

# 2.17B

The Insolvency Act 1986

**Statement of administrator's proposals**

Name of Company Gaggia United Kingdom Ltd	Company number 04301009
In the High Court of Justice, Chancery Division, Leeds District Registry (full name of court)	Court case number 2417 of 2009

(a) Insert full name(s) and address(es) of administrator(s)

We (a)  
Paul Andrew Whitwam  
BWC Business Solutions Limited  
8 Park Place  
Leeds  
LS1 2RU

David Leighton Cockshott  
BWC Business Solutions Limited  
8 Park Place  
Leeds  
LS1 2RU

\*Delete as applicable

attach a copy of our proposals in respect of the administration of the above company.

A copy of these proposals was sent to all known creditors on

(b) 6 October 2009

Signed

  
Joint Administrators

Dated

6 October 2009

**Contact Details:**

You do not have to give any contact information in the box opposite but if you do, it will help Companies House to contact you if there is a query on the form.

The contact information that you give will be visible to researchers of the public record

Paul Andrew Whitwam  
BWC Business Solutions Limited  
8 Park Place  
Leeds  
LS1 2RU

DX Number

0113 243 3434  
DX Exchange

When you have completed and signed this form, please send it to the Registrar of Companies at:-  
Companies House, Crown Way, Cardiff CF14 3UZ DX 33050 Cardiff

THURSDAY



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PC5

08/10/2009

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COMPANIES HOUSE

# **Gaggia United Kingdom Limited - In Administration**

## **Report and Proposals of the Administrators under the Provisions of Paragraph 49 of Schedule B1 to the Insolvency Act 1986**

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## 1. PREFACE

Expression	Meaning
"the Company"	Gaggia United Kingdom Limited - In Administration
"the Administration"	The appointment of Administrators under Schedule B1 of the Insolvency Act 1986 on 27 August 2009
"the Administrators"	Paul Andrew Whitwam and David Leighton Cockshott of BWC Business Solutions Limited, 8 Park Place, Leeds, LS1 2RU
"the Act"	The Insolvency Act 1986, as amended
"the Rules"	The Insolvency Rules 1986, as amended
"the creditors"	All preferential creditors and all unsecured creditors
"preferential creditor"	Any creditor of the Company whose claim is preferential within Section 386 of the Insolvency Act 1986 as at 27 August 2009 being the date the Company entered administration
"unsecured creditor"	Any person (other than a preferential creditor) who has, or claims to have, any claim against the Company (whether the claim be present, future or contingent or prospective and whether liquidated or for damages and whether arising in contract or tort or otherwise) in connection with or arising from any matter occurring prior to 27 August 2009

## 2. STATUTORY INFORMATION

**Date of Incorporation:** 8 October 2001

**Company Registered Number:** 04301009

**Registered Office:** C/O BWC Business Solutions Limited, 8 Park Place,  
Leeds, LS1 2RU

**Trading Addresses:** Crown House, Mile Cross Road, Halifax, West  
Yorkshire, HX1 4HN

**Principal Business Activities:** Wholesale and Retail Sales of Coffee Machines and  
Associated Sundries

**Trading & Domain Names:** Gaggia

**Director:** Earl Rajakumar Beadle

**Company Secretary:** Robert Speight

**Share Capital:** 200,000 ordinary £1 Shares authorised & issued

Any Sac LLP	140,000
Earl Rajakumar Beadle	50,000
Andrew Watson	2,000
Robert Speight	2,000
Christopher John Olley	2,000
Patricia Gail Jeanes	2,000
Ragne Leiderby	2,000

