to closure

#### **Liabilities**

##### **Secured creditor**

- 3 9 The Royal Bank of Scotland plc (the Bank), as secured creditor was owed a total of £4,390,212. This debt was secured by way of fixed and floating charges granted by the Company to the Bank. These charges were supported by inter-company guarantees granted by each of the Group to the Bank
- 3 10 During the previous administration, a distribution totalling £236,977 was made to the Bank under its fixed charge. Further distributions totalling £3,130,364 were made to the Bank from the other Group companies
- 3 11 A final distribution will be made from the settlement monies detailed above once the tax position is clarified

##### **Preferential creditors**

- 3 12 There are no preferential creditors in this matter

#### **Unsecured creditors**

- 3 13 Unsecured claims have been agreed totalling £100 'There is one further potential claim
- 3 14 I can confirm that there will be funds set aside for the benefit of the unsecured creditors by way of a prescribed part
- 3 15 A prescribed part carve out of the net floating charges is applicable where the floating charge was created after 15 September 2003 and is made available to the unsecured creditors pursuant to Section 176A of the Insolvency Act 1896

#### **4 Liquidator's remuneration and expenses**

- 4 1 My fee for acting as liquidator is to be fixed by the Bank as secured creditor
- 4 2 You will note from the SIP 9 table attached at Appendix C that my time costs to date are £12,777 and from the receipts and payments account attached at Appendix A that no fee has been drawn 'Time costs of £12,777 incurred in the period but not drawn as remuneration to date are disclosed in Appendix B
- 4 3 Time is charged in units of 6 minutes Background information regarding the fees of liquidators can be found at [https://www.r3.org.uk/media/documents/publications/professional/Guide\\_to\\_Liquidators\\_Fees\\_Oct\\_2015.pdf](https://www.r3.org.uk/media/documents/publications/professional/Guide_to_Liquidators_Fees_Oct_2015.pdf) Alternatively I will supply this information by post on request
- 4 4 No expenses have been incurred during the period

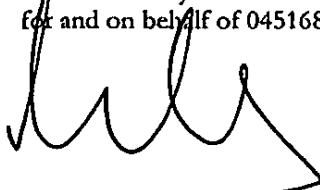
#### **5 Other expenses incurred by the liquidator**

- 5 1 Legal fees totalling £5,264 were paid to Hill Dickinson LLP for its assistance in restoring the Company to the companies register, and re-appointing me as administrator

#### **6 Contact**

- 6 1 If you have any queries please contact Matthew Drinkwater on 0161 953 6386.

Yours faithfully  
for and on behalf of 04516845 Limited (formerly RSO Limited)



David Duncley  
Liquidator

Enc

04516845 Limited (formerly RSO Limited) - in  
liquidation  
Liquidator's receipts and payments account  
from 28 April 2015 to 27 April 2016

Receipts	Statement of Affairs (£)	Total (£)
Settlement Monies		717,421 10
Bank/ISA InterestGross		790 34
		<hr/>
		718,211 44
		<hr/>
<b>Payments</b>		
VAT irrecoverable		955 63
Legal Fees (1)		5,263 94
Statutory Advertising		169 20
		<hr/>
		6,388 77
<b>Balance - 27 April 2016</b>		711,822 67
		<hr/>
<b>Made up as follows</b>		
Floating Current Account		711,822 67
		<hr/>
		711,822 67
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Note - VAT is not recoverable

**B Remuneration charged and expenses incurred by the liquidator in the period**

	Charged/incurred in period 28/04/2015 to 27/04/2016	Cumulative charged/incurred to 27/04/2016	Of which paid to 27/04/2016
	£	£	£
Joint liquidators' fees			
Time costs	12,777	12,777	0
Expenses	0	0	0
Legal fees			
Hill Dickinson LLP	5,264	5,264	5,264

## **C SIP 9 information**

### **Introduction**

The following information is provided in connection with the liquidators' remuneration and disbursements in accordance with SIP 9

Explanation of Grant Thornton UK LLP charging and disbursement recovery policies

### **Time costs**

All partners and staff are charged out at hourly rates appropriate to their grade, as shown on the attached schedule. Details of the hourly charge-out rates are made available to creditors or committees at the time of fixing the basis of our fees. Support staff (ie secretaries, cashiers and filing clerks) are charged to the case for the time they work on it.

	From 01/07/13	From 01/07/14 to date
	£	£
Partners up to	600	740
Managers up to	455	470
Administrators up to	320	345
Assistants and support staff up to	220	230

### **Disbursements**

Out of pocket expenses are charged at cost and mileage is charged at standard rates. VAT is added to disbursement charges as necessary.

