

LIQ03

Notice of progress report in voluntary winding up



Companies House

WEDNESDAY



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12/01/2022

#97

COMPANIES HOUSE

1 Company details

Company number 0 7 6 5 7 4 8 1
Company name in full OVER RAIL SERVICES LIMITED

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

2 Liquidator's name

Full forename(s) Phillip A
Surname Roberts

3 Liquidator's address

Building name/number Sterling Ford
Street Centurion Court
Post town 83 Camp Road
County/Region St. Albans
Postcode A L 1 5 J N
Country

4 Liquidator's name ①

Full forename(s)
Surname

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

5 Liquidator's address ②

Building name/number
Street
Post town
County/Region
Postcode
Country

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

LIQ03

Notice of progress report in voluntary winding up

6 Period of progress report

From date	d	1	d	1	m	1	m	1	y	2	y	0	y	2	y	0
To date	d	1	d	0	m	1	m	1	y	2	y	0	y	2	y	1

7 Progress report

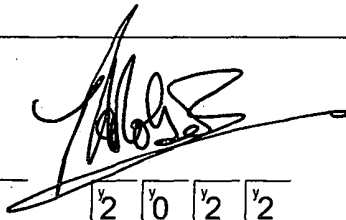
☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X



X

Signature date

d	0	d	6	m	0	m	1	y	2	y	0	y	2	y	2
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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 **Fedai Eren**Company name **Phillip A Roberts**Address
Centurion Court
83 Camp RoadPost town **St Albans**

County/Region

Postcode **A L 1 5 J N**

Country

DX

Telephone **01727 811 161****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**

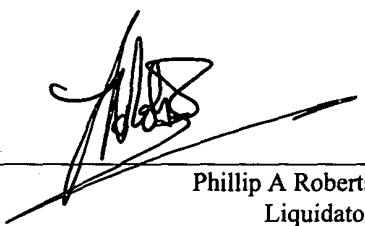
For further information please see the guidance notes on the website at www.gov.uk/companieshouse or email enquiries@companieshouse.gov.uk

This form is available in an alternative format. Please visit the forms page on the website at www.gov.uk/companieshouse

OVER RAIL SERVICES LIMITED
(In Liquidation)
Liquidator's Summary of Receipts & Payments

Statement of Affairs £	From 11/11/2020 To 10/11/2021 £	From 11/11/2016 To 10/11/2021 £
ASSET REALISATIONS		
Cash at Bank	NIL	12,677.82
Sale of Vehicle & Equipment	NIL	13,500.00
VAT Refund	NIL	563.40
	NIL	26,741.22
COST OF ADMINISTRATION		
Liquidators Fees	NIL	22,214.35
Liquidators Outlays	NIL	130.00
	NIL	(22,344.35)
	NIL	4,396.87
REPRESENTED BY		
Bank 1 - Current		5,701.21
VAT Payable		(2,700.00)
VAT Receivable		1,395.66
		4,396.87

Note:


Phillip A Roberts
Liquidator

Our ref: JPA/PAR/FE/220107-2772-1-Report
Your Ref:

7 January 2022

STERLING FORD

SPECIALIST CONSULTING GROUP

Centurion Chambers
Centurion Court
83 Camp Road
St Albans
Herts
AL1 5JN



Tel: 01727 811 161
Fax: 01727 858 716
www.sterlingford.co.uk
e-mail: office@sterlingford.co.uk

TO ALL MEMBERS AND KNOWN CREDITORS

Dear Sirs

**RE: OVER RAIL SERVICES LIMITED
IN CREDITORS' VOLUNTARY LIQUIDATION ("the Company")**
Former Trading Address: 1 Warners Bridge Chase, Rochford, Essex SS4 1JE.
Company Registration No: 07657481
Date of Liquidation: 11 November 2016

Further to my report to creditors dated 8 January 2021, I am pleased to update creditors on the administration of this matter under Part 18 The Insolvency (England and Wales) Rules 2016 ("the Rules"), by issuing this Progress Report for the Fifth year of the liquidation, for the period 11 November 2020 to 10 November 2021.

