

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	0	4	8	3	7	1	8
Company name in full	Buckfast Spinning Company Limited							

→ **Filling in this form**
Please complete in typescript or in
bold black capitals.

2 Liquidator's name

Full forename(s)	Benjamin John
Surname	Wiles

3 Liquidator's address

Building name/number	The Shard
Street	32 London Bridge Street
Post town	London
County/Region	
Postcode	S E 1 9 S G
Country	England

4 Liquidator's name ①

Full forename(s)	Geoffrey
Surname	Bouchier

① **Other liquidator**
Use this section to tell us about
another liquidator.


5 Liquidator's address ②

Building name/number	The Shard
Street	32 London Bridge Street
Post town	London
County/Region	
Postcode	S E 1 9 S G
Country	England

② **Other liquidator**
Use this section to tell us about
another liquidator.

LIQ03

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6	Period of progress report															
From date	d	0	d	9	m	1	m	2	y	2	y	0	y	2	y	1
To date	d	0	d	8	m	1	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	6	m	0	m	1	y	2	y	0	y	2	y	3

**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 Lorraine Cox

Company name Kroll Advisory Ltd.

Address The Shard

32 London Bridge Street

Post town London

County/Region

Postcode SE1 9SG

Country England

DX

Telephone +353 43 33 44615

**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

16 January 2023

Progress Report to Creditors

**Buckfast Spinning Company
Limited
(In Creditors' Voluntary
Liquidation)**

*Joint Liquidators' Progress Report to Creditors
for the period from 9 December 2021 to 8 December 2022*

Kroll Advisory Ltd.
The Shard
32 London Bridge Street
London
SE1 9SG

Definitions

Word or Phrase	Definition
the Act	The Insolvency Act 1986 (as amended)
ACL	ACL 123 Limited (In Creditors' Voluntary Liquidation) (Formerly Axminster Carpets, Limited) Company Number: 00324654
the Appointment Date	22 May 2013, being the date of appointment of the Joint Liquidators
the Company	Buckfast Spinning Company Limited (In Creditors' Voluntary Liquidation) Company Number: 00483718
the Cumulative Period	22 May 2013 to 8 December 2022
BEIS	Department for Business, Energy & Industrial Strategy
the Directors	Joshua Dutfield, Simon Dutfield, David Jeffery, Leslie Tonkin and Simon Wright, the directors of the Company as at the Appointment Date
Category 1 Expenses	The Joint Liquidators' expenses, in dealing with the Liquidation, to persons providing the service to which the expense relates and who are not an associate of the Liquidator. These expenses can be paid without prior approval.
Category 2 Expenses	The Joint Liquidators' expenses, in dealing with the Liquidation, to associates or where there is an element of shared costs. Such expenses require approval by creditors before payment.
Kroll	Kroll Advisory Ltd., The Shard, 32 London Bridge Street, London SE1 9SG
Filefigure	Filefigure 30 Limited, the holder of fixed and floating charge security over the assets of the Company at the Appointment Date
Form MR04	Statement of satisfaction in full or in part of a charge, which is filed at the Registrar of Companies
HMRC	HM Revenue and Customs
HSBC	HSBC Asset Finance (UK) Limited and HSBC Equipment Finance (UK) Limited, the holders of chattel mortgages registered against the Company at the Appointment Date

the Joint Liquidators	Benjamin Wiles and Geoffrey Bouchier of Kroll Contact name: Lorraine Cox Contact telephone: +353 43 33 44615 Contact e-mail: Lorraine.Cox@kroll.com
LTSB	Lloyds Bank Plc, the holder of fixed and floating charge security over the assets of the Company at the Appointment Date
PNC	PNC Financial Services UK Ltd, the holder of fixed and floating charge security over the assets of the Company at the Appointment Date
PPF	Pension Protection Fund, statutory fund intended to protect members if their pension fund becomes insolvent
Prescribed Part	Pursuant to Section 176A of the Act, where a floating charge is created after 15 September 2003, a designated amount of a company's net property (floating charge assets less costs of realisation) shall be made available to non-preferential unsecured creditors
the Previous Reports	The Joint Liquidators' Progress Reports to Creditors dated 10 July 2014, 20 January 2015, 2 February 2016, 6 February 2017, 31 January 2018, 30 January 2019, 24 January 2020, 25 January 2021 and 31 January 2022
the Reporting Period	The period from 9 December 2021 to 8 December 2022
the Rules	The Insolvency (England and Wales) Rules 2016 (as amended)
SIP 9	Statement of Insolvency Practice 9 – Industry Best Practice for Insolvency Practitioners in relation to disclosure of remuneration and expenses
SOA	Statement of Affairs, documentation supplied by the Directors outlining the Company's financial position as at the Appointment Date

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2. Analysis of Expenses Incurred
3. Analysis of Time Charged
4. Statement of Creditors' Rights
5. Proof of Debt Form

1. Introduction

The purpose of this report is to detail the Joint Liquidators' acts and dealings together with the conduct of the Liquidation for the Reporting Period.

