### Record of a decision by creditors - decision procedure

#### Rule 15.40 of the Insolvency (England and Wales) Rules 2016

Registered name of the Company KSR Electronic Systems Limited

Other trading name(s) or style(s) of the Company: N/A

Any other registered name in the 12 months prior

to liquidation: N/A

Registered number: 03648720

Registered office address: c/o Ernst & Young LLP, The Paragon, Counterslip

Bristol, BS1 6BX

Principal trading address (if different from above): Heol Y Ddraig, Penllergaer Business Park,

Penllergaer, Swansea, SA4 9HL

Date on which the Company entered Liquidation: 12 January 2021

Date of appointment of Joint Liquidators: 12 January 2021

#### Details of the decision(s)

On 18 August 2023 the following decision was made by creditors by correspondence:

1. That the Joint Liquidators' remuneration is increased from £108,444 plus VAT to £400,000 plus VAT, in accordance with the fee estimate and statement of expenses dated 27 July 2023.

#### Details of creditors who participated in the decision and their claims

The attached schedule sets out how creditors voted on the decision.

Signed Date 31 August 2023

Lucy Winterborne Convenor of the decision

Name of creditor	Value of claim	How they voted	
ATEQ UK Ltd	£1,266.00	In favour	
C Drawdouer 9 Co Ltd	0404 404 05	In forces	
C Brandauer & Co Ltd	£124,404.25	In favour	
Rogers Germany GMBH	71.935,90euro	In favour	
Secretary of State for Business and Trade (Insolvency Service)	£73,411.70	In favour	
KSR Group of Companies	£12,470,414.47	In favour	

# The Insolvency Act 1986 and the Insolvency (England and Wales) Rules 2016 Liquidation Notice of Claim for Voting Purposes

#### KSR Electronic Systems Limited (in Creditors' Voluntary Liquidation) (formerly in administration)

Relevant date: 27 January 2020

PLEASE NOTE: Once completed, this form will be used by the Joint Liquidators ONLY for the purposes of voting in a creditors' decision procedure or a requisitioned meeting of creditors. The form will not constitute admission of the claim to rank for dividend in this or any subsequent procedure. For further information see Rules 15.28 to 15.35 of the Insolvency (England and Wales) Rules 2016.

Name of creditor	ATEQ UK LTD
Address	71 HEMING ROAD
	WASH FORD INDUSTRIAL ESTATE
	REDDITCH B98 DEA
Amount claimed, after deductions for payments made post-administration or adjustments for set off (see notes overleaf)	£1266-00
Is the claim preferential or secured?	No
If secured, value of security	NIA.
If you have made a retention of title claim against the company please attach details (see over)	NIA
Signature on behalf of creditor	
Date	27/7/23

## **Voting form**

#### Resolutions

1. That the Joint Liquidators' remuneration is increased from £108,444 plus VAT to £400,000 plus VAT.

AGREED / NOT AGREED

(please delete whichever is not appropriate)

Signature	
Name of signatory	Tina Moorey
On behalf of (name of creditor)	ATEQ VIL Ltd
Date	27/07/2023

### **Voting form**

#### Resolutions

1. That the Joint Liquidators' remuneration is increased from £108,444 plus VAT to £400,000 plus VAT.

AGREED / NOT AGREED.

(please delete whichever is not appropriate) \_

Signature

Name of signatory

On behalf of (name of creditor)

Date

# The Insolvency Act 1986 and the Insolvency (England and Wales) Rules 2016 Liquidation Notice of Claim for Voting Purposes

KSR Electronic Systems Limited (in Creditors' Voluntary Liquidation) (formerly in administration)

Relevant date: 27 January 2020

PLEASE NOTE: Once completed, this form will be used by the Joint Liquidators ONLY for the purposes of voting in a creditors' decision procedure or a requisitioned meeting of creditors. The form will not constitute admission of the claim to rank for dividend in this or any subsequent procedure. For further information see Rules 15.28 to 15.35 of the Insolvency (England and Wales) Rules 2016.