### 3. DETAILS OF THE APPOINTMENT OF THE ADMINISTRATORS

- Name of Administrators:** Paul Andrew Whitwam and David Leighton Cockshott, Licensed Insolvency Practitioners of BWC Business Solutions Limited, 8 Park Place, Leeds, LS1 2RU. The Administrators are licensed by the Insolvency Practitioners Association.
- Date of Appointment:** 27 August 2009
- Court:** High Court of Justice, Leeds District Registry, Chancery Division, Number 2417 of 2009
- Person Making Application:** Earl Rajakumar Beadle, the Director
- Acts of the Administrators:** The Administrators act as officers of the Court and as agent of the Company without personal liability. Any act required or authorised under any enactment to be done by an Administrator may be done by any one or more persons holding the office of Administrator from time to time.
- EC Regulation on Insolvency:** The EC Regulation on Insolvency Proceedings (Council Regulation (EC) No. 1346/2000) applies to these proceedings which are 'main proceedings' within the meaning of the Regulation.
- Purpose of Administration:** The purpose of administration is set out at paragraph 3 of Schedule B1 to the Act as follows:
1. The Administrator of a Company must perform his functions with the objective of:
    - a. rescuing the Company as a going concern, or
    - b. achieving a better result for the Company's creditors as a whole than would be likely if the Company were wound up (without first being in administration), or
    - c. realising property in order to make a distribution to one or more secured or preferential creditors.
  2. Subject to subparagraph (4), the Administrator of a Company must perform his functions in the interests of the Company's creditors as a whole.
  3. The Administrator must perform his functions with the objective specified in subparagraph (1)(a) unless he thinks either:
    - a. that it is not reasonably practicable to achieve that objective, or
    - b. that the objective specified in subparagraph (1)(b) would achieve a better result for the Company's creditors as a whole.
  4. The Administrator may perform his functions with the objective specified in subparagraph (1)(c) only if:
    - a. he thinks that it is not reasonably practicable to achieve either of the objectives specified in subparagraph (1)(a) and (b), and
    - b. he does not unnecessarily harm the interests of the creditors of the Company as a whole."

## **4. PURPOSE OF THE ADMINISTRATORS' REPORT AND PROPOSALS**

- 4.1 Under the provisions of the Insolvency Act 1986, the Administrators are required to send to the creditors a statement of their proposals for achieving the purpose set out in the Administration Order.
- 4.2 The purpose of this report is to fulfil these requirements and to advise creditors generally on the progress of the Administration. A statement of the Administrators' proposals is contained within this report.
- 4.3 Accompanying this report is a notice convening an initial meeting of creditors to be held on 28 October 2009 at 10.00am at BWC Business Solutions Limited, 8 Park Place, Leeds, LS1 2RU for the purpose of considering and if thought fit approving the Administrators' proposals with or without modification.
- 4.4 In preparing this report, the Administrators have relied on information provided by the director, management and others. The Administrators' investigations are continuing and, accordingly, it has not been possible to verify all such information. Therefore, the Administrators take no responsibility for the completeness or accuracy of such information or otherwise.

## **5. BACKGROUND TO THE APPOINTMENT OF ADMINISTRATORS**

### **History of Company and Reasons for Failure**

Earl Rajakumar Beadle is the director of the Company ("the Director"). The following information has been provided by the Director.

- Gaggia United Kingdom Limited ("the Company") was formed in 2001 to distribute Gaggia coffee machines in the United Kingdom and Ireland.
- The Company traded successfully until 2007. Whilst sales and market share continued to grow, production disruptions in Italy and more recently, the adverse effect of the exchange rate, resulted in the Company suffering heavy losses in its distribution business. This, coupled with the lack of continued support from the Italian Manufacturer, Gaggia S.p.A who was already owed £10 million, meant that the Company could not continue to operate on a viable basis.
- Although attempts were made to come to an agreement to perform certain services to Gaggia S.p.A, support was not forthcoming following the recent acquisition of Gaggia S.p.A by Philips UK, part of the Dutch "Philips" conglomerate.
- Furthermore, on 15 July 2009, HM Revenue & Customs ("HMRC") who are owed circa £224,671, distrained over most of the Company's stock held at the Company's warehouse in Halifax. The Director also had concerns that the Landlord of the warehouse would distrain over the remaining assets in respect of unpaid rent.

- On 6 August 2009, approximately 60 of the Company's 90 employees were made redundant. The remaining retail side of the business had also effectively ceased trading as the Company was unable to source goods for resale.
- On 25 August 2009, the Director received a letter from Gaggia S.p.A. confirming that the distribution agreement dated 22 October 2001 had terminated with effect from 14 April 2009 and that the Company was not authorised to continue to use the trademark and/or brand of "Gaggia".
- The HMRC distraint, together with a decision by Philips UK to provide their own distribution services, left the Company without any viable way of continuing and therefore a decision was made to put the Company into administration.
- The Director subsequently decided to apply for an Administration Order in order to obtain protection from creditors and facilitate a "pre-pack" sale of part of the Company's business and assets.
- Paul A Whitwam and David L Cockshott were appointed Joint Administrators of the Company on 27 August 2009.

#### **Transactions with Associates Prior to Administration**

The Director has confirmed to us that, to the best of his knowledge and belief, except as stated elsewhere in this report, no transactions took place between the Company and any person associated with it (within the meaning of Section 435 of the Insolvency Act 1986) in the two year period prior to the administration order. The Company did not operate a loan account with its director.

