

# 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

00308455

Name of Company

Bogod (Fortran) Plc

+/ We

John Dean Cullen FCCA FABRP MIPA, 2 Sovereign Quay, Havannah Street, Cardiff, CF10 5SF

Bethan Louise Evans FCCA MABRP MIPA, 2 Sovereign Quay, Havannah Street, Cardiff, CF10 5SF

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 07/08/2015 to 06/08/2016

Signed



Date

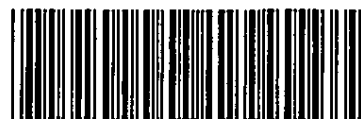
6/10/2016

Menzies Business Recovery  
2 Sovereign Quay  
Havannah Street  
Cardiff  
CF10 5SF

Ref B3642/JDC/BLE/NTA

COMPANIES HOUSE

FRIDAY



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07/10/2016

#5

JDC/BLE/NTA/B3642  
6 October 2016

**TO THE MEMBERS**

Please ask for  
Natasha Abeyweera  
T +44 (0)2920 447 517  
NAbeyweera@menzies.co.uk

Dear Sirs

**BOGOD (FORTRAN) PLC - IN LIQUIDATION**

This is the Joint Liquidators' annual progress report ("the report") for the year ended 6 August 2016

This report should be read in conjunction with my previous reports

**1. Statutory information**

The company's registered name is Bogod (Fortran) Plc and it traded as a wholesaler of household goods

The company was incorporated on 20 December 1935 under company number 00308455

The registered office of the company was formerly 91 Goswell Road, London, EC1V 7EX and was changed on 21 August 2015 to 2 Sovereign Quay, Havannah Street, Cardiff, CF10 5SF for the purposes of the Liquidation

Bethan Louise Evans FCCA MABRP MIPA and I, of Menzies LLP, 2 Sovereign Quay, Havannah Street, Cardiff, CF10 5SF were appointed Joint Liquidators of the above-named company by a resolution of the members of the company on 7 August 2015

There have been no changes of Liquidator in the period to which this report relates

**2. Joint Liquidators' progress during the period of this report**

**Administrative matters**

Prior to my appointment, in early 2003, a takeover offer and subsequent compulsory acquisition of the entire issued share capital was made by Bogod Group Limited (previously known as HRS Holdings Limited) ("BGL"). The Shareholders were notified of the acquisition and details of how to claim the proceeds due to them as a result of the above transaction were also provided. Despite the company's efforts to pay the consideration, there were several shareholders who failed to claim their share consideration and the proceeds due to the dissentient shareholders were duly held on trust.

Following my appointment, it came to light that the unclaimed share consideration had been held on trust for more than 12 years. The company had sought legal advice on this matter from Rawlison Butler LLP and it was recommended that, pursuant to the Companies Act 1985 and the Trustee Act of 1985, an application be made to pay the remaining unclaimed consideration plus any accrued interest in to Court. I therefore instructed Rawlison Butler LLP to prepare the witness statement in this regard and to make the relevant application to Court. It was further agreed that their legal costs would be funded by BGL.

Having written to Lloyds Bank plc to obtain the trust monies, they were transferred to a trust account opened specifically for the purposes of the liquidation in January 2016. With the assistance of my solicitors, it was determined that interest of £3,775.62 was payable on the trust monies and the funds were duly paid by BGL on 22 March 2016.

Following receipt of the trust monies, I was contacted by one of the dissentient shareholders and the share consideration of £556.59 due to the shareholder was duly paid over. The application to pay the remaining trust monies was subsequently reviewed by the Chancery Associate at the Court office and following approval, the application was submitted in June 2016 and the remaining share consideration plus interest totalling £35,940.46 was paid into Court.

Notification of the above transfer of funds to Court was circulated to all known dissentient shareholders on 18 July 2016 together with the relevant details of how to claim their share consideration through the Court.

The only other realisation made during the period of this report was the interest of £6.57 which accrued on the accounts held for the purposes of the Liquidation.

Please advise me as soon as possible if you are aware of any other assets of the company that have not been referred to above or previously.

### **General matters**

I have continued to comply with obligations imposed by statute and my regulatory body which include, but are not limited to, the submission of returns to Companies House, HM Revenue and Customs, insuring assets and specific penalty bonding.

If you are aware of any matters which you believe require my investigation, please advise me accordingly, in writing, providing as much detail as possible with regard to those matters. Any such contact will, of course, be kept confidential.

### **3. Abstract of the Joint Liquidators' receipts and payments**

I attach at Appendix 3 a summary of my receipts and payments for the period of this report in relation to my client account and the trust account which was opened specifically to hold the proceeds due to the dissentient shareholders.