Name of creditor	ROGERS GERMANY GMBH
Address	Am Stadtwald 2 92676 ESCHENBACH
	GERMANY
Amount claimed, after deductions for payments made post-administration or adjustments for set off (see notes overleaf)	11 935,90 €
Is the claim preferential or secured?	HO
If secured, value of security	
If you have made a retention of title claim against the company please attach details (see over)	
Signature on behalf of creditor	Schaclas
Date	Conny De Backere

### **Voting form**

#### Resolutions

1. That the Joint Liquidators' remuneration is increased from £108,444 plus VAT to £400,000 plus VAT.

AGREED NOT AGREED
(please delete whichever is not appropriate)

Signature

Name of signatory Cony De Bachere

On behalf of ROGERS GERMANY GMBH (name of creditor)

Am Stadtwald 2

Date OS/Aug 19013 92676 ESCHENBACH GERMANY

### **Voting form**

#### Resolutions

1. That the Joint Liquidators' remuneration is increased from £108,444 plus VAT to £400,000 plus VAT.

AGREED / NOT AGREED

(please delete whichever is not appropriate)

Signature	1. Patel
Name of signatory	I. PATEL
On behalf of (name of creditor)	Secretary of State for Business and Trade
Date	15.08.2023

## **Voting form**

#### Resolutions

1. That the Joint Liquidators' remuneration is increased from £108,444 plus VAT to £400,000 plus VAT.

AGREED / NOT AGREED

(please delete whichever is not appropriate)

Name of signatory

On behalf of (name of creditor)

Date

Signature

James Black

KSR companies

08-18-2023



Ernst & Young LLP G1 Building 5 George Square Glasgow G2 1DY Tel: +44 141 226 9000 Fax: +44 141 226 9003 ey.com/parthenon

TO ALL KNOWN CREDITORS

27 July 2023

Ref: TRS/LW/DT/LJ/KSR

ksrelectronic@uk.ey.com

Dear Sir/Madam

## KSR Electronic Systems Limited (in Creditors' Voluntary Liquidation) ("the Company")

As you will be aware, the above-named Company entered Liquidation on 12 January 2021, having previously been in Administration, and Dan Hurd and I were appointed to act as Joint Liquidators.

Our remuneration was agreed during the preceding Administration in the sum of £2,112,660.50 plus VAT, in accordance with our fee estimate dated 28 May 2020 and approved by creditors on 17 June 2020. Since then, the Company has been placed into Liquidation and the Liquidators have finalised the trading position from the Administration, continue to liaise with HMRC to recover the VAT, adjudicated on a number of complex claims and are now preparing to pay a dividend to creditors imminently.

The original fee estimate was split into two sections as the costs of trading the Company, estimated at £1,356,995.50, was funded by customers. Therefore, £755,665 was the estimate of time costs to be drawn from the estate to cover both the Administration and the subsequent Liquidation. A sum of £647,221 was incurred during the Administration, leaving a residual balance of £108,444 as the estimate of time costs for the Liquidation period.

As a result of the work referred to above, we have now exceeded this estimate.

I am therefore writing to you to seek your approval to an increase in our remuneration for the Liquidation from £108,444 plus VAT to £400,000 plus VAT. I enclose a revised fee estimate and a receipts and payments account as at 14 July 2023. You will note that, whilst our fee estimate exceeds £400,000, we are prepared to cap our Liquidation fees to this sum and write off the residual amount.

I intend to seek decision on this matter by correspondence. Accordingly, I enclose formal notice of the decision procedure and a voting form and notice of claim form. Please would you complete both the voting form and the notice of claim form and return them to me, either by post marked for the attention of Laura Jones to KSR Electronic Systems Limited (In Creditors' Voluntary Liquidation) c/o Ernst & Young LLP, G1 Building, 5 George Square, Glasgow, G2 1DY or by email ksrelectronic@uk.ey.com, to arrive no later than 23:59 hours on 18 August 2023.



#### **Creditors' Committee**

The Insolvency (England and Wales) Rules 2016 require that whenever a decision is sought from creditors, they must also be invited to establish a creditors' committee if, as in this case, a committee is not already in existence. Accordingly, the attached notice and voting form include a resolution on whether a committee should be formed. In order for a committee to be formed, at least 3 creditors must be willing to serve on the committee and they must give their consent in writing.

