

LIQ03

Notice of progress report in voluntary winding up



Companies House

SATURDAY



QIQ

Q6E4ENXE

02/09/2017

COMPANIES HOUSE

#45

1 Company details

Company number 0 0 3 1 6 5 2 7

Company name in full S W D & M Products Limited

→ Filing in this form

Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s) Edward

Surname Kerr

3 Liquidator's address

Building name/number Two Snowhill

Street

Post town Birmingham

County/Region

Postcode B 4 6 G A

Country

4 Liquidator's name

Full forename(s) Malcolm

Surname Cohen

① Other liquidator

Use this section to tell us about
another liquidator.

5 Liquidator's address

Building name/number 55 Baker Street

Street

Post town London

County/Region

Postcode W 1 U 7 E U

Country

② Other liquidator

Use this section to tell us about
another liquidator.

LIQ03

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6

Period of progress report

From date

^d0^d6^m0^m7^y2^y0^y1^y6

To date

^d0^d5^m0^m7^y2^y0^y1^y7

7

Progress report

☒ The progress report is attached

8

Sign and date

Liquidator's signature

Signature

X



X

Signature date

^d0^d1^m0^m9^y2^y0^y1^y7

LIQ03

Notice of progress report in voluntary winding up

**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	Ann Moore
Company name	BDO LLP
Address	Two Snowhill
Post town	Birmingham
County/Region	
Postcode	B 4 6 G A
Country	
DX	
Telephone	0121 352 6200

**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



Tel: +44 (0)121 352 6200
Fax: +44 (0)121 352 6222
www.bdo.co.uk

TWO SNOWHILL
Birmingham
B4 6GA
UNITED KINGDOM

1 September 2017

Your Ref
Our Ref C/C2/S92A Annual
Report

Please ask for
Ann Moore
Tel: 0121 352 6399

Dear Sir/Madam

SWD&M Products Limited - In Members' Voluntary Liquidation ("the Company")
Registered Number: 00316527

This is my annual progress report under Section 92A of the Insolvency Act 1986 ("the Act") and I am pleased to report on the progress of the liquidation up to 5 July 2017, being the day prior to the anniversary of the liquidation.

Statutory Information

The Joint Liquidators are Edward Kerr (office holder number: 9021) and Malcolm Cohen (office holder number: 6825) of BDO LLP, Two Snowhill, Birmingham, B4 6GA, who were appointed Joint Liquidators on 6 July 2016.

The Company's registered number is 00316527. The Company was incorporated on 16 July 1936. The Company had no former names in the 12 months before liquidation.

The Company's principal trading address and former registered office was Morpeth Wharf, Twelve Quays, Birkenhead, Wirral, CH41 1LF. The registered office was changed to Two Snowhill, Birmingham, B4 6GA after the member passed the winding up resolution.

Receipts and Payments

I enclose a receipts and payments account which includes the amounts entered onto the declaration of solvency, as well as any realisations or payments. I have received no funds on this case and, accordingly, there are no physical receipts or payments to report.

Creditors

There were no creditors included on the declaration of solvency and no claims have been received in the liquidation.

HM Revenue & Customs ("HMRC")

I advised HMRC that the Company had been placed into liquidation as part of a group entity elimination programme, with the Company having been dormant for at least several years. HMRC has confirmed that there are no outstanding matters or liabilities in respect of corporation or other taxes, albeit that it took longer than anticipated to receive this clearance.

Distributions

As at 5 July 2017, there had been no capital distributions to the member.

Outstanding Matters

The Company has recently received notification of a possible insurance claim made by a former employee, and this is being investigated.

Liquidators' Remuneration

The insolvency legislation provides that liquidators are obliged to have their remuneration approved on one of the following bases:

- (1) as a percentage of the assets realised and distributed; and/or
- (2) by reference to the time the Liquidators and their staff have spent attending to matters in the liquidation; and/or
- (3) as a set amount; and/or
- (4) as a combination of the above.

The members approved the Joint Liquidators' remuneration on a fixed fee basis of £2,500.00 plus disbursements and VAT at a general meeting held on 6 July 2016. The fee and disbursements are to be paid by an appropriate Faiveley group company.