Accordingly, please find attached hereto the following: -

- a) Statutory Information
- b) **Abstract of the Liquidator's Receipts and Payments** – from which you will note that the balance in the estate account as at 10 November 2021, stood at £5,701.21.
- c) Opt-out form for creditors
- d) Registration form to receive communications electronically
- e) Notice of an Invitation to creditors to form a creditors' committee

PROGRESS REPORT

1. General / Background

I was appointed Liquidator of the Company on 11 November 2016 and this is my fifth progress report to the members and creditors of the Company, showing how the liquidation has been conducted so far.

2. Realisation of Assets

2.1 Cash at Bank

I would advise creditors that the sum of £12,677.82 was realised in respect of the credit balance held in the Company's bank account.

Insolvency & Specialist Advisory Services Consultants & Intermediaries

Sterling Ford in association with Phillip A Roberts and Partners

Phillip A Roberts is authorised to act as an Insolvency Practitioner by the Insolvency Practitioners Association

Those acting in statutory insolvency appointments act as agents for those companies or individuals and without personal liability.

Sterling Ford is the trading title of Sterling Ford Associates Limited Registered in England No. 09217576

Registered Office: Centurion Chambers, Centurion Court, 83 Camp Road, St Albans, Herts AL1 5JN

Head Office: St Albans By Appointment: London, East Grinstead & Milton Keynes

2.2 Vehicles, Tools and Equipment

In my report to creditors dated 21 November 2016, I advised creditors that in the director's Statement of Affairs, Motor Vehicles, Tools and Equipment were estimated to realise £8,500 and £5,000 respectively. During the creditors' meeting the directors expressed an interest in acquiring some or all of the Company's assets and it was agreed that the liquidator would be in touch with the directors with regard to any offers they wished to make, once he had obtained an independent valuation of the assets concerned.

Following my appointment, on numerous occasions from 22 November 2016, I had to chase the Company's accountant to provide me with details of these assets so that an independent valuation could be obtained and once obtained, I would be able to provide this information to the directors, who expressed an interest in acquiring these assets.

On 27 July 2017, with only limited information available to me, my agents, Eddisons, confirmed to me that the values given in the Statement of Affairs were reasonable and so I sent an email to the former accountant to advise him of the same.

On 17 August 2017, as no response had been received from the Company's accountant, my staff directly called one of the former directors, Mr Trevor Purdy and during the telephone conversation, it was agreed that another company, 'Over Rail Facilities Limited' would purchase the Company's assets for the sum of £13,500 plus VAT (£16,200 including VAT).

On 23 August 2017, the sum agreed of £16,200 including VAT was received in the liquidation estate account.

3. Investigations

3.1 Company Directors Disqualification Act 1986 ("CDDA 1986")

The Liquidator is required by law to submit confidential reports to the Department for Business, Energy and Industrial Strategy's Disqualification Unit (BEIS) on the conduct of each person who acted as a director of the Company in the three-year period before the liquidation. These have been completed and duly submitted.

3.2 Statement of Insolvency Practice 2 ("SIP2")

In accordance with SIP2 a liquidator is also required, inter alia, to investigate any prior (antecedent) transactions that he may be able to challenge for the purpose of obtaining a recovery for the benefit of the liquidation estate. I would advise members and creditors that my enquiries in this regard have focused on the Company's under declared VAT for the quarters 07/14 to 10/16, which with penalties and interest amounts to £202,415.37 [HMRC's calculation]. HMRC's most recent proof of debt issued on 7 November 2019 is in the sum of £464,409.28, including s455 CTA 2010 tax of £223,768.72, but this did not include their claim for unpaid VAT. On 8 January 2020, HMRC's VAT integrated claim in the sum of £666,814.32 was received.

HMRC's policy is to treat undeclared VAT as a director's loan. As a result of HMRC's enquiries into the Company's actual trading performance, as indicated by the sums actually banked into the Company's bank accounts and adjusted for VAT compared to what was declared in the financial accounts submitted for each year, HMRC were able to prepare amended financial statements for each financial year starting with the year ended 31/12/12 and then for each year to and including the year ended 31/12/2016. This exercise enabled HMRC to calculate the additional amounts due in corporation tax. HMRC's analysis for each period starting from 31/12/12, also enabled HMRC to calculate the amounts due from each director, including a former director, so that, instead of the position presented in the directors' Statement of Affairs, showing the two directors each having a claim of £57,437, or £114,874 in aggregate, HMRC have calculated that the directors together with a former director owe the Company £837,439.