If you vote in favour of establishing a committee, please also complete the nomination section of the voting form and, unless you are nominating yourself, include the appropriate written consent(s) to act with your completed voting form. If there are fewer than 3 valid nominations, a committee will not be established. If there are at least 3 and no more than 5 valid nominations, a committee will be formed with the nominated creditors. In the event that there are more than 5 valid nominations, I shall put the nominations to a vote by the general body of creditors.

Should you have any questions please contact my colleague, Laura Jones, by email <a href="mailto:ksrelectronic@uk.ey.com">ksrelectronic@uk.ey.com</a>.

Yours faithfully for KSR Electronic Systems Limited (In Creditors' Voluntary Liquidation)

Lucy Winterborne Joint Liquidator

Encs: Revised fee estimate

Receipts and payments account

Notice of decision procedure with voting form

Claim form for voting purposes

Notice to creditors - invitation to form a liquidation committee

L Winterborne is licensed in the United Kingdom to act as an insolvency practitioner by The Insolvency Practitioners Association and D C Hurd is licensed in the United Kingdom to act as an insolvency practitioner by The Institute of Chartered Accountants in England and Wales.

The Joint Liquidators may act as data controllers of personal data as defined by the UK General Data Protection Regulation (as incorporated in the Data Protection Act 2018), depending upon the specific processing activities undertaken. Ernst & Young LLP and/or the Company may act as a data processor on the instructions of the Joint Liquidators. Personal data will be kept secure and processed only for matters relating to the Joint Liquidators' appointment. The Office Holder Data Privacy Notice can be found at www.ey.com/uk/officeholderprivacy.

## Original fee estimate and revised fee estimate

					Carried forward				Expected	future cost	s in the			
ļ	Per Fee Estimate		Administration to the CVL Incurred in the CVL to date		CVL			Total Revised Fee Estimate						
	Total hours	Total costs	Average rate	Total costs (£)	Total costs (£)	Total hours	Total costs	Average rate	Total hours	Total costs	Average rate	Total hours	Total costs	Average rate
		(£)	(£)				(£)	(£)		(£)	(£)		(£)	(£)
Administration & Planning	481.1	137,671.50	286			171.3	67,441.00	393.7	15.0	5,906	393.7	186.30	73,346.52	393.7
Creditors	219.1	58,149.50	265			350.0	143,895.50	411.1	30.0	12,334	411.1	380.00	156,229.40	411.1
Debtors	13.4	6,932.00	517			0.2	166.00	0.0	0.0	0	-	0.20	166.00	-
Employees	233.9	90,157.50	385			9.3	2,943.00	316.5	2.0	633	316.5	11.30	3,575.90	316.5
General	-	-	-			25.5	8,746.00	343.0	0.0	0	-	25.50	8,746.00	343.0
Immediate Tasks	26.9	10,878.50	404			7.5	4,575.00	610.0	0.0	0	-	7.50	4,575.00	610.0
Investigation & CDDA	75.9	30,750.50	405			0.0	0	0.0	0.0	0	-	0.00	0.00	-
Job Acceptance & Strategy	1.8	697	387			1.6	760.00	475.0	0.0	0	-	1.60	760.00	475.0
Legal Issues	0.7	524.5	749			3.2	2,563.00	800.9	0.0	0	-	3.20	2,563.00	800.9
Members	0.5	450	900			1.0	805.00	805.0	0.0	0	-	1.00	805.00	805.0
Other Assets	43.9	27,865.00	635			0.2	95.00	475.0	0.0	0	-	0.20	95.00	475.0
Other Matters	66.9	37,117.50	555			1.6	1,117.00	698.1	0.0	0	-	1.60	1,117.00	698.1
Out of scope	-	-	-			19.2	9,744.00	507.5	0.0	0	-	19.20	9,744.00	507.5
Property	11.6	6,515.00	562			21.6	15,798.00	731.4	0.0	0	-	21.60	15,798.00	731.4
Reporting	217.3	80,525.00	371			84.0	35,805.50	426.3	25.0	10,656	426.3	109.00	46,461.90	426.3
Retention of Title	6.3	2,992.50	475			0.0	0.00	0.0	0.0	0	-	0.00	0.00	-
Sale of Business	318	163,571.00	514			0.0	0.00	0.0	0.0	0	-	0.00	0.00	-
Statutory Duties	163.8	63,228.00	386			14.7	6,921.00	470.8	10.0	0	-	24.70	6,921.00	280.2
Trading	14.8	11,322.50	765			17.0	9,410.00	553.5	0.0	0	-	17.00	9,410.00	553.5
VAT & Taxation	115.3	37,640.00	326			158.8	60,363.00	380.1	5.0	1,901	380.1	163.80	62,263.60	380.1
ļ														
Total	5,219.50	2,112,660.50	405	1,652,607.00	108,444.00	886.7	371,148.00	419	87	31,429.32	353	973.7	402,577.32	413.5
Split as follows:														
Trading (funded by customers)		1,356,995.50		1,005,386.00	Nil									
Non-trading (payable from the estate	e)	755,665.00		647,221.00	108,444.00									
Total		2,112,660.50	-	1,652,607.00	108,444.00	-								