This report should be read in conjunction with the Previous Reports.

2. Progress of the Liquidation

The manner in which the affairs and business of the Company have been managed in the Reporting Period are set out below.

Debtors

As per the SOA, the Company had an inter-company debt of £2,645,000 in relation to the hive up of the Company's business to ACL in 2010.

The Company received funds totalling £79,350 in a prior reporting period in respect of its non-preferential unsecured claim in the Liquidation of ACL. No further funds have been received in the Reporting Period.

The Joint Liquidators of ACL have advised there is likely to be a second and final distribution to non-preferential unsecured creditors of ACL and that the exact quantum and timing of the dividend is uncertain. Both the quantum and timing of the second and final distribution is dependent on the PPF's final claim in the Liquidation of ACL.

The Joint Liquidators of ACL have confirmed that the PPF have advised that the pension scheme is in the process of being wound up in accordance with legal proceedings. The Joint Liquidators of ACL have not received the final claim from the PPF in this respect and it is uncertain when the claim will be received.

Once the final PPF claim is obtained, the Joint Liquidators of ACL should be in a position to commence the distribution of the second and final dividend to non-preferential unsecured creditors, including the Company.

Depending on the quantum of the second and final distribution, it may be possible to distribute a first and final dividend to the non-preferential unsecured creditors of the Company, further details at section 3.

Cash at Bank

During the Reporting Period, a balance of £665 was realised in respect of an historic balance held in a previously unknown bank account in the name of the Company.

Bank Interest

Bank interest of £2 was realised in the Reporting Period.

Sundry Receipts

The Company received a receipt of £6 during the Reporting Period in relation to compensation from a wayleave agreement. This amount is paid annually by Western Power Network, for cables running through the Buckfast site.

Investigations

As previously reported, the Joint Liquidators have complied with their statutory obligation to file a report with BEIS regarding the conduct of the directors who served in the 3 years prior to the Appointment Date. There are no outstanding lines of enquiry.

Statutory and Compliance Matters

Certain work has been performed solely to comply with statutory and compliance requirements. Whilst many of these tasks do not have a direct benefit in enhancing realisations, they assist in the efficient compliant progress of the Liquidation, ensuring that work is carried out to a high professional standard.

3. Liabilities and Dividends

Secured Creditors

LTSB

The Company granted a debenture in favour of LTSB, created on 4 August 2006, which conferred fixed and floating charges over all assets of the Company.

As at the Appointment Date, LTSB confirmed that there was no outstanding liability. Accordingly, Form MR04 was filed at Companies House on 26 July 2013.

PNC

The Company granted PNC fixed and floating charges over all of the Company's property and assets present and future, by way of a composite guarantee and debenture, created on 23 December 2011.

As at the Appointment Date, PNC confirmed that there was no outstanding liability. Accordingly, Form MR04 was filed at Companies House on 26 July 2013.

Filefigure

The Company granted Filefigure fixed and floating charges by way of a guarantee and debenture, created on 14 December 2012.

As at the Appointment Date, the indebtedness to Filefigure was £1,200,000 as per the SOA, subject to accruing interest and charges. The indebtedness was discharged by ACL on 31 July 2013 and the charges satisfied as part of cross-corporate guarantees of the wider group. Form MR04 was filed at Companies House on 8 August 2013.

HSBC

The Company granted HSBC two chattel mortgages, created on 29 April 2005 and 11 October 2005.

As at the Appointment Date, HSBC confirmed that there was no outstanding liability. Accordingly, Forms MR04 were filed at Companies House on 17 October 2013.

Preferential Creditors

The Company ceased trading in 2010 when the Company's business was hived-up into ACL and did not have any employees at the Appointment Date.

No preferential claims have been received in the Liquidation to date.

Prescribed Part

There are no outstanding floating charge creditors in this case and therefore the Prescribed Part does not apply.

Non-Preferential Unsecured Creditors

According to the SOA, non-preferential unsecured creditors total £16,207,983 and claims totalling £16,736,810 have been received to date. The non-preferential unsecured creditors can be summarised as follows:

	SOA (£)	Claims Received (£)
Trade and Expenses Creditors	600	69,308
Axminster Group Retirement Plan	15,100,000	15,100,000
HMRC	1,107,383	1,567,502
Total	16,207,983	16,736,810

On the basis that a further dividend is received from ACL, then it may be likely that there will be sufficient funds available to enable a small distribution to non-preferential unsecured creditors.