On the basis of these overdrawn loan accounts, HMRC have assessed s455 CTA 2010 tax amounting to £223,768.72, although relief would be available under s458 CTA 2010 upon repayment of the directors' loans.

As I did not hear any further from the directors in response to the enquiries I made of them concerning their indebtedness to the Company, I contacted a number of third party funders/acquirers of claims with a view to either obtaining funding to pursue a repayment of the loans or to assign the debts.

I would advise you that although I have now received an offer to assign the claim on very reasonable terms, I have now entered into a Conditional Fee Agreement (CFA) with Debenhams Ottoway LLP solicitors, who are in the process of preparing a letter before action. I shall keep creditors advised of all progress regarding all recoveries made from the directors, including the former director

4. Creditors' Claims

My records indicate that there were 5 creditors in this matter, but only 4 creditors have submitted a proof of debt with claims in aggregate amounting to £785,859.72.

5. Dividend Prospects

There are no preferential creditors in this matter.

My attempts to make a significant recovery for the Company are ongoing and I hope to be able to update creditors in my next report with regard to their dividend prospects.

6. Pre-Appointment Costs

At the first meeting of creditors held on 11 November 2016, it was resolved that the fees of Sterling Ford for assisting the Directors in convening the statutory meetings to place the Company into liquidation, and for their assistance in preparing the Statement of Affairs would be a set fee of £2,350 plus VAT and disbursements of £145 plus VAT. The meetings were advised that the sum paid of £2,495 plus VAT was paid by Mr Trevor Belfield and Mr Trevor Purdy personally.

I would advise creditors that in view of the realisations made in this matter, that pursuant to the Rules, the Statement of Affairs fee of £2,495 plus VAT paid by the directors, Mr Trevor Belfield and Trevor Purdy, personally should be reimbursed to them once my investigations into the Company's affairs have been concluded satisfactorily. However, in those cases where it is determined that the director(s) may be significantly indebted to the Company, any sums due for reimbursement, are instead treated as a repayment on account in respect of what the directors owe to the liquidation estate.

7. Liquidator's Remuneration (Past & Current Periods)

7.1 Fixing of basis of remuneration

At the first creditors' meeting held on 11 November 2016, creditors approved that my remuneration be fixed on the basis of the time costs recorded by myself and my staff at the rates specified in Sterling Ford Policies Regarding Fees and Disbursements (1 January 2016).

7.1.1 Breakdown & time costs recorded for fifth year - 11 November 2020 to 10 November 2021

My time costs for the period from 11 November 2020 to 10 November 2021 amounted to £1,494.75, which equates to 4.28 hours at an average rate of £349.24 per hour. My time costs analysis for the period from 11 November 2020 to 10 November 2021 is provided at Appendix 1 below. In accordance with Statement of Insolvency Practice 9, these time costs of £1,494.75 were approximately attributable to work performed on the following: -

Appendix 1 - fourth year - 11 November 2020 to 10 November 2021

APPENDIX 1 Classification of work function	Hours		Assistants & Support Staff	Total Hours	Time Cost £	Average hourly rate
	Partner / Office Holder	Manager				
Administration and Planning						
Staff Briefing/Review	0.20			0.20	81.00	405.00
Realisations of Assets						
Communication/ Correspondence with Solicitors	0.85			0.85	344.25	405.00
Communication/ Correspondence with Counsel	0.50			0.50	202.50	405.00
Creditors						
-Communication with creditors (including Progress Report)	0.85	1.60		2.45	752.25	307.04

Case specific matters						
Document Drafting	0.28			0.28	114.75	405.00
-Communication Correspondence with HMRC						
Total Hours	2.68	1.60		4.28		
Total fees claimed (£)				1,494.75		

7.1.2. I would advise creditors that against the time costs incurred in the sum of £1,494.75 plus VAT, the sum of £Nil has been drawn on account leaving a balance of £1,494.75 plus VAT.

7.1.3. In accordance with Rule 18.30 The Rules, where the Office Holder exceeds the fees estimate provided, he must not draw any remuneration in excess of the total amount set out in the fees estimate without approval. I would advise creditors that the fee estimate was not exceeded, therefore no explanation is required.