## **6. ADMINISTRATORS' ACTIONS TO DATE**

### **Administrators' Actions to Date**

- 6.1 Upon their appointment, the Administrators took control of the business and assets of the Company with a view to establishing a strategy to meet the prioritised objectives of the administration process:
  - a. Rescue the Company as a going concern; or
  - b. Achieve a better result for creditors as a whole than would be likely if the Company were wound up (without first being in administration); or
  - c. Realise property in order to make a distribution to one or more secured or preferential creditors.
- 6.2 The Administrators concluded that objective 6.1a was not capable of being achieved, but that objective 6.1b, or failing that, objective 6.1c were capable of being achieved.

- 6.3 The Company's retail business and associated assets were sold to Caffè Shop Limited ("the Purchaser") on 27 August 2009. The Purchaser is a company owned and operated by the Director, and accordingly is "connected" to the Company.
- 6.4 Prior to the Administrators' appointment, the Purchaser had expressed interest in acquiring the Company's retail business and associated assets. After extensive negotiations, the Purchaser made an offer of £74,900 for the Company's retail business and unencumbered assets, together with the remaining stock at the Halifax warehouse not subject to distraint.
- 6.5 The offer is analysed in the table below, together with in-situ and ex-situ valuations provided by Sanderson Weatherall, agents and valuers, based in Leeds ("the Agents"). The initial offer was made on 20<sup>th</sup> August 2009.

	<i>Offer</i>	<i>In-Situ Value</i>	<i>Ex-Situ Value</i>
	£	£	£
Plant & Machinery	4,500	12,000	4,500
Stock (Located at Shops & Stock at Halifax Warehouse Not Subject to Distraint)	70,400	102,500	55,000
	74,900	114,500	59,500

- 6.6 On 27<sup>th</sup> August 2009, and immediately upon their appointment, the Administrators, on the advice of the Agents, accepted the Purchaser's offer and completed the sale.
- 6.7 The Administrators decided to accept the offer of £74,900 from the Purchaser for the following reasons:
- 6.7.1 The Administrators had no funding available with which to continue trading the Company's business pending marketing. The Administrators concluded that the only alternative to accepting the offer from the Purchaser would be the immediate closure of the Company's business and the realisation of its assets on a piecemeal basis. In such circumstances, it was anticipated that the assets would realise only £59,500 before costs of realisation.
- 6.7.2 The sale as a going concern would serve to eliminate preferential claims from the remaining employees for arrears of wages because the Purchaser intended to pay the employees' arrears of wages in order to maintain the goodwill and uninterrupted trading of the Company's retail business.
- 6.7.3 The proposed sale as a going concern would also serve to eliminate preferential claims for holiday pay and unsecured claims for redundancy and pay in lieu of notice of the remaining employees under TUPE Regulations.
- 6.7.4 The proposed sale would ensure continuity of the business and may also enhance the recoverability of the Company's book debts.
- 6.7.5 The Administrators did not consider that advertising the business for sale would result in an increased offer from any other third party.



- 6.7.6 The Agents had strongly recommended acceptance of the offer due to the significant costs which would be involved in uplifting the assets from the various premises and marketing them for sale.
- 6.8 The Administrators concluded that the only realistic alternative to accepting the offer from the Purchaser would be the immediate closure of the Company's remaining retail business and the realisation of all assets on a piecemeal basis. Significant preferential claims for arrears of wages and holiday pay and unsecured claims for redundancy and pay in lieu of notice would arise in these circumstances.
- 6.9 In view of the above factors, the Administrators decided to accept the offer from the Purchaser and not market the business and assets for sale.
- 6.10 Of the consideration due from the Purchaser, £20,700 was received on completion of the sale and the balance of £54,200 is payable in various amounts between completion and June 2010. The director of the Purchaser has personally guaranteed the deferred consideration. The Administrators have received September's deferred payment of £2,500, in accordance with the sale agreement.
- 6.11 The Administrators granted the Purchaser a licence to occupy 7 of the Company's previous trading premises for a period of 6 months, unless terminated earlier by either party. A licence fee of £10,000 was received by the Administrators on completion of the sale and weekly payments of £6,000 due thereafter. To date, the Administrators have received a total of £40,000 which, in accordance with the sale agreement, includes 5 payments of £6,000.
- 6.12 It is proposed that the Administrators will continue to collect the Company's outstanding book debts. However, and as stated in the Director's Statement of Affairs, it is uncertain as to how recoverable these are. The Company's invoices were stored on an external hard drive which has since been disabled by a third party who is also a creditor of the Company. As such, copy invoices are currently not obtainable.
- 6.13 The Administrators have agreed to pay a former employee £100 a day to retrieve the addresses of the Company's debtors in order that the Administrators can attempt to recover the outstanding book debts.
- 6.14 Once matters are finalised, and assuming that there are funds available, the Administrators propose to place the Company into Creditors' Voluntary Liquidation to enable a dividend to be paid to the Company's unsecured creditors.
- 6.15 A summary of the Administrators' receipts and payments for the period to 6 October 2009 is attached at Appendix II.