#### Explanation of additional work undertaken and proposed to be undertaken

The Joint Liquidators have incurred time costs dealing with the following matters, we do not anticipate further revisions to be made to the fee estimate during the Liquidation.

Basis of work	Category of work	Description of work to be completed	Work done / in progress / to be performed
Statutory	Accounting & Administration	Overall management of the case, treasury and accounting functions, statutory compliance diaries and time cost reporting.	In progress
		Additional work in this category as been incurred as a result of the Liquidation still being open.	
Statutory	Creditors	Receipt and recording creditor claims. Correspondence with creditors. Processing distributions to preferential and unsecred creditors (as applicable)	In progress In progress Preferential – work done in the Administration Unsecured – in progress
		There were a number of complex	

Basis of work	Category of work	Description of work to be completed	Work done / in progress / to be performed
		creditor claims that have extended the duration of the adjuication process, requiring input from external advisors and legal advice. Creditor claims where creditors have made retention of title claims during the administration have required adjustment in respect of any ROT recoveries.	
Statutory	Employees	Dealing with employee enquiries. Processing employee claims (if applicable)	In progress In progress
		A number of former employees have unsecured elements to their claims and the Redundancy Payments Service also has an unsecured claim, which have been reviewed as part of the claim adjudication process.	
Statutory	Immediate Tasks	Completion of work streams requiring immediate attention following the appointment as required by statute.	Work done
Asset realisation	Job Acceptenace & Strategy	Matters relating to the appointment and initial planning of the liquidation strategy, including management and formulating and executing the strategy adopted.	Work done
Statutory	Legal Issues	Legal advice in relation to certain creditor claims.	Work done
Statutory	Members	Liaising with the Company's shareholders.	Work done
Asset realisations	Other Assets	Realising value from the Company'y other assets.	Work done
Statutory	Other Matters	Dealing with assets owned by third parties.	Work done
Asset realisation	Property	Liaising with the landlord of the Company's former premises.	Work done
Statutory	Statuory Duties	Completion of statutory requirements of the liquidation, including notifications to creditors and members, advertising the appointment and sending to creditors and filing at Companies House.	In progress
Statutory	Trading	Dealing with outstanding matters	Work done

Basis of work	Category of work	Description of work to be completed	Work done / in progress / to be performed
		relating to the period that the Company was trading in administration. This has including preparing final trading accounts, reconciling the costs of trading and returning advanced payments to customers and making final payments to supplies.	
Statutory	VAT & Taxation	Preparing corporation tax and VAT returns, with input from EY VAT and tax specialists.	In progress
		Final corporation tax returns in respect of the Liqudation period are in the progress of being prepared and will be submitted shortly. At the same time we will request the appropriate clearances from HMRC.	