7.2. Cumulative Time Costs for the first five years of this administration of the Liquidation Estate

My time costs for the period from 11 November 2016 to 10 November 2017 amounted to £10,236.08 plus VAT, which equates to 41.90 hours at an average rate of £244.29 per hour. A detailed breakdown of total time spent was provided in my first progress report dated 19 December 2017. My time costs for the period from 11 November 2017 to 10 November 2018 amounted to £9,447.84, which equates to 52.75 hours at an average rate of £179.11 per hour. A detailed breakdown of total time spent was provided in my second progress report dated 9 January 2019. My time costs for the period from 11 November 2018 to 10 November 2019 amounted to £2,530.43, which equates to 7.58 hours at an average rate of £333.83 per hour. A detailed breakdown of total time spent was provided in my third progress report dated 9 January 2020. My time costs for the period from 11 November 2019 to 10 November 2020 amounted to £3,729.00, which equates to 10.60 hours at an average rate of £351.79 per hour. A detailed breakdown of total time spent was provided in my fourth progress report dated 8 January 2021. Therefore, my cumulative time costs analysis for the first five years from 11 November 2016 to 10 November 2021 is provided at Appendix 2 below. In accordance with Statement of Insolvency Practice 9, these time costs of £27,438.10 were approximately attributable to work performed on the following:

Appendix 2 - cumulative for first four years from 11 November 2016 to 10 November 2021

APPENDIX 2 Classification of work function	Hours			Total Hours	Time Cost £	Average hourly rate
	Partner / Office Holder	Manager	Assistants & Support Staff			
<u>Administration and Planning</u>						
-Case Planning / Administration/ Case Review	1.09	1.40	1.01	3.50	859.93	245.52
-Staff Briefing Work To Do	1.07	0.20	0.10	1.37	470.55	343.46
-Statutory Reporting - Cashiering		0.30	0.17	0.47	89.91	191.29
<u>Realisations of Assets</u>						
Enquiries into Assets	1.48	0.40		1.88	666.40	355.53
Communication/ Correspondence with Mr Munday re: Company Assets	3.00	1.50		4.50	1,524.98	338.88
Communication/ Correspondence with Accountant re: Company Assets	4.68	0.10	0.50	5.28	1,872.68	354.68
Communication/ Correspondence with HMRC	5.41		0.20	5.61	2,101.00	374.51
Communication/ Correspondence with HMRC re: VAT refund	0.07	0.70	0.03	0.80	202.53	253.16
Communication/ Correspondence with Third Party Fund Provider re: Company Assets	4.69	0.30		4.99	1,879.27	376.61
Communication/ Correspondence with Agents re: Company Assets	0.75			0.75	288.68	384.91
Communication/ Correspondence with Counsel	0.55			0.55	211.70	384.91
Communication/ Correspondence with Solicitors	1.65			1.65	635.10	384.91
<u>Creditors</u>						
-Communication with creditors (including 1 st Report and Progress Reports)	5.77	10.57		16.34	4,829.98	295.59
-Creditors Claims	1.03	0.80		1.83	593.92	324.55

Case specific matters						
-Transactional Analysis		4.00	29.33	33.33	3,722.92	111.70
-Investigations	4.87	1.40	2.00	8.27	2,406.61	291.00
Communication/ Correspondence with NatWest Bank Plc	1.05	6.10	12.05	19.20	3,033.74	158.01
-Preparation of Legal Documents	0.42		1.13	1.55	267.05	172.29
Communication/ Correspondence with Accountant re: Company Records	3.30			3.30	1,270.19	384.91
-Communication Correspondence The Insolvency Service re: Directors Conduct	1.13		0.80	1.93	509.56	264.02
Total Hours	42.01	27.77	47.32	117.10		
Total time costs incurred (£)				27,438.10		

I would advise creditors that against the total time costs incurred in the sum of £27,438.10, the sum of £22,214.35 has been drawn on account leaving a balance due of £5,223.75.