Please note that all items detailed on the receipts and payments account are shown net of VAT as the company was registered for VAT and the VAT can therefore be recovered for the benefit of the insolvent estate.

### **4. Assets which remain to be realised**

The only remaining assets to be dealt with are the book debts of £527,131 pertaining to the amounts owed by the parent undertaking. It is anticipated that they will be distributed in specie, following which I intend on issuing my final progress report together with a notice convening the final meeting in due course.

### **5. Joint Liquidators' remuneration**

As advised previously, my remuneration was fixed at £4,000 plus VAT and disbursements for attending to matters arising in the Liquidation. These costs were paid by Bogod Group Limited pre-appointment.

For your information, the charge out value of time costs incurred during the period to which this report relates presently amounts to £13,830.50 made up of 74.20 hours at an average charge out rate of £186.39 per hour. This cost has primarily been incurred in the administration of the Liquidation, full details of which are covered in section 2 above.

I attach at Appendix 1 a breakdown of the time costs between the grades of staff allocated to this case, which includes details of the current charge out rates of myself and my team who have been and will be dealing with the Liquidation.

I have received a fixed fee of £4,000 as agreed with the members. Therefore my remaining time costs will be borne by my firm.

A copy of "A Creditors' Guide to Liquidator's Fees", issued by the Association of Business Recovery Professionals, which sets out the basis of fixing the Liquidator's Remuneration, is available on my website at

<http://www.menzies.co.uk/helping-you/business-recovery/>

You should then choose the appropriate creditor guide for the type of appointments made November 2011 to September 2015.

Please let me know if you do not have access to the internet and would prefer a hard-copy of this guide

#### **6. Joint Liquidators' expenses**

The payments made from the estate during the period of this progress report are largely self-explanatory

The following agents or professional advisors have been utilised in this matter

<b>Professional Advisor</b>	<b>Nature of Work</b>	<b>Fee Arrangement</b>
Rawlison Butler LLP	Solicitors	Time costs

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

I have incurred legal costs of £3,239 14 together with expenses in respect of statutory advertising of £356 40 and a specific penalty bond of £288 00. However as there are no funds in the Liquidation, these expenses have been settled by way of a contribution from the directors

A statement with regard to my disbursements recovery policy is attached at Appendix 2

#### **7. Return to creditors pursuant to Section 176A**

The provisions of Section 176A of the Act require a calculation to be made of the prescribed part of the company's net property for distribution to unsecured creditors. The prescribed part must be calculated and provided for where debentures of the company have been created after 15th September 2003

The prescribed part is calculated as 50% of the first £10,000 of floating charge realisations plus 20% of all other floating charge realisations, subject to a maximum prescribed part of £600,000

As there are no relevant floating charges, the provisions of Section 176A do not apply in this matter

#### **8. Outcome for members**

No distributions have been made as yet. However as detailed in section 4 above, it is anticipated that the book debts will shortly be distributed to the members in specie

#### **9. Members' right to information**

A member may make a request for further information regarding my remuneration and expenses. Any such request must be in writing and should be made within 21 days of receipt of this report. It must be supported by at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company, or with the permission of the Court

If the information requested is either prejudicial to my conduct of this case, might lead to violence against any person, may be confidential or the costs of preparing the requested information would be excessive, I may not be obliged to provide it

Any member may make an application to the Court in respect of any information provided following such a request, or my failure to provide same, after 14 days of our receipt of that request

Additionally, members may make an application to Court to challenge the amount or basis of my remuneration and expenses, which must be supported by at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company. The application must be made within 8 weeks of receipt of this report. The costs of the application must also be paid by the members making the application

Further details with regard to these provisions form part of the guidance notes relating to fees referred to previously

#### **10. Next report**

I am required to provide a further progress report within two months of the end of the next anniversary of the Liquidation

In view of the progress achieved in the period to which this report relates, I estimate that it should take approximately another 6 months to complete the Liquidation. Once the remaining issue referred to in section 8 above has been fully resolved, the liquidation will be finalised and my files will be closed.

Should you have any further queries in relation to the contents of this report, or with regard to other matters arising, please do not hesitate to contact me.