## Joint Liquidators summary of Receipts & Payments from 12 January 2021 to 14 July 2023

	12 January 2021 to 11 January 2023 £	12 January 2023 to 14 July 2023 £	Cumulative Total £
Receipts			
Funds transferred from Administration	5,835,704.25	-	5,835,704.25
VAT reclaim from Administration	231,729.79	-	231,729.79
Licence Fee Income	60,000.00	-	60,000.00
Pre-appointment reimbursements	5,111.94	-	5,111.94
Bank Interest	13,848.05	32,276.83	46,124.88
Total Receipts	6,146,394.03	32,276.83	6,178,670.86
Payments			
Legal fees	(31,235.80)	(5,677.00)	(36,912.80)
Employee benefits	(1,282.32)	-	(1,282.32)
Repairs, Renewals and Calibration	(1,986.00)	-	(1,986.00)
Employers NIC	(13.11)	-	(13.11)
Telephone	(59.80)	-	(59.80)
Public Notices	(99.45)	-	(99.45)
Other Professional Fees	(13,558.99)	-	(13,558.99)
Sundry Expenses	(120.00)	-	(120.00)
Rent	(90,000.00)	-	(90,000.00)
Insurance	(95.20)	-	(95.20)
Bank charges and interest	(25.80)	(0.60)	(26.40)
Customer Refunds	(112,561.60)	-	(112,561.60)
Administrators' Fees	(154,112.00)	-	(154,112.00)
Administrators' Expenses	(1,778.83)	-	(1,778.83)
Total Payments	(406,928.90)	(5,677.60)	(412,606.50)
Net Receipts and Payments	5,739,465.13	26,599.23	5,766,064.36
Represented By			
RBS-GBP-32382730-IB Current			5,732,670.63
Flt VAT Receivable		_	33,393.73
Total Represented By		=	5,766,064.36

#### **Notes**

- 1. Receipts and payments are stated net of VAT.
- 2. These accounts do not reflect estimated future realisations or associated costs.

### Notice to creditors of decision procedure

#### Rules 18.24 and 15.8 of the Insolvency (England and Wales) Rules 2016

Name of court: High Court of Justice, The Business and Property

Courts of England and Wales

Case number: CR-2020-MAN-000054

Registered name of the company: KSR Electronic Systems Limited

Registered number: 03648720

Registered office address: C/o Ernst & Young LLP

The Paragon Counterslip Bristol BS1 6BX

Principal trading address (if different from above): Heol Y Ddraig

Penllergaer Business Park Penllergaer, Swansea

SA4 9HL

Date on which the company entered Liquidation: 12 January 2021

Date of appointment of Joint Liquidators: 12 January 2021

**Details of the Joint Liquidators** 

Lucy WinterborneDaniel Christopher HurdErnst & Young LLPErnst & Young LLPThe Paragon1 Colmore SquareCounterslipBirminghamBristolB4 6HQ

BS1 6BX

Office holder number: 21130 / 20030

Telephone number: 0141 226 9332

Name of alternative person to contact

about the Liquidation: Laura Jones

NOTICE IS HEREBY GIVEN that the Joint Liquidators of KSR Electronic Systems Limited (in Creditors' Voluntary Liquidation) are seeking a decision from creditors by correspondence on the following matter:

That the Joint Liquidators' remuneration is increased from £108,444 plus VAT to £400,000 plus VAT.

### Notice to creditors of decision procedure

#### Rules 18.24 and 15.8 of the Insolvency (England and Wales) Rules 2016

Creditors wishing to vote on the proposed increase in remuneration, including any creditors who have opted out of receiving notices but nonetheless wish to vote, must complete and return the attached voting form and claim form, and return them to me by post to:

Laura Jones KSR Electronic Systems Limited (In Creditors' Voluntary Liquidation) c/o Ernst & Young LLP G1 Building 5 George Square Glasgow G2 1DY

Or by email to ksrelectronic@uk.ey.com, to be received no later than 23:59 hours on 18 August 2023 (the decision date). Votes in respect of claim forms received after this time will be disregarded.

Creditors whose debts may be treated as small debts in accordance with Rule 14.31(1) of the Insolvency (England and Wales) Rules 2016 must still deliver a claim form if they wish to vote.

A creditor may apply to court to appeal a decision on eligibility to vote in the decision procedure. Any appeal must be made no later than 21 days after **the decision date**.

Creditors who meet the thresholds set out in section 246ZE of the Insolvency Act 1986 namely 10% in value of creditors, 10% in number of creditors or 10 creditors) may, within five business days from the date of delivery of this notice, require a physical meeting to be held to consider the proposed resolution on remuneration.