7.3 Liquidator's Disbursements

The following disbursements have been incurred in this matter:-

Category 1 Disbursements (Third Party)		
Advertising	268.00	
Bonding	170.00	
Total	438.00	
VAT	53.60	491.60
Category 2 Disbursements (For the basis on which these charges have been calculated, please refer to this Firm's disbursements policy)		
Set-up Costs (Stationery, IPS & database set up time, cashier's input of CAU cash book, storage materials, cashier's & administrators' files)	145.00	
Telephone	15.00	
Storage	10.00	
Facsimile Charges	10.00	
Photocopies	19.00	
Total	199.00	
VAT	39.80	238.80
Total Category 1 & 2 Disbursements (Including VAT)		730.40
Drawn to date	637.00	
VAT	93.40	730.40
Balance Due (Including VAT)		NIL

7.4 Outcome of Decision Procedure dated 29 January 2019.

In my report dated 9th January 2019, I gave Notice of a Decision Procedure, which proposed a number of resolutions to creditors for their agreement, as follows:-

- 1) To approve the Liquidator's Report and Accounts dated 9 January 2019.
- 2) To approve the Liquidator's total time costs incurred in the second year of the liquidation in the sum of £9,447.84 plus VAT and to authorise for drawing of the balance in excess of the estimate provided in the last progress report of £4,447.84 plus VAT.
- 3) To approve the liquidator's time and rate-based fee estimate for the third year of the liquidation in the estimated sum of £7,167.50 plus VAT and that the liquidator be authorised to draw the same, subject to: time being spent and recorded to at least that value, the availability of funds and subject to retaining sufficient funds to meet court fees, application costs or otherwise, in the event of any proceedings having to be initiated.

On the Decision date of 29 January 2019, creditors decided to approve each of the above resolutions with regard to my remuneration and expenses.

7.5 Outcome of Decision Procedure dated 4 July 2018.

In my report dated 15th June 2018, I gave Notice of a Decision Procedure, which proposed a number of resolutions to creditors for their agreement, as follows: -

- 1) To approve the Liquidator's recorded time costs for the period from 11th November 2016 to 10th November 2017 in the sum of £10,236.08 plus VAT as remuneration and authorise the liquidator to draw the same subject to the availability of funds in the liquidation estate account.
- 2) To approve the Liquidator's Category 2 disbursements for the period to 10th November 2017 in the sum of £199.00 excluding VAT and to authorise him to draw the same subject to the availability of funds in the liquidation estate account.
- 3) To approve the estimate of the time projected to be spent for the second year of the liquidation in the sum of £5,450 plus VAT and authorise a payment on account in respect of the same in the sum of £5,000 plus VAT.

On the Decision date of 4 July 2018, creditors decided to approve each of the above resolutions with regard to my remuneration and expenses.

7.6 Estimated Future Costs

In accordance with Rule 18.16-4(b) The Insolvency (England and Wales) Rules 2016 and Statement of Insolvency Practice 9, I am required to provide you with an estimate of the level of my future remuneration which, at the first meeting was fixed on the basis of recorded time spent and also to provide an estimate of my future expenses.

7.6.1 Estimated Future Remuneration (Fee Estimate)

Work projected to be performed in sixth year of liquidation or to conclusion (if concluded before sixth anniversary) and the cost of that work is estimated as follows:-

		Hours		Assistants & Support Staff	Total Hours	Time Cost £	Average hourly rate
Classification of work function	Notes	Liquidator /Partner	Manager				
Administration and Planning	(1)	2.00	1.50		3.50	1,212.50	346.43
Investigations/Realisation of Assets	(2)	8.50	4.00		12.50	4,417.50	353.40
Creditors	(3)	2.50	2.00		4.50	1,537.50	341.67
Total Hours		13.00	7.50		20.50		
Total fees claimed (£)						7,167.50	

- Notes:
- (1) Reviews and Liaising between the Liquidator and Staff, Compliance
 - (2) Investigations/completing SIP2 enquiries, liaising with instructed solicitors re: breaches of duty on the part of the directors, seeking the recovery of sums due from the directors.
 - (3) Issuing this Progress Report, Communication/ Correspondence with HMRC etc.

I would state that in accordance with Rule 18.4(1) The Insolvency (England and Wales) Rules 2016 that the time costs which are estimated to be incurred for the fourth year/period to conclusion (if concluded before the fourth anniversary) amount to £7,167.50 plus VAT.

