

## The Insolvency Act 1986

Liquidator's Progress  
Report

S.192

Pursuant to Sections 92A, 104A and 192 of the  
Insolvency Act 1986

To the Registrar of Companies

For official use

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Company Number

02761820

Insert full name of  
company

Name of Company

BERNSHAW LIMITED

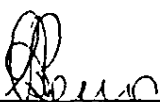
Insert full name(s) and address(es)

We (a) N A Bennett and A D Cadwallader  
5th Floor, Grove House 248a Marylebone  
Road London NW1 6BB

the joint liquidators of the Company, attach a copy of our Progress Report under section 192 of the  
Insolvency Act 1986

The Progress Report covers the period from 1 September 2015 to 31st August 2016

Signed

  
 N A BENNETT  
 Joint Liquidator

Date 18 October 2016

Presenter's name  
address and reference  
(if any)

Leonard Curtis  
5th Floor, Grove House,  
248a Marylebone Road  
London NW1 6BB  
(Ref SWW/18)

For Official Use

Liquidation Section

Post Room

COMPANIES HOUSE

WEDNESDAY



\*ASHWZWM1\*

A15

19/10/2016

#460



**LEONARD CURTIS**  
BUSINESS RESCUE & RECOVERY

**BERNSHAW LIMITED**  
**(In Creditors' Voluntary Liquidation)**

Registered Number 02761820

**Joint Liquidators' Annual Progress Report**  
**for the period from 1 September 2015 to 31st August 2016**

**18 October 2016**

COMPANIES HOUSE



A15

19/10/2016

#459

**Leonard Curtis**

**5th Floor, Grove House, 248a Marylebone Road**  
**London NW1 6BB**

**Tel 020 7535 7000 Fax 020 7723 6059**  
**solutions@leonardcurtis.co.uk**

**Ref LJ18/SVW/SBER12/1010**

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TO THE REGISTRAR OF COMPANIES, ALL MEMBERS AND ALL CREDITORS

**1 INTRODUCTION**

- 1 1 A D Cadwallader and I were appointed Joint Liquidators of Bernshaw Limited ("the Company") at meetings of members and creditors held on 1 September 2015. I am licensed in the UK by the Insolvency Practitioners Association and A D Cadwallader is licensed in the UK by the Institute of Chartered Accountants in England and Wales.
- 1 2 This progress report provides an update on the conduct of the liquidation as required by Section 104(A)(1) of the Insolvency Act 1986 ("the Act"). It contains details of the progress made, the expected outcome for creditors and other information that we are required to disclose.

**2 PROGRESS OF THE LIQUIDATION**

- 2 1 The Company's registered office was changed from 58-60 Berners Street, London W1T 3JS to One Great Cumberland Place, Marble Arch, London W1H 7LW and thereafter to 5th Floor, Grove House, 248a Marylebone Road, London NW1 6BB following our appointment. The registered number is 02761820.

**Trade Debtors**

- 2 2 The Company operated a factoring facility with HSBC Invoice Finance (UK) Limited ("HSBCIF"). The statement of affairs showed debtors with a book value of £121,709 and an estimated to realise value of £97,367. HSBCIF were owed £64,444.
- 2 3 HSBCIF wrote to us in November 2015 confirming that they had collected debts sufficient to repay the amount due to them and re-assigned the ledger back to the Company. We subsequently instructed DAL Commercial Consultants Limited ("DAL") to assist us in collecting the remaining debts.
- 2 4 To date, £28,673.19 has been collected. DAL are continuing with their collection and further realisations are anticipated.

**Balance at Bank**

- 2 5 £25,340.39 has been received.

**Stock**

- 2 6 Following appointment we received a number of returned dresses from former customers. We subsequently instructed independent agents, ITC Valuers ("ITC"), to deal with the sale of these items.
- 2 7 ITC advised that the items were all old season stock and their value was negligible. To date, £400 has been received from their sale to non-connected parties and no further realisations are anticipated.

**3 ASSETS THAT REMAIN TO BE REALISED**

The only remaining assets are the outstanding balances on the sales ledger. Updates will be provided in future reports.

#### **4 RECEIPTS AND PAYMENTS ACCOUNT AND OUTCOME FOR CREDITORS**

##### **Receipts and Payments Account**

4 1 I attach at Appendix A a summary of our receipts and payments during the period of this report

4 2 Details of expenses incurred and paid during the period of this report are shown on the receipts and payments account. No expenses have been incurred but not paid.

##### **Creditors**

##### **4 3 Secured Creditors**

Bernshaw Limited Pension Scheme ("BLPS") hold a debenture incorporating fixed and floating charges dated 22 October 2009. At the date of liquidation BLPS were owed £31,450. Any distribution to BLPS will depend upon the final levels of realisations and costs and the amount of any prescribed part payable to unsecured creditors.

##### **4 4 Preferential Creditors**

Claims totalling £4,078.48 have been received. Preferential claims have been paid in full outside the period of this report.