It is not possible to estimate the quantum and timing of any dividend as it is wholly dependent on the value of the second dividend from ACL and receipt of the PPF's final claim.

Any creditors yet to submit a claim against the Company may do so by completing and returning the Proof of Debt Form enclosed at Appendix 5. The Joint Liquidators will write to creditors separately with a statutory notice if in a position to pay a non-preferential unsecured dividend.

4. Costs and Expenses

Joint Liquidators' Remuneration and Time Costs

The Joint Liquidators remuneration was fixed on the basis of time properly charged at the creditors' meeting held on 22 May 2013.

Details of the time costs incurred in the Reporting Period and the Cumulative Period are provided at Appendix 3. Time is charged in six-minute units.

The Joint Liquidators' time costs for the Reporting Period total £4,773 representing 10 hours at an average hourly rate of £477.

The Joint Liquidators' time costs for the Cumulative Period total £88,884, representing 309 hours at an average hourly rate of £288.

In accordance with SIP 9, it is noted that the entirety of the time costs incurred in the Reporting Period relate to administration and planning matters. Time spent in this regard did not provide a direct benefit to creditors but related to: the Joint Liquidators complying with statutory duties including the preparation of the last annual progress report to creditors; liaising with HMRC; liaising with the Joint Liquidators of ACL regarding dividend prospects; undertaking case reviews and other statutory requirements; and preparing the future strategy for the Liquidation and in relation to dividend distributions.

No fees were drawn in the Reporting Period.

Expenses

Expenses are any payments from the Liquidation which are neither a Liquidator's remuneration nor a distribution to a creditor or member. Expenses also include disbursements. Disbursements are payments which are first met by the Liquidator and then reimbursed to the Liquidator from the Liquidation.

Expenses are divided into those that do not need approval before they are charged to the Liquidation (Category 1 Expenses) and those that do (Category 2 Expenses).

A breakdown of the expenses incurred and paid in the Reporting Period and the Cumulative Period is provided at Appendix 2.

In the Reporting Period, no Category 1 Expenses were incurred.

In the Cumulative Period, Category 1 Expenses incurred total £6,458 which have been paid in full.

No Category 2 Expenses have been incurred to date.

5. Joint Liquidators' Receipts and Payments Account

A detailed receipts and payments account for the Reporting Period and the Cumulative Period is shown at Appendix 1.

As at the period end date there was a cash balance of £10,105 in the Liquidation estate.

6. Statement of Creditors' Rights

Information regarding the fees and expenses of Liquidators, including the rights to challenge such costs, are attached at Appendix 4.

7. Conclusion

Creditors will receive formal reports annually until the conclusion of the Liquidation.

In the meantime, if you require any further information, please contact Lorraine Cox of this office.

Yours Faithfully
For and on behalf of
Buckfast Spinning Company Limited



Benjamin Wiles
Joint Liquidator

Encs.

Appendix 1 - Joint Liquidators' Receipts and Payments Account

Buckfast Spinning Company Limited
(In Liquidation)
Joint Liquidators' Summary of Receipts & Payments

Statement of Affairs £		From 09/12/2021 To 08/12/2022 £	From 22/05/2013 To 08/12/2022 £
	ASSET REALISATIONS		
	Bank Interest Gross	2.05	172.16
	Cash at Bank	664.94	664.94
Uncertain	Debtors	NIL	79,350.00
	Electricity Refund	5.59	50.31
Uncertain	Terminal Loss Relief	NIL	NIL
	Water Refund	NIL	3,612.04
		672.58	83,849.45
	COST OF REALISATIONS		
	Bank Charges	NIL	31.81
	Joint Liquidators' Disbursements	NIL	1,862.31
	Joint Liquidators' Remuneration	NIL	57,138.57
	Pre Insolvency Disbursements	NIL	148.33
	Pre Insolvency Remuneration	NIL	10,000.00
	Stationery & Postage	NIL	15.00
	Storage Costs	NIL	3,928.61
	Tax Adviser's Fees	NIL	620.00
		NIL	(73,744.63)
	FLOATING CHARGE CREDITORS		
(1,200,000.00)	Filefigure 30 Limited	NIL	NIL
NIL	Lloyds TSB Bank plc	NIL	NIL
NIL	PNC Financial Services Limited	NIL	NIL
		NIL	NIL
	UNSECURED CREDITORS		
(15,100,000.00)	Axminster Group Retirement Plan	NIL	NIL
(1,107,383.00)	HM Revenue & Customs	NIL	NIL
(600.00)	Trade & Expense Creditors	NIL	NIL
		NIL	NIL
	DISTRIBUTIONS		
(237,322.00)	Ordinary Shareholders	NIL	NIL
		NIL	NIL
(17,645,305.00)		672.58	10,104.82
	REPRESENTED BY		
	Floating charge account		10,104.82
			10,104.82