7.5.2 Estimated Future Expenses

Such future expenses are likely to include photocopies, postage etc. if I am able to conclude the liquidation by 10 November 2022 and in total, are unlikely to exceed £50 plus VAT. Full details of such expenses incurred shall be provided in my next report.

8. Creditors' Guide to Fees and Statement of Creditors' Rights

Creditors have a right to request further information from the Liquidator and additionally have a right to challenge the Liquidator's remuneration and expenses - time limits apply. Details can be found and downloaded at https://www.r3.org.uk/media/documents/technical_library/SIPS/SIP_9_EW.pdf. Alternatively a copy is available free of charge upon request from the address above.

If a creditor requires further information about the remuneration or expenses reported on herein, they must request it in writing within 21 days of receipt of this report (Rules 18.4 Insolvency (England and Wales) Rules 2016). If creditors claim that the remuneration or other expenses are excessive then they (representing 10% in value of the creditors) may apply to court in accordance with Rule 18.34.

I would advise you that I am bound by the Insolvency Code of Ethics in relation to the work performed for each insolvency appointment I hold and would inform you that my firm's Complaints Handling Policy may be found at the following link <http://sterlingford.co.uk/complaints.html>. Insolvency Practitioner's code of ethics can also be found at the following link <https://www.insolvency-practitioners.org.uk/regulation-and-guidance/ethics-code>

Finally, I would refer you to this firm's policies regarding the protection and retention of personal data, which may be viewed at www.sterlingford.co.uk/privacy.html

Yours faithfully



PHILLIP A. ROBERTS
LIQUIDATOR

Encls

OVER RAIL SERVICES LIMITED
STATUTORY AND GENERAL INFORMATION

Company No: 07657481

Incorporated: 3 June 2011

Registered Office: 46 Victoria Road
Worthing
West Sussex
BN11 1XE

Trading address: 1 Warners Bridge Chase
Rochford
Essex
SS4 1JE

Principal Activities: 81100 - Combined Facilities Support Activities

Director 1: TREVOR BELLFIELD
Director 2: TREVOR PURDY

Appointed:

17 OCTOBER 2014
3 JUNE 2011

Share Capital: 2 Ordinary Shares

Held by: TREVOR BELLFIELD
TREVOR PURDY

1 Share
1 Share

OVER RAIL SERVICES LIMITED
(In Liquidation)

Summary of Receipts & Payments

RECEIPTS	Statement of Affairs (£)	From 11/11/2016 To 10/11/2020 (£)	From 11/11/2020 To 10/11/2021 (£)	Total (£)
VAT Refund		563.40	0.00	563.40
Cash at Bank		12,677.82	0.00	12,677.82
Sale of Vehicle & Equipment		13,500.00	0.00	13,500.00
		26,741.22	0.00	26,741.22
PAYMENTS				
Liquidators Fees		22,214.35	0.00	22,214.35
Liquidators Outlays		130.00	0.00	130.00
		22,344.35	0.00	22,344.35
Net Receipts/(Payments)		4,396.87	0.00	4,396.87
MADE UP AS FOLLOWS				
VAT Receivable		1,395.66	0.00	1,395.66
Bank 1 - Current		5,701.21	0.00	5,701.21
VAT Payable		(2,700.00)	0.00	(2,700.00)
		4,396.87	0.00	4,396.87

Note:

**FORM TO REGISTER CONSENT TO RECEIVE ELECTRONIC COMMUNICATIONS RELATING TO THE
INSOLVENCY PROCEEDINGS – Rule 1.45 The Insolvency (England and Wales) Rules 2016**

In accordance with rule 1.45 of the Rules, a document is delivered if it is sent by electronic means **and** the intended recipient of the document has—

- (a) given actual or deemed consent for the electronic delivery of the document;**
- (b) not revoked that consent before the document is sent; and**
- (c) provided an electronic address for the delivery of the document.**

Consent may relate to a specific case or generally and for the purposes of (a) above, an intended recipient is deemed to have consented to the electronic delivery of a document by the office-holder where the intended recipient and the person who is the subject of the insolvency proceedings had customarily communicated with each other by electronic means before the proceedings commenced.