Disbursements

Where disbursements are recovered in respect of precise sums expended to third parties there is no necessity for these costs to be authorised. These are known as category 1 disbursements. The disbursements for the Company amounted to £123.49, and were in respect of £118.49 for statutory advertising and £5.00 for statutory insurance.

Members' Rights

Members with the concurrence of at least 5% in value of the members may within 21 days of this report request in writing further information regarding the remuneration and expenses set out in this report. In accordance with Rule 18.9(3) of The Insolvency (England and Wales) Rules ("the Rules") within 14 days of a request we will provide further information or explain why further information is not being provided.

If my response explains why further information is not being provided, a member (who need not be the member who asked for the information) may, with the concurrence of at least 5% or more in value of the members (including the member in question), apply to the court within 21 days of my response or the expiry of the period for my response and the court may make such order as it thinks fit (Rule 18.9(6) and (7) of the Rules). Members with the concurrence of at least 10% of the members may apply to the court if they consider that the remuneration of the Joint Liquidators or expenses charged by the Joint Liquidators are excessive, or the basis fixed for the

application must be made within 8 weeks of receiving this draft report. The text of Rules 18.9 and 18.34 are set out at the end of this report.

If a member wishes to receive future notifications of future documents and reports in respect of this Liquidation via email, please provide details of the email address you want to use, to me in writing to the address at the top of this letter. You may subsequently ask that notifications are sent by post, by writing to me to revoke use of your email address.

Members have the right to opt-out of receiving notifications in respect of this liquidation. If a member opts out they will still receive notices regarding any dividend or any change in officeholder, but no other documents. Opting out will not affect a member's entitlement to dividends and they may still vote in any future decision procedure, although the member will not receive notice in this latter respect. A member may elect to opt-out by writing to me at the address at the top of this letter. To opt back into communications a creditor must notify me in writing.

The Insolvency Service has established a central gateway for considering complaints in respect of Insolvency practitioners. In the event that you make a complaint to me but are not satisfied with the response from me then you should visit <https://www.gov.uk/complain-about-insolvency-practitioner> where you will find further information on how you may pursue the complaint.

The Joint Liquidators are bound by the Insolvency Code of Ethics when carrying out all professional work relating to this appointment. A copy of the code is at <http://www.icaew.com/en/members/regulations-standards-and-guidance/ethics/code-of-ethics-d>.

Please contact me or my colleague Ann Moore, should you require further information.

Yours faithfully
for and on behalf of
SWD&M Products Limited



Edward T Kerr
Joint Liquidator

Edward T Kerr is authorised by the Institute of Chartered Accountants in England and Wales in the UK to act as an Insolvency Practitioner

Enc

Statement from the Insolvency (England and Wales) Rules 2016 regarding the rights of creditors in respect of the Joint Liquidators' fees and expenses:**Creditors' and members' requests for further information in administration, winding up and bankruptcy**

- 18.9(1)** The following may make a written request to the office-holder for further information about remuneration or expenses (other than pre-administration costs in an administration) set out in a progress report under rule 18.4(1)(b), (c) or (d) or a final report under rule 18.14—
- (a) a secured creditor;
 - (b) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question);
 - (c) members of the company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company;
 - (d) any unsecured creditor with the permission of the court; or
 - (e) any member of the company in a members' voluntary winding up with the permission of the court.
- (2) A request, or an application to the court for permission, by such a person or persons must be made or filed with the court (as applicable) within 21 days of receipt of the report by the person, or by the last of them in the case of an application by more than one member or creditor.
- (3) The office-holder must, within 14 days of receipt of such a request respond to the person or persons who requested the information by—
- (a) providing all of the information requested;
 - (b) providing some of the information requested; or
 - (c) declining to provide the information requested.
- (4) The office-holder may respond by providing only some of the information requested or decline to provide the information if—
- (a) the time or cost of preparation of the information would be excessive; or
 - (b) disclosure of the information would be prejudicial to the conduct of the proceedings;
 - (c) disclosure of the information might reasonably be expected to lead to violence against any person; or
 - (d) the office-holder is subject to an obligation of confidentiality in relation to the information.
- (5) An office-holder who does not provide all the information or declines to provide the information must inform the person or persons who requested the information of the reasons for so doing.
- (6) A creditor, and a member of the company in a members' voluntary winding up, who need not be the same as the creditor or members who requested the information, may apply to the court within 21 days of—
- (a) the office-holder giving reasons for not providing all of the information requested; or
 - (b) the expiry of the 14 days within which an office-holder must respond to a request.
- (7) The court may make such order as it thinks just on an application under paragraph (6).