### **Transactions with Associates During Administration**

Except as stated above, the Company in Administration has entered into no further transactions with persons associated with it.

## **7. ADMINISTRATORS' PROPOSALS**

- 7.1 The Administrators propose to continue to realise the assets and undertaking of the Company in such a manner as they consider appropriate with a view to achieving the purpose set out in Paragraph 3(1)(b), or failing that, Paragraph 3(1)(c) of Schedule B1 to the Insolvency Act 1986.
- 7.2 The Administrators propose in the interim to take all necessary actions to preserve the value of the Company's assets.
- 7.3 Once all the assets have been realised and the Administration is complete, it is proposed that the Administrators will place the Company into Creditors' Voluntary Liquidation, in accordance with Paragraph 83 of Schedule B1 of the Insolvency Act 1986, and be appointed as Joint Liquidators of the Company. Should any creditor wish to nominate alternative liquidators, please notify us in writing prior to the meeting of creditors.
- 7.4 In the event that no funds are available for distribution to unsecured creditors, the Administrators propose to file a notice pursuant to paragraph 84 of Schedule B1 to the Act, together with a final progress report to the Court and the Registrar for the dissolution of the Company.
- 7.5 If appropriate, the Administrators propose to either obtain creditors' consent or apply to Court under the provisions of Paragraph 76(2) of Schedule B1 to the Insolvency Act 1986 for an order that their term of office be extended.
- 7.6 It is proposed that the remuneration of the Administrators be fixed by reference to time properly given by them and their staff in attending to matters arising from the Company's administration, in accordance with the Statement of Insolvency Practice number 9 and that they be authorised to draw remuneration and disbursements as and when funds are available. A creditors' guide to administrators' fees is attached at Appendix III.
- 7.7 It is further proposed that the Joint Administrators be authorised to draw expenses necessarily incurred in the conduct of the Administration in accordance with the Firm's policy note as detailed in the creditors guide to fees attached at Appendix III. In particular, the Administrators be authorised to draw category 2 expenses in respect of internal meeting room usage, storage of company records and mileage claims at the rates set out in the creditors guide to fees.
- 7.8 It is proposed that the Joint Administrators be discharged from liability pursuant to Paragraph 98 Schedule B1 Insolvency Act 1986 14 days after the appointment of the Administrators ceases to have effect.
- 7.9 An analysis of the time spent by BWC Business Solutions Limited and the Administrators for the period to 15 September 2009 is attached at Appendix IV.

## **8. STATEMENT OF AFFAIRS**

The Director's Statement of Affairs is attached at Appendix II. The Administrators concur with the statement of affairs other than there has been no provision for costs and expenses of the Administration.

## **9. AMOUNTS DUE TO HM REVENUE & CUSTOMS**

As previously stated, HMRC, who are owed circa £224,671, have distrained over the majority of the Company's stock held at the warehouse in Halifax. The Purchaser has agreed a proposal with HMRC directly to purchase the distraint stock at circa 10% of cost value (£38,000). In view of this, HMRC will have a reduced unsecured claim in the Administration.

## **10. AMOUNTS DUE TO SECURED CREDITORS**

The Administrators are not aware of any other secured creditors.

## **11. SHARE OF ASSETS FOR UNSECURED CREDITORS**

There is no floating charge over the property of the Company and accordingly there is no "Prescribed Part" payable to unsecured creditors pursuant to Section 176A(2) Insolvency Act 1986.

## **12. AMOUNTS DUE TO PREFERENTIAL CREDITORS**

As previously stated, on 6 August 2009, approximately 60 of the Company's 90 employees were made redundant, resulting in preferential claims estimated at £30,952. This is in respect of arrears of wages and holiday pay. The remaining employees of the Company were transferred to the Purchaser by operation of law following the sale of the business and assets.

