

LIQ03

Notice of progress report in voluntary winding up



Companies House

MONDAY



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29/01/2018

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1 Company details

Company number 0 0 4 8 1 8 8 1
Company name in full BROOKE BOND FOODS LIMITED

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

2 Liquidator's name

Full forename(s) Samantha Jane
Surname Keen

3 Liquidator's address

Building name/number 1
Street More London Place
Post town London
County/Region
Postcode S E 1 2 A F
Country England

4 Liquidator's name ①

Full forename(s) Richard
Surname Barker

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

5 Liquidator's address ②

Building name/number 1
Street More London Place
Post town London
County/Region
Postcode S E 1 2 A F
Country England

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

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6 Period of progress report

From date	d	2	d	7	m	1	m	1	y	2	y	0	y	1	y	6
To date	d	2	d	6	m	1	m	1	y	2	y	0	y	1	y	7

7 Progress report

☒ The progress report is attached

8 Sign and date

Liquidator's signature

Signature

X

[Handwritten Signature]

X

Signature date

d	2	d	6	m	0	m	1	y	2	y	0	y	1	y	8
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**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
Rozalie BoyleCompany name
EYAddress
1 More London PlacePost town
London

County/Region

Postcode
S E 1 2 A FCountry
United Kingdom

DX

Telephone
020 7951 4695**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

TO ALL KNOWN MEMBERS

26 January 2018

Ref: MLP5W/SK/RB/SS/MH/RB

Direct line: 020 7951 7712 – Katy Ho

Email: 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. Further to this by the Order of the Court on 18 May 2017, Dan Mindel was replaced as Joint Liquidator of the Company by Richard Barker. Samantha Keen and Richard Barker are Insolvency Practitioners licensed by the Insolvency Practitioners Association.

I now write to provide you with our report on the progress of the liquidation for the period from 27 November 2016 to 26 November 2017.

In accordance with the provisions of the Insolvency (England and Wales) Rules 2016 ("the Rules") 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 2016 to 26 November 2017 is at Appendix B.

Progress during the period of the report

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.

Assets

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 will be distributed to the members once the above issues have been resolved.

Liabilities

It is customary in a liquidation to seek confirmation from the relevant Crown bodies that they have no claim in respect of corporation tax, VAT, PAYE and National Insurance Contributions. The appropriate clearances have been received from HMRC that they have no claim, there are no outstanding Corporation Tax matters and that there is no objection to the closure of the liquidation in due course.

Joint Liquidators' remuneration and disbursements

Our remuneration was fixed on a time cost basis by a resolution of the members passed on 27 November 2013 and is paid by another group company. There is no recourse to the estate in respect of our fees where such contractual arrangement exists.

We have previously incurred expenses relating to statutory advertising, statutory bonding and courier costs which have also be paid by another group company and without recourse to the liquidation estate.

Details of amounts paid, name of the payer and the relationship between the payer and the Company, are available upon written request to me at Ernst & Young LLP, 1 More London Place, SE1 2AF.

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

In accordance with the Rules, I shall report again in 12 months' time or sooner should there be any significant developments.

Once the employee claims have been finalised, the Joint Liquidators will issue the final report and account to the shareholder and seek to conclude the liquidation.

Should you have any queries in relation to the matters in this report please contact my colleague, Katy Ho, on the above telephone number.

Yours faithfully
for the Company



Richard Barker
Joint Liquidator

S J Keen and R P Barker are licensed in the United Kingdom to act as Insolvency Practitioners 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:	Richard Barker 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:	<p>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.</p> <p>On 18 May 2017, Dan Mindel was replaced by Richard Barker as Joint Liquidator of the Company.</p>

Brooke Bond Foods Limited (In Members' Voluntary Liquidation)

Joint Liquidators' Receipts and Payments Account for the period from
27 November 2013 to 26 November 2017

Declaration of Solvency Estimated to Realise Values £		During the period from 27 November 2013 to 26 November 2016	During the period from 27 November 2016 to 26 November 2017 £	Cumulative Total £
	Receipts			
9,871,947	Intercompany balance	NIL	NIL	NIL
	Payments	NIL	NIL	NIL
	Balance	NIL	NIL	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 18.9 and 18.34 of the Insolvency (England and Wales) Rules 2016 (as amended)

18.9 Creditors' and members' request for further information

18.9.—(1) The following may make a written request to the office-holder for further information about remuneration or expenses (other than pre-administration costs in an administration) set out in a progress report under rule 18.4(1)(b), (c) or (d) or a final report or account under rule 18.14—

- (a) a secured creditor;
- (b) an unsecured creditor with the concurrence of at least 5% in value of the unsecured creditors (including the creditor in question);
- (c) 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;
- (d) any unsecured creditor with the permission of the court; or
- (e) any member of the company in a members' voluntary winding up with the permission of the court.

(2) A request, or an application to the court for permission, by such a person or persons must be made or filed with the court (as applicable) within 21 days of receipt of the report or account by the person, or by the last of them in the case of an application by more than one member or creditor.

(3) The office-holder must, within 14 days of receipt of such a request respond to the person or persons who requested the information by—

- (a) providing all of the information requested;
- (b) providing some of the information requested; or
- (c) declining to provide the information requested.

(4) The office-holder may respond by providing only some of the information requested or decline to provide the information if—

- (a) the time or cost of preparation of the information would be excessive; or
- (b) disclosure of the information would be prejudicial to the conduct of the proceedings;
- (c) disclosure of the information might reasonably be expected to lead to violence against any person; or
- (d) the office-holder is subject to an obligation of confidentiality in relation to the information.

(5) An office-holder who does not provide all the information or declines to provide the information must inform the person or persons who requested the information of the reasons for so doing.

(6) A creditor, and a member of the company in a members' voluntary winding up, who need not be the same as the creditor or members who requested the information, may apply to the court within 21 days of—

- (a) the office-holder giving reasons for not providing all of the information requested; or
 - (b) the expiry of the 14 days within which an office-holder must respond to a request.
- (7) The court may make such order as it thinks just on an application under paragraph (6).

18.34 Members' claim that remuneration is excessive

18.34.—(1) This rule applies to an application in an administration, a winding-up or a bankruptcy made by a person mentioned in paragraph (2) on the grounds that—

- (a) the remuneration charged by the office-holder is in all the circumstances excessive;
- (b) the basis fixed for the office-holder's remuneration under rules 18.16, 18.18, 18.19, 18.20 and 18.21 (as applicable) is inappropriate; or
- (c) the expenses incurred by the office-holder are in all the circumstances excessive.

(2) The following may make such an application for one or more of the orders set out in rule 18.36 or 18.37 as applicable—

- (a) a secured creditor,
- (b) an unsecured creditor with either—
 - (i) the concurrence of at least 10% in value of the unsecured creditors (including that creditor), or
 - (ii) the permission of the court, or
- (c) in a members' voluntary winding up—
 - (i) members of the company with at least 10% of the total voting rights of all the members having the right to vote at general meetings of the company, or
 - (ii) a member of the company with the permission of the court.

(3) The application by a creditor or member must be made no later than eight weeks after receipt by the applicant of the progress report under rule 18.3, or final report or account under rule 18.14 which first reports the charging of the remuneration or the incurring of the expenses in question ("the relevant report").

Rules 18.9 and 18.34 are reproduced from the Insolvency (England and Wales) Rules 2016, as amended by the Insolvency (England and Wales) (Amendment) Rules 2017, under the terms of Crown Copyright Guidance issued by HMSO