Remuneration and expenses: application to court by a creditor or member on grounds that remuneration or expenses are excessive

- 18.34.**—(1) This rule applies to an application in an administration, a winding-up or a bankruptcy made by a person mentioned in paragraph (2) on the grounds that—
- (a) the remuneration charged by the office-holder is in all the circumstances excessive;
 - (b) the basis fixed for the office-holder's remuneration under rules 18.16, 18.18, 18.19, 18.20 and 18.21 (as applicable) is inappropriate; or
 - (c) the expenses incurred by the office-holder are in all the circumstances excessive.
- (2) The following may make such an application for one or more of the orders set out in rule 18.36 or 18.37 as applicable—
- (a) a secured creditor,
 - (b) an unsecured creditor with either—
 - (i) the concurrence of at least 10% in value of the unsecured creditors (including that creditor), or
 - (ii) the permission of the court, or
 - (c) in a members' voluntary winding up—
 - (i) members of the company with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company, or
 - (ii) a member of the company with the permission of the court.

- (3) The application by a creditor or member must be made no later than eight weeks after receipt by the applicant of the progress report under rule 18.3, or final report or account under rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report").

Applications under rules 18.34 and 18.35 where the court has given permission for the application

- 18.36.**— (1) This rule applies to applications made with permission under rules 18.34 and 18.35.
- (2) Where the court has given permission, it must fix a venue for the application to be heard.
- (3) The applicant must, at least 14 days before the hearing, deliver to the office-holder a notice stating the venue and accompanied by a copy of the application and of any evidence on which the applicant intends to rely.
- (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 office-holder is entitled to charge;
 - (b) an order reducing any fixed 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 is not to be treated as expenses of the administration, winding up or bankruptcy;
 - (e) an order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by —
 - (i) the administrator or liquidator or the administrator's or liquidator's personal representative to the company, or
 - (ii) the trustee or the trustee's personal representative to such person as the court may specify as property comprised in the bankrupt's estate;
 - (f) any other order that it thinks just.
- (5) An order under paragraph (4)(b) or (c) may only be made in respect of periods after the period covered by the relevant report.
- (6) Unless the court orders otherwise the costs of the application must be paid by the applicant, and are not payable as an expense of the administration, winding up or bankruptcy.

Applications under rule 18.34 where the court's permission is not required for the application

- 18.37.**— (1) On receipt of an application under rule 18.34 for which the court's permission is not required, the court may, if it is satisfied that no sufficient cause is shown for the application, dismiss it without giving notice to any party other than the applicant.
- (2) Unless the application is dismissed, the court must fix a venue for it to be heard.
- (3) The applicant must, at least 14 days before any hearing, deliver to the office-holder a notice stating the venue with a copy of the application and of any evidence on which the applicant intends to rely.
- (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 office-holder is entitled to charge;
 - (b) an order reducing any fixed 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 administration or winding up or bankruptcy;
 - (e) an order for the payment of the amount of the excess of remuneration or expenses or such part of the excess as the court may specify by —
 - (i) the administrator or liquidator or the administrator's or liquidator's personal representative to the company, or
 - (ii) the trustee or the trustee's personal representative to such person as the court may specify as property comprised in the bankrupt's estate;
 - (f) any other order that it thinks just.
- (5) An order under paragraph (4)(b) or (c) may only be made in respect of periods after the period covered by the relevant report.
- (6) Unless the court orders otherwise the costs of the application must be paid by the applicant, and are not payable as an expense of the administration or as winding up or bankruptcy.

S W D & M Products Limited
(In Liquidation)
Joint Liquidators' Abstract of Receipts & Payments
To 05/07/2017

Dec of Sol £		£	£
1,000.00	ASSET REALISATIONS		
	Debtors	NIL	NIL
1,000.00			NIL
	REPRESENTED BY		NIL

Note:

Edward Kerr
Joint Liquidator