##### **4 5 Unsecured Creditors**

The statement of affairs showed unsecured claims totalling £136,193. Any distribution to unsecured creditors will be from a prescribed part and will depend upon the final levels of realisations and costs.

#### **5 INVESTIGATIONS**

5 1 We have complied with our statutory obligations under the Company Directors Disqualification Act 1986 and the appropriate report has been submitted to the relevant authority.

5 2 We have carried out enquiries that we considered to be proportionate to the circumstances of the case. After completing these we were of the opinion that there were no matters that might lead to recoveries for the estate and that no further investigation was appropriate.

#### **6 JOINT LIQUIDATORS' REMUNERATION AND DISBURSEMENTS**

6 1 Following the resolution passed at the meeting of creditors held on 1 September 2015 that our remuneration be payable by reference to time properly given by us and our staff in attending to matters arising in the liquidation we have drawn remuneration of £10,752 against time costs incurred during the period of this report of £12,740. These costs represent 59.9 hours at an average hourly rate of £212.69. I attach at Appendix B a time analysis which provides details of the activity costs incurred by staff grade during the liquidation. Details of our company's charge out rates and policy regarding the recharge of disbursements, staff allocation, support staff and the use of subcontractors are attached at Appendix C. Further information may be found in "Guide to Liquidator's Fees". This may be downloaded from <http://www.leonardcurtis.co.uk/resources/creditorsguides> or is available from our office free of charge on request. Costs have been incurred in the following main areas of activity:

## Assets

Time has been incurred in instructing and liaising with agents and customers regarding the return and sale of stock, instructing debt collectors and weekly conversations regarding progress, discussions with debtors and agreement of account settlements and correspondence with the Company's pre-appointment bankers regarding payment of the credit balance in the account

## Statutory and Review

Time has been incurred in undertaking quarterly reviews with case staff on the progress of the liquidation, periodic reviews of the case files and preparation of the statutory report on the conduct of the directors

- 6.2 Creditors also approved the basis for recharging disbursements that include an element of allocated cost or payments to outside parties in which Leonard Curtis or the Joint Liquidators have an interest. In this case, the following costs falling into the above categories have been incurred and, where indicated, reimbursed to our company

Type	Incurred £	Paid £	Unpaid £
Internal photocopying @ 10p per copy	17.60	-	17.60
General stationery, postage, telephone etc @ £100 per 100 creditors/ members or part thereof	-	-	-
Room hire @£100 per meeting	-	-	-
Storage of office files (6 years) £88.75 per box	-	-	-
Business mileage @45p a mile	-	-	-
Other	-	-	-
<b>Total</b>	<b>17.60</b>	<b>-</b>	<b>17.60</b>

- 6.3 During the liquidation we have used the following professional advisors, including subcontractors

Name of Professional Advisor	Service Provided	Basis of Fees
DAL Commercial Consultants Limited	Debt Collection	Percentage of Realisations
ITC Valuers	Asset Disposal	Time Costs
Cumber Consultants Limited	Pension Advice	Agreed Fee
Insol Employee Solutions Limited	Employee Claims	Agreed Fee

## 7 CREDITORS' RIGHTS

- 7.1 A secured creditor, or an unsecured creditor (with the concurrence of at least 5% in value of the unsecured creditors) may, within 21 days of the receipt of this report, make a request in writing to us for further information about remuneration or expenses set out in this report
- 7.2 Within 14 days of receipt of the request, we must provide all of the information asked for, except so far as we consider that -
- the time or cost of preparation of the information would be excessive, or
  - 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
  - we are subject to an obligation of confidentiality in respect of the information

We must also give reasons for not providing all of the information

## Bernshaw Limited – In Creditors' Voluntary Liquidation

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- 7.3 Any creditor of the Company, who need not be the same creditor who asked for the information, may within 21 days of our giving reasons for not providing all of the information, or if we fail to provide the information within 14 days of being so requested, apply to the Court and the Court may make such order as it thinks just
- 7.4 Any secured creditor, or an unsecured creditor (with the concurrence of at least 10% in value of the unsecured creditors) may within 8 weeks of receipt of this progress report make an application to Court on the grounds that the basis fixed for our remuneration, the remuneration charged or the expenses incurred by us as set out in this progress report are excessive

If you require further information please contact my office in writing. Electronic communications should include a full postal address

Yours faithfully



**N A BENNETT**  
Joint Liquidator

Licensed in the UK by the Insolvency Practitioners Association

APPENDIX A

Summary of Joint Liquidators' Receipts and Payments  
from 1 September 2015 to 31 August 2016

	Statement of Affairs £	
<b>RECEIPTS</b>		
Balance at Bank	30,000	25,340 39
Book Debts - Trade	32,923	28,673 19
	<hr/>	<hr/>
	62,923	54,013 58
	<hr/>	
Deposit Interest Gross		22 11
Stock		400 00
		<hr/>
		54,435 69
<b>PAYMENTS</b>		
Agents' Commission and Expenses	400 00	
Debt Collection Expenses	4,819 28	
Statutory Advertising	236 25	
Bordereau Fee	135 00	
IT Licence Fee	87 00	
Other Professional Fees	445 00	
Storage Charges	720 31	
Sundry Expenses/Disbursements	61 31	
Cost of Creditors' Meeting	8,000 00	
Joint Liquidators' Remuneration - on account	10,752 00	25,656 15
	<hr/>	<hr/>
<b>Balance in Hand</b>		28,779 54
		<hr/>
<b>Represented By -</b>		
Current Account		23,782 71
VAT Control Account		4,996 83
		<hr/>
		28,779 54
		<hr/>



