

NDISC

Notice of disclaimer under section 178 of the Insolvency Act 1986



Companies House

SATURDAY



A10

A7E2DWI1

08/09/2018

#194

COMPANIES HOUSE

1 Company details

Company number 0 3 7 8 2 3 7 9

Company name in full CARILLION PLC

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

2 Liquidator's name

Full forename(s) DAVID

Surname CHAPMAN

3 Liquidator's address

Building name/number 4

Street ABBEY ORCHARD STREET

Post town LONDON

County/Region

Postcode S W 1 P 2 H T

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 ①

Building name/number

Street

Post town

County/Region

Postcode

Country

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

NDISC

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6 Notice of disclaimer

☒ Notice of disclaimer is attached

7 Sign and date

Liquidator's signature



Signature

X



X

Signature date

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m

9

y

2

y

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y

1

y

8

NDISC

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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 | Phil Amatt |
| Company name | Insolvency Service |
| Address | 4 Abbey Orchard Street |
| Post town | London |
| County/Region | |
| Postcode | S W 1 P 2 H T |
| Country | |
| DX | |
| Telephone | 02076376276 |



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



Carillion Construction Limited
(in compulsory liquidation)
Carillion House
84 Salop Street
Wolverhampton WV3 0SA

www.carillionplc.com

TO:
Barclays plc,
1 Churchill Place,
London,
E14 5HP
(you)

16 August 2018

Dear Sir / Madam

NOTICE OF DISCLAIMER UNDER SECTION 178 OF THE INSOLVENCY ACT 1986

Re: Carillion plc activities under contracts and agreements at the site commonly referred to as Hollingworth School

Carillion plc (in liquidation) (company number 03782379) (the Company)
Liquidator: The Official Receiver (the Liquidator)

Special managers: Michael Jervis and David Kelly (the Special Managers)

Property Disclaimed: the applicable contracts listed in Schedule 2 between you and the Company in relation to Hollingworth School (the Contracts)

By order of the High Court of Justice of England and Wales of 15 January 2018, the Company was placed into compulsory liquidation and the Official Receiver appointed as liquidator (in the Business and Property Courts of England and Wales, Insolvency and Companies List (ChD), case no. CR-2018-000351).

By order of the High Court of Justice of England and Wales of 15 January 2018 (as amended by Mr Registrar Jones on 13 February 2018), the Special Managers were appointed to assist the Liquidator.

The Liquidator hereby gives you notice that it disclaims all the Company's interest in the applicable Contracts, including any related Direct Agreements and collateral or other warranties entered into by the Company in relation to the Contracts including those listed in the enclosed Schedule 2.

Yours faithfully

Signed: 

Dated: 16 August 2018

Notice authenticated and dated by David Chapman, Official Receiver as liquidator of the Company, acting without personal liability

The Official Receiver has been appointed liquidator of Carillion Plc (and certain subsidiaries). Special Managers have been appointed by the High Court to help the Official Receiver manage the affairs, business and property of the companies in liquidation, in accordance with the powers and duties contained in the order appointing them. Provisional liquidators have also been appointed by the Court of Session, with the powers set out in Schedule 4 to the Insolvency Act 1986. A full list of the appointments and details of the Special Managers and Provisional Liquidators can be found at www.pwc.co.uk/carillion.

The Provisional Liquidators are licensed in the United Kingdom to act as Insolvency Practitioners by the Institute of Chartered Accountants in England and Wales, and are bound by the Insolvency Code of Ethics which can be found at: <https://www.gov.uk/government/publications/insolvency-practitioner-code-of-ethics>.

The Special Managers and Provisional Liquidators act as agents of the companies to which they are appointed, without personal liability, and they are Data Controllers of personal data as defined by the Data Protection Act 1998. Personal data will be kept secure and processed only for matters relating to the appointment.



Carillion Construction Limited
(In compulsory liquidation)
Carillion House
84 Salop Street
Wolverhampton WV3 0SR

www.carillionplc.com

Official Receiver contact details:
4 Abbey Orchard Street
London
SW1P 2HT
carillion.liquidator@insolvency.gsi.gov.uk

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NOTES

The following provisions continue notwithstanding the intended disclaimer by the Company of its interests in the Contracts and related direct agreements and collateral or other warranties as further and expressly particularised in the enclosed, non-exhaustive Schedule.

The Special Managers, their firm, partners, employees, advisers, representatives or agents nor the Liquidator shall incur any personal liability whatsoever in respect of any of the obligations of the Company or any other person including in connection with the Contracts and the terms of this notice.

No liability (whether based in tort or contract or statute or otherwise) including, without limitation, any liability in connection with non-performance or breach or termination (whether by repudiation, disclaimer or otherwise), or any penalty or liability for liquidated damages, arising from actions or inactions of either the Liquidator or the Special Managers shall give rise to any liquidation expenses unless expressly accepted in writing.

Neither the Liquidator's nor the Special Managers' actions or inactions shall have the legal effect of an adoption of any of the Contracts.

Nothing in this letter is intended to limit or affect in any way the rights or powers of the Liquidator or the Special Managers with respect to their appointments or applicable law.

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PROJECT – Hollingworth School

Schedule 1 – List of addressees to whom this Notice of Disclaimer is to be given

| No | Addressee details per contract in Schedule 2 |
|----|---|
| 1 | <ol style="list-style-type: none">1. Inspiredspaces Rochdale (ProjectCo1) Limited, Carillion House, 84 Salop Street, Wolverhampton, WV3 0SR2. Barclays plc, 1 Churchill Place, London, E14 5HP3. Carillion Construction Limited, Carillion House, 84 Salop Street, Wolverhampton, WV3 0SR |
| 2 | Inspiredspaces Rochdale (ProjectCo1) Limited, Carillion House, 84 Salop Street, Wolverhampton, WV3 0SR |

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PROJECT – Hollingworth School

Schedule 2 – List of disclaimed contracts

| No | Title of contract | Parties | Date of contract |
|----|--|--|------------------|
| 1 | Building Contract Direct Agreement | (1) Inspiredspaces Rochdale (ProjectCo1) Limited (2) Barclays Bank plc (3) Carillion plc (4) Carillion Construction Limited | 11 January 2010 |
| 2 | Building Contract Parent Company Guarantee | (1) Inspiredspaces Rochdale (ProjectCo1) Limited (2) Carillion plc | 11 January 2010 |

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