04516845 Limited - In Liquidation - Z30200044 - SIP 9 TIME COST ANALYSIS

Transaction period 28/04/2015 to 27/04/2016

	Partner		Manager		Executive		Administrator		Total		Avg Hrlly Rate
	Hrs	£	Hrs	£	Hrs	£	Hrs	£	Hrs	£	
Administration and Planning (incl statutory reporting)	10	61 50	1 75	577 50	3 24	665 00	25 60	4,028 50	30 69	5,332 50	173 75
Chargeholders (incl bank reporting)			3 00	1 280 00					3 00	1,290 00	430 00
Corporation Tax			1 40	614 00			2 30	276 00	3 70	890 00	240 54
Hiatus period									00		
Investigations and reports on directors							95	152 00	95	152 00	160 00
Legal									00		
PAYE and VAT			1 75	577 50			30	48 00	2 05	625 50	305 12
Pensions									00		
Preferential creditors									00		
Realisation of Assets Debtors									00		
Realisation of Assets Other assets			11 00	3,630 00					11 00	3,630 00	330 00
Realisation of Assets Property plant vehicles etc (incl HP leasing and third party)									00		
Realisation of Assets Stock and WIP (incl ROT)									00		
Sale of business							90	72 00	90	72 00	80 00
Trading									00		
Unsecured creditors					25	72 50	4 60	712 00	4 85	784 50	161 75
Total	10	61 50	18 90	6,689 00	3 49	737 50	34 65	5,288 50	57 14	12,776 50	223 60

Total fees billed to date (Time) : £



04516845 Limited - In Liquidation  
28 April 2015 to 27 April 2016

TASKS	Incurred in the period		
	Av Hrlly Rate	Hrs	£
<b>STATUTORY AND ADMINISTRATIVE TASKS</b>	<b>174</b>	<b>31</b>	<b>5,333</b>
Case planning and control			
File reviews			
Bank account administration (treasury)			
Maintenance of records			
Reporting to creditors			
<b>CREDITORS</b>	<b>264</b>	<b>8</b>	<b>2,075</b>
Correspondence with unsecured creditors			
<b>REALISATION OF ASSETS</b>	<b>311</b>	<b>12</b>	<b>3,702</b>
Realising interest rate hedging product claim (IRHP)			
Investigations tax implications of IRIIP			
<b>INVESTIGATIONS &amp;</b>	<b>160</b>	<b>1</b>	<b>152</b>
Report on directors' conduct			
<b>TAXATION</b>	<b>264</b>	<b>6</b>	<b>1,516</b>
VAI returns			
tax computations			
<b>Total costs</b>	<b>224</b>	<b>57</b>	<b>12,777</b>

**D An extract from the Insolvency Rules 1986 relating to creditors' rights to request additional information from the liquidator**

Rule 4 49E edited for application to a progress report in a creditors' voluntary liquidation

- (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
  - (b) with the permission of the court upon an application made within the period mentioned in paragraph (2), any unsecured creditor makes a request in writing to the liquidator for further information about remuneration or expenses set out in the progress report, 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 a matter which was previously included in a progress report
- (2) The period referred to in paragraph (1)(a) is 21 days of receipt of the progress report
- (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
- (4) Any creditor, who need not be the same as the creditor who requested further information, may apply to the court within 21 days of -
  - (a) the giving by the liquidator of reasons for not providing all of the information asked for, or
  - (b) the expiry of the 14 days provided for in paragraph (1),
 and the court may make such order as it thinks just
- (5) Without prejudice to the generality of paragraph (4), the order of the court under that paragraph may extend the period of 8 weeks provided for in Rule 4 131(1B) by such further period as the court thinks just

**E An extract from the Insolvency Rules 1986 relating to creditors' rights to challenge the liquidator's remuneration or expenses if excessive**

**Rule 4 131**

- (1) Any secured creditor, or any unsecured creditor with either the concurrence of at least 10% in value of the creditors (including that creditor) or the permission of the court, may apply to the court for one or more of the orders in paragraph (4)
- (1A) Application by a creditor may be made on the grounds that -
  - (a) the remuneration charged by the liquidator,
  - (b) the basis fixed for the liquidator's remuneration under Rule 4 127, 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
- (1B) The application must, subject to any order of the court under Rule 4 49E(5), be made no later than 8 weeks (or in a case falling within Rule 4 108, 4 weeks) after receipt by the applicant of the progress report or the draft report under Rule 4 49D, which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report")
- (2) The court may, if it thinks that no cause is shown for a reduction, dismiss the application, but it shall not do so unless the applicant has had an opportunity to attend the court for a hearing, of which he has been given at least 5 business days' notice, but which is without notice to any other party  
If the application is not dismissed under this paragraph, the court shall fix a venue for it to be heard, and give notice to the applicant accordingly
- (3) The applicant shall, 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
- (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 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
- (5) Unless the court orders otherwise, the costs of the application shall be paid by the applicant, and are not payable as an expense of the liquidation