## Summary of Joint Liquidators' Time Costs from 1 September 2015 to 31 August 2016

	Director		Senior Manager		Manager 2		Administrator 1		Administrator 2		Administrator 4		Total		Average
	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Units	Cost	Hourly Rate
	£		£		£		£		£		£		£		£
Statutory & Review	5	225 00	14	574 00	-	-	18	468 00	4	92 00	38	570 00	79	1 929 00	244 18
Receipts & Payments	-	-	1	41 00	1	32 00	34	884 00	2	46 00	10	150 00	48	1 153 00	240 21
Insurance	-	-	-	-	-	-	2	52 00	6	138 00	20	300 00	28	490 00	175 00
Assets	8	360 00	3	123 00	-	-	117	3 042 00	32	736 00	159	2 385 00	319	6 646 00	208 34
Liabilities			3	123 00	-	-	2	52 00	-	-	15	225 00	20	400 00	200 00
General Administration			3	123 00	-	-	3	78 00	17	391 00	28	420 00	51	1 012 00	198 43
Appointment		-		-	-	-					24	360 00	24	360 00	150 00
Post Appointment Creditor Reporting	10	450 00	-	-	-	-					-	-	10	450 00	450 00
Investigations		-		-	-	-					20	300 00	20	300 00	150 00
Total	23	1 035 00	24	984 00	1	32 00	176	4 575 00	61	1,403 00	314	4 710 00	599	12 740 00	
Average Hourly Rate (£)		<u>450 00</u>		<u>410 00</u>		<u>320 00</u>		<u>260 00</u>		<u>230 00</u>		<u>150 00</u>		<u>212 69</u>	

All Units are 6 minutes

APPENDIX C

ADDITIONAL INFORMATION IN RELATION TO THE POLICY OF LEONARD CURTIS REGARDING FEES AND DISBURSEMENTS

The following information relating to the policy of Leonard Curtis is considered to be relevant

**Staff Allocation and Support Staff**

We take an objective and practical approach to each assignment which includes active director involvement from the outset. Other members of staff will be assigned on the basis of experience and specific skills to match the needs of the case.

Time spent by secretarial and other support staff on specific case related matters, e.g. report despatching, is not charged.

Where it has been agreed by resolution of the secured and/or preferential creditors, a creditors' committee or creditors generally, that the office holders' remuneration will be calculated by reference to the time properly given by the office holders and their staff in attending to matters arising in the appointment, then such remuneration will be calculated in units of 6 minutes at the standard hourly rates given below. In cases of exceptional complexity or risk, the office holders reserve the right to obtain authority from the appropriate body of creditors that their remuneration on such time shall be charged at the higher complex rate given below.

The following hourly charge out rates apply to all assignments undertaken by Leonard Curtis

	Standard £	Complex £
Director	450	562
Senior Manager	410	512
Manager 1	365	456
Manager 2	320	400
Administrator 1	260	325
Administrator 2	230	287
Administrator 3	210	262
Administrator 4	150	187

**The Use of Subcontractors**

Details of any subcontractor(s) used are given in the attached report.

**Professional Advisors**

Details of any professional advisor(s) used are given in the attached report. Unless otherwise indicated the fee arrangement for each will be based on hourly charge out rates, which are reviewed on a regular basis, together with the recovery of relevant disbursements.

The choice of professional advisors will be based around a number of factors including, but not restricted to, their expertise in a particular field, the complexity or otherwise of the assignment and their geographic location.

**Disbursements**

Specific expenditure relating to the administration of a particular case is recoverable without approval and is referred to as a "category 1 disbursement". Category 1 disbursements will generally comprise supplies of incidental services specifically identifiable to the case, typically for items such as identifiable telephone calls, postage, case advertising, invoiced travel and properly reimbursed expenses incurred by personnel in connection with the case. Also included will be services specific to the case where these cannot practically be provided internally such as printing, room hire and document storage.

Where we propose to recover costs which, whilst being in the nature of expenses or disbursements, may include an element of shared or allocated costs (such as room hire, documents storage or communication facilities provided by us) they must be disclosed and be authorised by those responsible for approving the liquidator's remuneration. Such expenditure is referred to as a "category 2 disbursement". In the event of charging for category 2 disbursements the following items of expenditure are recharged on this basis and are believed to be in line with the cost of external provision:

Internal photocopying	10p per copy
General stationery, postage, telephone etc	£100 per 100 creditors/ members or part thereof
Room Hire	£100
Storage of office files (6 years)	£88.75 per box
Business Mileage	45p a mile