Benjamin John Wiles
Joint Liquidator

Appendix 2 – Analysis of Expenses Incurred

Expenses	Activity	Incurring and paid in the Reporting Period	Incurring and paid in the Cumulative Period
Category 1 Expenses – per receipts and payments account		£	£
Tax Advisors' - LB Group Limited	Preparation of corporation tax returns	Nil	620.00
Stationary & Postage - Accurate Mailing Services Limited	Mailing documents to creditors	Nil	15.00
Storage Costs - Total Data Management Limited	Storage of Company and officeholder records	Nil	3,928.61
Joint Liquidators' Disbursements – Courts Advertising Limited	Statutory advertising	Nil	338.40
Joint Liquidators' Disbursements – Total Data Management Limited	Storage of Company and officeholder records	Nil	1,298.91
Joint Liquidators' Disbursements – Willis Limited	Statutory bonding requirement	Nil	225.00
Barclays Bank Plc	Bank Charges	Nil	31.81
Total Category 1 Expenses		Nil	6,457.73

Notes

The above costs exclude VAT.

The Joint Liquidators' choice of professional advisors was based on their perception of the experience and ability of the respective firms / individuals to perform their work, the complexity and nature of the assignment and the basis of their fee.

Kroll Advisory Ltd., being the employer of the Liquidator and the staff working on the Liquidation, is considered an associate of the Liquidator.

It is considered that these expenses are fair and reasonable and proportionate to the Liquidation.

No Category 2 Expenses have been incurred to date.

Appendix 3 – Analysis of Time Charged

Buckfast Spinning Company Limited (In Creditors Voluntary Liquidation)

Analysis of the Joint Liquidators' time costs for the Reporting Period

Classification of Work Function	Hours					Total Hours	Time Cost (£)	Avg. Hourly Rate (£)
	Managing Director	Manager	Senior	Assistant	Support			
Administration & Planning								
Case review & Case Diary management	0.00	0.00	1.20	0.00	0.00	1.20	608.00	506.67
Cashiering & accounting	0.00	0.00	2.30	2.00	0.00	4.30	1,513.50	351.98
Statutory matters (Meetings & Reports & Notices)	0.00	0.00	3.20	0.00	0.00	3.20	1,904.00	595.00
Strategy planning & control (incl engagement financial control)	0.00	0.00	0.60	0.00	0.00	0.60	330.50	550.83
Tax Compliance / Planning	0.00	0.00	0.30	0.00	0.00	0.30	178.50	595.00
Creditors								
Dealings with creditors and employees	0.00	0.00	0.40	0.00	0.00	0.40	238.00	595.00
Total Hours	0.00	0.00	8.00	2.00	0.00	10.00		477.25
Total Fees Claimed (£)	0.00	0.00	4,372.50	400.00	0.00		4,772.50	

Buckfast Spinning Company Limited (In Creditors Voluntary Liquidation)