Unless the contrary is shown, a document is to be treated as delivered by electronic means to an electronic address where the sender can produce a copy of the electronic communication which—

- (i) contains the document; and
- (ii) shows the time and date the communication was sent and the electronic address to which it was sent.

Unless the contrary is shown, a document sent electronically is treated as delivered to the electronic address to which it is sent at 9.00 am on the next business day after it was sent.

A creditor may register their consent to receive electronic communications – whether in relation to a specific case or generally, or to revoke their consent to receive electronic communications by completing each of the boxes provided below and returning this form to Sterling Ford by post, fax (084 5280 0830), or by email (office@sterlingford.co.uk):

NAME OF CREDITOR:	
As a creditor of OVER RAIL SERVICES Limited, pursuant to Rule 1.45 The Insolvency (England and Wales) Rules 2016, I/we *consent to receive/*revoke my/our consent to receive Electronic Delivery of Documents relating to the proceedings to the following email address(es). * delete as applicable	
Specific Cases - Electronic communications e-mail address:	
General Communications - Electronic Communications e-mail address:	
SIGNATURE	
DATE:	
NAME OF SIGNATORY (IN CAPITAL LETTERS)	
POSITION WITH CREDITOR OR RELATIONSHIP TO CREDITOR/ AUTHORITY FOR SIGNATURE	

FORM TO OPT OUT OF RECEIVING FURTHER DOCUMENTS RELATING TO THE INSOLVENCY PROCEEDINGS – Rule 1.38 The Insolvency (England and Wales) Rules 2016

Identification of office-holder:	Phillip Anthony Roberts – IP No. 6055
Contact details of office-holder:	Sterling Ford Centurion Court 83 Camp Road, St. Albans Hertfordshire AL1 5JN
Telephone Number:	01727 811161
Email Address:	office@sterlingford.co.uk

Pursuant to rule 1.39 The Insolvency (England and Wales) Rules 2016 (the "Rules"), the office-holder is required, in the first communication with a creditor, to inform the creditor in writing that the creditor may elect to opt-out of receiving further documents relating to the proceedings, unless (i) the Act requires a document to be delivered to all creditors without expressly excluding opted-out creditors, (ii) the communication is a notice relating to a change in the office-holder or the office-holder's contact details, or (iii) the communication is a notice of a dividend or proposed dividend or a notice which the court orders to be sent to all creditors or all creditors of a particular category to which the creditor belongs. Opting-out will not affect the creditor's entitlement to receive dividends should any be paid to creditors. Unless these Rules provide to the contrary, opting-out will not affect any right the creditor may have to vote in a decision procedure or participate in a deemed consent procedure in the proceedings although the creditor will not receive notice of it. A creditor who opts out will be treated as having opted out in respect of any consecutive insolvency proceedings of a different kind in respect of the same company or individual.

A creditor may elect to Opt-out by completing each of the boxes provided below and returning this form to Sterling Ford by post, fax (084 5280 0830), or by email (office@sterlingford.co.uk):

NAME OF CREDITOR:	
As a creditor of OVER RAIL SERVICES Limited, pursuant to Rule 1.38 The Insolvency (England and Wales) Rules 2016, I wish to Opt-out from receiving further documents relating to the proceedings.	
SIGNATURE:	
DATE:	
NAME OF SIGNATORY (IN CAPITAL LETTERS)	
POSITION WITH CREDITOR OR RELATIONSHIP TO CREDITOR/ AUTHORITY FOR SIGNATURE	

NOTICE OF AN INVITATION TO CREDITORS TO FORM A CREDITORS' COMMITTEE


Re: OVER RAIL SERVICES LIMITED ("the Company") Creditors' Voluntary Liquidation ("CVL")
Registered number: 07657481

NOTICE IS HEREBY GIVEN, IN ACCORDANCE WITH R6.19 OF THE INSOLVENCY (ENGLAND AND WALES) RULES 2016, THAT

Creditors are invited to decide whether a creditors' committee should be established if sufficient creditors are willing to be members of that committee. PHILLIP ANTHONY ROBERTS invite creditors to put forward their nominations for membership of the committee, such nominations must be received by the date specified in this notice. The Liquidator can only accept nominations if they are satisfied as to the creditors' eligibility under r17.4 of the Insolvency (England and Wales) Rules 2016 (a copy of which is enclosed).