Yours faithfully



**John Dean Cullen FCCA FABRP MIPA**  
**Licensed as an Insolvency Practitioner in the UK by the Insolvency Practitioners Association**  
**Joint Liquidator**

# **BOGOD (FORTRAN) PLC - IN LIQUIDATION**

## **APPENDIX 1**

### **TIME CHARGE OUT SUMMARY FOR THE PERIOD ENDED 6 AUGUST 2016**

#### **HOURS**

Classification of work function	Partner/ Director	Manager	Senior	Administrator	Support	Total Hours	Time Costs £	Average Hourly Rate £
<b>Admin and Planning</b>	4 60	0 80	2 60	36 30	0 00	44 30	8,703 50	196 47
<b>Investigations</b>	0 00	0 00	0 00	0 00	0 00	0 00	0 00	0 00
<b>Realisation of Assets</b>	0 00	0 00	0 00	14 20	0 00	14 20	2,414 00	170 00
<b>Creditors</b>	0 00	0 00	1 10	14 60	0 00	15 70	2,713 00	172 80
<b>Support</b>	0 00	0 00	0 00	0 00	0 00	0 00	0 00	0 00
<b>Total Hours</b>	4.60	0.80	3 70	65 10	0 00	74 20		
<b>Total Costs</b>	1,817.00	264 00	761 00	10,988 50	0.00		13,830 50	
<b>Total Fees claimed (£)</b>	0 00	0 00	0.00	0 00	0 00		4,000 00	

#### **CHARGE OUT RATES OF INSOLVENCY TEAM MEMBERS**

	From 1 October 2015	1 Jan 2015 to 31 Sept 2015	1 Jan 2014 to 31 Dec 2014
	£ per hour	£ per hour	£ per hour
Partner/Director	350-560	395-560	380-545
Manager	210-400	285-400	275-385
Senior	175-230	230	220
Administrator	100-170	115-170	110-165
Support Staff	54-80	54	52

**Note 1** There may have been a number of promotions through the various grades during the period of the administration

**Note 2** It is the policy of this firm to account for secretarial staff as an overhead cost. Overhead costs are reflected in the charge out rates detailed.

**Note 3** The charge-out rate of the Insolvency Practitioner for this assignment is currently £395 per hour, and the administrator is £170 per hour

**Note 4** Time is recorded in minimum units of 6 minutes

## **APPENDIX 2**

### **DISBURSEMENTS RECOVERY POLICY**

Professional advisors have been selected on the basis that they have the appropriate experience and qualifications to effectively deal with the issues arising in a case of this nature

All disbursements are shown as net of VAT. As the debtor was registered for VAT purposes VAT can be recovered for the benefit of the insolvent estate

#### **Category 1 Disbursements**

Specific expenditure relating to the administration of the insolvent estate and payable to an independent third party is recoverable without creditor approval. Such expenditure is made if funds are available from the insolvent estate. If funds are not available then payment is made from this firm's office account and reimbursed from the estate should funds become available

Category 1 disbursements will generally comprise external supplies of incidental services specifically identifiable to the case. Typical items include legal fees, agents' fees, statutory advertising, insurance of assets, search fees, specific penalty bonding, telephone calls, postage, invoiced travel and properly reimbursed expenses incurred by personnel in connection with the case

All disbursements such as statutory advertising, insurance of assets, search fees and specific penalty bonding which were initially paid by Menzies LLP have been recharged through the estate following receipt of the directors' contribution

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**Bogod (Fortran) Plc**  
**(In Liquidation)**  
**Joint Liquidators' Abstract of Receipts & Payments**  
**To 06/08/2016**

Dec of Sol £	£	£
	<b>ASSET REALISATIONS</b>	
	Contribution towards legal fees	3,239 14
527,131 00	Book Debts	NIL
	Contribution towards disbursements	644 40
	Bank Interest Gross	0 16
		<u>3,883 70</u>
	<b>COST OF REALISATIONS</b>	
	Specific Bond	288 00
	Legal Fees	3,239 14
	Statutory Advertising	356 40
		<u>(3,883 54)</u>
<u>527,131.00</u>		<u><u>0.16</u></u>
	<b>REPRESENTED BY</b>	
	VAT Receivable	776 71
	Barclays - NIB	0 16
	VAT Payable	(776 71)
		<u>0.16</u>

John Dean Cullen FCCA FABRP MIPA  
Joint Liquidator



**Bogod (Fortran) plc TRUST A/C**  
**(In Liquidation)**  
**Joint Liquidators' Abstract of Receipts & Payments**  
**To 06/08/2016**

Dec of Sol £	£	£
<b>ASSET REALISATIONS</b>		
Bank Interest Gross	6 41	
Dissentient Share Funds (on trust)	36,497 05	
		36,503 46
<b>COST OF REALISATIONS</b>		
Share consideration paid to Court	35,940 46	
Dissentient Shareholders	556 59	
		(36,497 05)
		<b>6 41</b>
<b>REPRESENTED BY</b>		
Barclays NIB - Trust Account		6 41
		<b>6.41</b>

John Dean Cullen FCCA FABRP MIPA  
Joint Liquidator