Analysis of the Joint Liquidators' time costs for the Cumulative Period

Classification of Work Function	Managing Director	Manager	Hours			Total Hours	Time Cost (£)	Avg. Hourly Rate (£)
			Senior	Assistant	Support			
Administration & Planning								
Case review & Case Diary management	1.00	5.70	25.50	19.45	1.40	53.05	16,425.53	309.62
Cashiering & accounting	0.00	1.80	16.35	28.10	0.10	46.35	12,421.20	267.99
Dealings w/ directors & management (inc associated updates	0.00	0.50	0.50	1.60	0.10	2.70	683.50	253.15
IPS set up & maintenance	0.00	0.00	0.60	2.40	0.00	3.00	593.50	197.83
Statement of affairs	0.00	0.00	0.00	0.40	0.00	0.40	94.00	235.00
Statutory matters (Meetings & Reports & Notices)	5.00	4.40	46.85	41.80	0.20	98.25	31,072.00	316.25
Strategy planning & control (incl engagement financial contro	1.00	0.50	12.70	6.40	0.00	20.60	5,862.79	284.60
Tax Compliance / Planning	0.00	0.60	5.90	11.30	0.00	17.80	4,465.50	250.87
Creditors								
Dealings with creditors and employees	0.00	0.40	3.25	9.60	0.00	13.25	2,654.25	200.32
Non Pref Creditor claims adjudication & dist'n	0.00	0.00	0.15	0.20	0.00	0.35	75.00	214.29
Non Pref Creditors / Employee claims handling	0.00	0.50	2.25	0.90	0.00	3.65	1,130.50	309.73
Pref claims adjudication & distribution	0.00	0.00	0.50	0.00	0.00	0.50	170.00	340.00
Secured Creditors	0.00	0.60	0.00	2.30	0.00	2.90	669.50	230.86
Investigations								
CDDA & reports & Communication	3.00	3.40	10.80	1.50	0.00	18.70	6,926.00	370.37
Financial review and investigations (S238/239 etc)	0.00	0.30	2.60	17.80	3.70	24.40	4,670.50	191.41
Realisation of Assets								
Book debts	0.00	0.20	0.20	0.00	0.00	0.40	160.00	400.00
Other Intangible Assets	0.00	0.00	1.50	0.00	0.00	1.50	520.00	346.67
Other Tangible Assets	0.00	0.10	0.00	0.00	0.00	0.10	48.00	480.00
Pre-Appointment Tax Reclaims	0.00	0.00	0.00	1.10	0.00	1.10	242.00	220.00
Total Hours	10.00	19.00	129.65	144.85	5.50	309.00		287.65
Total Fees Claimed (£)	5,730.00	8,526.00	48,548.27	25,447.00	632.50		88,883.77	

Appendix 4 - Statement of Creditors' Rights

Rule numbers refer to Insolvency (England & Wales) Rules 2016 (as amended)

Section numbers refer to Insolvency Act 1986

'Office-holder' is the current Liquidator

Information for creditors on remuneration and expenses of Liquidators

Information regarding the fees and expenses of Liquidators, including details of the Kroll expenses policy and hourly charge out rates for each grade of staff that may undertake work on this case, is in a document called "Liquidation: A Guide for Creditors on Insolvency Practitioner Fees". This can be viewed and downloaded from the Joint Liquidators' website at:

<https://www.kroll.com/en-gb/services/restructuring-advisory/creditor-guides-and-employee-fact-sheets>

(click on 'Liquidations'). Should you require a copy, please contact this office.

Creditors have the right to request information from the office-holder under rule 18.9

A secured creditor, an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question) or any unsecured creditor with the permission of the Court may make a written request to the office-holder for further information concerning remuneration or expenses. Such a request must be made within 21 days of receipt of this report and a response will be provided within 14 days of receipt of the request.

Creditors have recourse to Court, application to be made within 21 days of the office-holder giving reasons for not providing all the information requested or the expiry of the 14 days within which an office-holder must respond to a request.

Creditors have the right to challenge the office-holder's remuneration and expenses under rule 18.34

A secured creditor, an unsecured creditor with the concurrence of at least 10% in value of the unsecured creditors (including that creditor) or any unsecured creditor with the permission of the Court, may make an application to Court on the grounds that the remuneration charged, or expenses incurred are excessive and/or that the basis fixed for the office-holder's remuneration is inappropriate. The application to Court must be made no later than eight weeks after receipt of the Progress Report where the charging of the remuneration or the incurring of expenses in question occurs.

Appendix 5 – Proof of Debt Form

Rule 14.4
IR 2016

PROOF OF DEBT - GENERAL FORM

Buckfast Spinning Company Limited - (Creditors' Voluntary Liquidation)	
Company No. 00483718	
Date of resolution for voluntary winding-up: 22/05/2013	
1.	Name of Creditor (If a company please also give company registration number and if non-UK, country of registration)
2.	Address of Creditor for correspondence
	Contact telephone number of creditor
	Email address of creditor
	REF
3.	Total amount of claim, including any Value Added Tax and outstanding uncapitalised interest (please advise of any set off claimed)
4.	Details of any documents by reference to which the debt can be substantiated (please attach)
5.	If amount in 3 above includes outstanding uncapitalised interest please state amount
	£
6.	Particulars of how and when debt incurred (If you need more space append a continuation sheet to this form)
7.	Particulars of any security held, the value of the security, and the date it was given
8.	Particulars of any reservation of title claimed, in respect of goods supplied to which the claim relates
9.	Signature of creditor or person authorised to act on his behalf
	Name in BLOCK LETTERS
	DATE
	Are you the sole member of the creditor?
	YES / NO
	Position with or in relation to creditor
	Address of person signing (if different from 2 above)
Admitted to vote for £	
Admitted for dividend for £	
Date	
Date	
Liquidator	
Liquidator	