

## The Insolvency Act 1986

Liquidator's Progress  
Report**S.192**Pursuant to section 192 of the  
Insolvency Act 1986

To the Registrar of Companies

For official use

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Company Number

00481881

Name of Company

(a) Insert full name of  
company

(a) Brooke Bond Foods Limited

(b) Insert full name(s) and  
address(es)

I/We, (b)

Samantha Keen

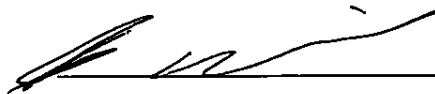
Dan Mindel

Ernst &amp; Young LLP

Ernst &amp; Young LLP

1 More London Place, London, SE1  
2AF1 More London Place, London, SE1  
2AFthe Joint Liquidators of the company attach a copy of our Progress Report under section  
192 of the Insolvency Act 1986

Signed



Date

24 January 17

Presenter's name,  
address and reference  
(if any)

Maria Holmes

Ernst & Young LLP  
1 More London Place  
London  
SE1 2AF

ML7E/KH/SS/KT/LO5191

For Official Use

Liquidation Section

Post Room



LD2

26/01/2017  
COMPANIES HOUSE

#307

THURSDAY

TO ALL KNOWN MEMBERS

24 January 2017

Ref ML7E/KT/SS/KH

Direct line 020 7951 2093 – Mana  
Holmes  
Fax 0207 951 9234

Email [ssaif@uk.ey.com](mailto:ssaif@uk.ey.com)  
Salman Saif

Dear Sir or Madam

**Brooke Bond Foods Limited  
(In Members' Voluntary Liquidation) ("the Company")**

Elizabeth Anne Bingham and Kerry Trigg were appointed as Joint Liquidators of the Company on 27 November 2013

By the Orders of the Court on 15 March 2016 and 1 August 2016, Elizabeth Bingham and Kerry Trigg were replaced by Samantha Keen and Dan Mindel as Joint Liquidators of the Company. Samantha Keen is an Insolvency Practitioner licensed by the Insolvency Practitioners Association and Dan Mindel is an Insolvency Practitioner licensed by the Institute of Chartered Accountants in England and Wales

I now write to provide you with our report on the progress of the liquidation for the period from 27 November 2015 to 26 November 2016

In accordance with the provisions of the Insolvency Rules 1986, we are required to provide certain information about the Company and the Liquidators. The information can be found in Appendix A of this report. A copy of our receipts and payments account for the period from 27 November 2013 to 26 November 2016 is at Appendix B, incorporating a receipts and payments account for the period from 27 November 2015 to 26 November 2016

**Progress during the period of the report**

***Tax Clearance***

As previously reported, HM Revenue and Customs ("HMRC") advised that tax clearance could not be provided due to the Company being part of the Simple Group Payment Arrangement which still had outstanding closure notices for the year ended 30 September 2012 and period ended 31 December 2012. I can confirm that these notices have been completed and tax clearance was received from HMRC on 23 September 2015

***Personal Injury Claims***

A number of industrial injury claims by former employees have been received during the liquidation and are being dealt with by the Company's insurers. It will not be possible to close the liquidation until these claims have been finalised. We are continuing to liaise with the Company's insurers in this regard

***Distribution to Members***

The declaration of solvency as sworn by the Directors indicated that the Company's only asset was an intercompany receivable in the sum of £9,871,947. This asset cannot be distributed to the members until the above issues have been resolved and as such, the liquidation cannot yet be concluded.



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working world

### **Joint Liquidators' remuneration**

Our remuneration was fixed on a time cost basis by a resolution of the members passed on 27 November 2013. Details of amounts paid, name of payor and the relationship between the payor and the Company, is available upon written request to my colleague, Maria Holmes, on the above direct line. Please note that the remuneration paid also relates to the liquidation of several other group companies.

### **Members' rights to further information about, and challenge, remuneration and expenses**

In certain circumstances, members are entitled to request further information about our remuneration or expenses, or to apply to court if members consider the costs to be excessive. Further information is provided in Appendix C.

### **Other matters**

I shall report again in 12 months time in accordance with the Insolvency Act 1986 or sooner should there be any significant developments.

Once the employee claims have been finalised, the final general meeting will be convened, at which we will apply for our release as Joint Liquidators.

Should you have any queries in relation to the matters in this report please contact my colleague, Maria Holmes, on 0207 951 2093.