Name of Company:	OVER RAIL SERVICES LIMITED - IN LIQUIDATION
Registered number::	07657481
Liquidator:	PHILLIP ANTHONY ROBERTS
Nominations MUST be received by:	28 JANUARY 2022
Contact Details of the Liquidator:	C/O STERLING FORD, CENTURION COURT, 83 CAMP ROAD, ST ALBANS, HERTS AL1 5JN TEL: 01727 811161 E-Mail: office@sterlingford.co.uk

Dated: 7 January 2022

Signed  _____

PHILLIP ANTHONY ROBERTS - Liquidator

Extract from the Insolvency (England and Wales) Rules 2016

Rule 17.4

Eligibility for membership of creditors' or liquidation committee

- 17.4.—**(1) This rule applies to a creditors' committee in an administration, an administrative receivership, and a bankruptcy and to a liquidation committee in a creditors' voluntary winding up and a winding up by the court.
- (2) A creditor is eligible to be a member of such a committee if—
- (a) the person has proved for a debt;
 - (b) the debt is not fully secured; and
 - (c) neither of the following apply—
 - (i) the proof has been wholly disallowed for voting purposes, or
 - (ii) the proof has been wholly rejected for the purpose of distribution or dividend.
- (3) No person can be a member as both a creditor and a contributory.
- (4) A body corporate may be a member of a creditors' committee, but it cannot act otherwise than by a representative appointed under rule 17.17.

GUIDANCE NOTE FOR CREDITORS EXPLAINING THE PROCEDURE FOR ESTABLISHING A CREDITORS' COMMITTEE

Functions of a committee

In addition to any functions conferred on a committee by any provisions of the Insolvency Act 1986, the committee is to –

- (a) assist the office-holder in discharging the office-holder's functions; and
- (b) act in relation to the office-holder in such manner as may from time to time be agreed.

Purpose of the committee

The purpose of the committee is to represent the interests of the creditors as a whole, not just the interests of its individual members. The principal function of the committee is to fix the joint liquidators remuneration. In addition, the committee may also serve to assist the joint liquidators generally and act as a sounding board for them to obtain views on matters in the bankruptcy.

The joint liquidators are required to report to the committee on matters relating to the bankruptcy and to submit copies of their accounts when required. Meetings are generally held when determined by the joint liquidators, and voting is by majority in number. Votes may also be taken by post.

Committee members are not entitled to remuneration, but they may be reimbursed for reasonable travelling expenses incurred on committee business.

Although the joint liquidators should normally have regard to the views of the creditors' committee, they may always refer matters of contention to a general body of creditors or to the court. It has been held, in a liquidation case, that the court has a residual discretion not to follow the wishes of a committee where the special circumstances of the case warrant it.

Establishment of committee – Insolvency (England & Wales) Rules 2016

Where the joint liquidators seek any decision from the creditors, the joint liquidators must, at the same time, deliver to the creditors a notice inviting them to decide whether a creditors' committee should be established if sufficient creditors are willing to be members of the committee.

Where the creditors decide that a creditors' committee should be established, notice should be given to the convener or chair of the decision procedure.

Before a creditor may act as a member of the committee that person must agree to do so.

Where a creditor has duly appointed a proxy-holder or representative, that proxy-holder or representative who is attending a meeting to establish the committee, may give the appointing creditor's agreement to act as a member of the committee (unless the proxy or instrument conferring authority contains a statement to the contrary).

Where a decision has been made to establish a committee but not as to its membership, the joint liquidators must seek a decision from the creditors about creditor members of the committee.

The committee is not established and cannot act until the joint liquidators have delivered a notice of its members to the court (where the bankruptcy petition was presented by a creditor) or and to the official receiver (where the bankrupt applied for his/her own bankruptcy).

The notice which must be delivered by the joint liquidators to the court / official receiver must contain the following:

- A statement that the committee has been duly constituted;
- Identification details for any company that is a member of the committee;
- The full name and address of each member that is not a company.

The notice must also be signed and dated by the Joint Liquidators.

This notice must be delivered as soon as reasonably practicable after the minimum number of persons, being at least 3 members but not more than five members, have agreed to act as members and been elected.