Signed Lucy Winterborne	Soul	
Joint Liquidator		
Date	27/07/2023	

## **Voting form**

PACA		nc
Reso	uuv	ΠZ

Res	solutions	
1.	That the Joint Liquidators' remuneration is increased from £108,444 plus VAT to £400,00	0 plus VAT.
	AGREED / NO	)T AGREED
	(please delete whichever is not	appropriate)
Sig	nature	
Nar	ne of signatory	
	behalf of me of creditor)	
Dat	e	

# The Insolvency Act 1986 and the Insolvency (England and Wales) Rules 2016 Liquidation Notice of Claim for Voting Purposes

#### KSR Electronic Systems Limited (in Creditors' Voluntary Liquidation) (formerly in administration)

Relevant date: 27 January 2020

PLEASE NOTE: Once completed, this form will be used by the Joint Liquidators ONLY for the purposes of voting in a creditors' decision procedure or a requisitioned meeting of creditors. The form will not constitute admission of the claim to rank for dividend in this or any subsequent procedure. For further information see Rules 15.28 to 15.35 of the Insolvency (England and Wales) Rules 2016.

Name of creditor	
Address	
Amount claimed, after deductions for payments made post-administration or adjustments for set off (see notes overleaf)	
Is the claim preferential or secured?	
If secured, value of security	
If you have made a retention of title claim against the company please attach details (see over)	
Signature on behalf of creditor	
Date	

### Notice to creditors – invitation to form a liquidation committee

#### Rule 6.19, Insolvency (England and Wales) Rules 2016

KSR Electronic Systems Limited Registered name of the Company:

Other trading name(s) or style(s) of the company: n/a

Any other registered name in the 12 months

prior to liquidation: n/a

Registered number: 03648720

Registered office address: c/o Ernst & Young LLP, The Paragon, Counterslip,

Bristol, BS1 6BX

Principal trading address (if different from above): Heol Y Ddraig, Penllergaer Business Park,

Swansea, SA4 9HL

Date on which the Company entered

Liquidation: 12 January 2021

Date of appointment of Joint Liquidators: 12 January 2021

Details of the Joint Liquidators

Lucy Winterborne **Daniel Christopher Hurd** Ernst & Young LLP

Ernst & Young LLP

The Paragon, Counterslip, Bristol, BS1 6BX No.1 Colmore Square, Birmingham, B4 6HQ

Office holder number: 21130 / 20030

0141 226 9332 Telephone number:

Name of alternative person to contact

about the liquidation: Laura Jones

#### Invitation to form a liquidation committee

Creditors are invited to decide whether a liquidation committee should be formed if sufficient creditors are willing to be members of the committee. Information on the role of committees can be found at https://www.r3.org.uk/media/documents/publications/professional/R3-Guide-to-Creditors-Committees.pdf.

To be validly established, a committee must have at least three and not more than five members, who must have agreed to act.

Should you wish to form a committee, please follow the instructions in the nomination form attached to this notice and return the completed nomination form, with written agreements to act where appropriate, to me c/o Lucy Winterborne at Ernst & Young LLP, G1 Building, George Square, Glasgow, G2 1DY to arrive no later than 18 August 2023. Nominations can only be accepted if I am satisfied as to the creditor's eligibility under Rule 17.4 of the Insolvency (England and Wales) Rules 2016.

Signed				
Lucy Winterborne				
Joint Liquidator				

John John

Date <u>27/07/23</u>

#### Nominations for liquidation committee

You may nominate up to five creditors of the company. Please note that before a person can act as a member of a liquidation committee that person must agree to do so.

In the event that more than five valid nominations are received, the five receiving the most votes will be appointed.

When you have completed this form, please return it with the creditor's written agreement to act (unless you are nominating yourself or your own organisation) to c/o Lucy Winterborne at Ernst & Young LLP, G1 Building, George Square, Glasgow, G2 1DY to arrive no later than the closing date stated on the notice of invitation to form a committee.

minate:	
(Name of creditor)	
(Address)	
(Name of creditor)	
(Address)	
(Name of creditor)	
(Address)	

(Name of creditor)		of
(Address)		
(Name of creditor)		of
(Address)		
be appointed as (a)	member(s) of the liquidation committee.	
gnature		
ame of signatory		
n behalf of ame of creditor)	-	
ate		