Yours faithfully  
for the Company

Dan Mindel  
Joint Liquidator

D Mindel is licensed in the United Kingdom to act as an Insolvency Practitioner by the Institute of Chartered Accountants in England and Wales. S J Keen is licensed in the United Kingdom to act as an Insolvency Practitioner by the Insolvency Practitioners Association.

We may collect, use, transfer, store or otherwise process (collectively, "Process") information that can be linked to specific individuals ("Personal Data"). We may Process Personal Data in various jurisdictions in accordance with applicable law and professional regulations including (without limitation) the Data Protection Act 1998.

## **Brooke Bond Foods Limited (In Members' Voluntary Liquidation)**

### **Information about the Company and the Liquidators**

Registered office address of the company	1 More London Place, London, SE1 2AF
Registered number	00481881
Full names of the Liquidators	Dan Mindel and Samantha Jane Keen
Liquidators' address(es)	Ernst & Young LLP 1 More London Place London SE1 2AF
Date of appointment of the Joint Liquidators	27 November 2013
Details of any changes of Liquidator	On 15 March 2016 and 1 August 2016, Elizabeth Bingham and Kerry Trigg were replaced by Samantha Keen and Dan Mindel as Joint Liquidators of the Company

# **Brooke Bond Foods Limited (In Members' Voluntary Liquidation)**

**Joint Liquidators' Receipts and Payments Account for the period from  
27 November 2013 to 26 November 2016**

<b>Declaration of Solvency Estimated to Realise Values £</b>		<b>During the period from 27 November 2015 to 26 November 2016 £</b>	<b>Cumulative Total £</b>
	<b>Receipts</b>		
9,871,947	Intercompany balance	NIL	NIL
	<b>Payments</b>	NIL	NIL
	<b>Balance</b>	<hr/> NIL	<hr/> NIL

## **Notes**

- 1 Receipts and payments are stated net of VAT
- 2 The Joint Liquidators' remuneration and disbursements have been met by another group company

**Members' rights to request further information about remuneration or expenses or to challenge a liquidator's remuneration – Rules 4.49E and 4.148C of the Insolvency Rules 1986 (as amended)**

**4 49E Creditors' and members' request for further information**

**(1) If—**

- (a) within the period mentioned in paragraph (2)—
  - (i) a secured creditor, or
  - (ii) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question), or
  - (iii) members of the company in a members' voluntary winding up with at least 5% of the total voting rights of all the members having the right to vote at general meetings of the company, or
- (b) with the permission of the court upon an application made within the period mentioned in paragraph (2)—
  - (i) any unsecured creditor, or
  - (ii) any member of the company in a members' voluntary winding up,

makes a request in writing to the liquidator for further information about remuneration or expenses set out in a progress report in accordance with Rule 4 49B(1)(e) or (f) (including by virtue of Rule 4 49C(5)) or in a draft report under Rule 4 49D, the liquidator must, within 14 days of receipt of the request, comply with paragraph (3) except to the extent that the request is in respect of matter in a draft report under Rule 4 49D or a progress report required by Rule 4 108 which (in either case) was previously included in a progress report not required by Rule 4 108

**(2) The period referred to in paragraph (1)(a) and (b) is—**

- (a) 7 business days of receipt (by the last of them in the case of an application by more than one member) of the progress report where it is required by Rule 4 108, and
- (b) 21 days of receipt (by the last of them in the case of an application by more than one member) of the report or draft report in any other case

**(3) The liquidator complies with this paragraph by either—**

- (a) providing all of the information asked for, or
- (b) so far as the liquidator considers that—
  - (i) the time or cost of preparation of the information would be excessive, or
  - (ii) 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
  - (iii) the liquidator is subject to an obligation of confidentiality in respect of the information,
 giving reasons for not providing all of the information

**(4) Any creditor, and any member of the company in a members' voluntary winding up, who need not be the same as the creditors or members who asked for the information, may apply to the court within 21 days of—**

- (a) the giving by the liquidator of reasons for not providing all of the information asked for, or
  - (b) the expiry of the 14 days provided for in paragraph (1),
- and the court may make such order as it thinks just

**(5) Without prejudice to the generality of paragraph (4), the order of the court under that paragraph may extend the period of 8 weeks or, as the case may be, 4 weeks provided for in Rule 4 131(1B) or 4 148C(2) by such further period as the court thinks just.**

**(6) This Rule does not apply where the liquidator is the official receiver**