## **13. SUMMARY**

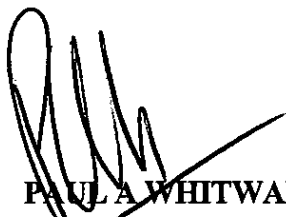
Once all the Company's assets have been realised and the Administration is complete, it is proposed that the Administrators will, in accordance with Paragraph 83 of Schedule B1 of the Insolvency Act 1986, be appointed as Joint Liquidators of the Company.

An initial meeting of the Company's creditors is being convened because the Administrators think that there is sufficient property to enable a distribution to be made to the Company's unsecured creditors.

Formal notice of the meeting and proxy and proof of debt forms are attached to this report.

If you require any further information, please contact the manager dealing with this case, Peter Scriven.

For and on behalf of  
Gaggia United Kingdom Limited

A handwritten signature in black ink, appearing to read 'Paula Whitwam', with a long horizontal stroke extending to the right.

**PAULA WHITWAM**  
**Joint Administrator**  
6 October 2009

**APPENDIX I**

**GAGGIA UNITED KINGDOM LIMITED - IN ADMINISTRATION**

**ADMINISTRATORS' RECEIPTS AND PAYMENTS ACCOUNT AS AT 6  
OCTOBER 2009**

**Gaggia United Kingdom Ltd**  
**(In Administration)**

**Joint Administrators' Abstract Of Receipts And Payments**  
**To 06 October 2009**

<b>RECEIPTS</b>	<b>Total (£)</b>
Fixtures & Fittings	4,500.00
Stock - unencumbered	18,700.00
Book Debts	726.79
Cash in Hand	20,000.00
Licence Fee	40,000.00
Cash Held By Solicitor	1,125.59
Bank Interest Gross	0.03
Insurance Commissions	350.00
	<u>85,402.41</u>

**PAYMENTS**

Photocopying	68.40
Statutory Advertising	69.75
Rent & Service Charge	5,223.72
Vat Receivable	804.28
	<u>6,166.15</u>
Balance	<u>79,236.26</u>

**MADE UP AS FOLLOWS**

Bank 2 Current	<u>79,236.26</u>
	<u>79,236.26</u>

**APPENDIX II**

**GAGGIA UNITED KINGDOM LIMITED - IN ADMINISTRATION**

**STATEMENT OF AFFAIRS**

**STATEMENT OF AFFAIRS**

Name of Company

Gaggia United Kingdom Ltd

Company Number

04301009

In the

Leeds District Registry

Court case number

2417 / 2009

Statement as to the affairs of

Gaggia United Kingdom Ltd

BWC Business Solutions Limited

8 Park Place

Leeds

LS1 2RU

on the 27 August 2009, the date that the company entered administration.

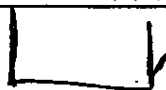
**Statement of Truth**

I believe the facts stated in this statement of affairs are a full, true and complete statement of the affairs of the above named company as at 27 August 2009 the date that the company entered administration.

Full Name

EARL RAJKUMAR BEADLE

Signed



Dated

1<sup>st</sup> October 2009



Gaggia United Kingdom Ltd  
Statement Of Affairs as at 27 August 2009

A - Summary of Assets

Assets	Book Value £	Estimated to Realise £
<b>Assets subject to fixed charge:</b>		
Stock - subject to distraint	380,683.00	38,000.00
HM Revenue & Customs		(224,670.50)
Deficiency c/d		<u>(186,670.50)</u>
<b>Assets subject to floating charge:</b>		
<b>Uncharged assets:</b>		
Motor Vehicle	500.00	NIL
Fixtures & Fittings		4,500.00
Concession Stock	191,310.77	Uncertain
Stock - unencumbered	203,565.35	70,400.00
Book Debts	523,050.00	Uncertain
Irish VAT Refund	8,560.00	Uncertain
Cash in Hand	20,000.00	20,000.00
Barclays Bank PLC	3,333.94	Uncertain
Cash Held By Solicitor	1,125.59	1,125.59
<b>Estimated total assets available for preferential creditors</b>		<u>96,025.59</u>

Signature  Date 1<sup>st</sup> October 2009

Gaggia United Kingdom Ltd  
Statement Of Affairs as at 27 August 2009

**A1 - Summary of Liabilities**

	Estimated to Realise £
<b>Estimated total assets available for preferential creditors (Carried from Page A)</b>	96,025.59
<b>Liabilities</b>	
Preferential Creditors:-	
Employee Arrears/Hol Pay	30,952.83
	<u>30,952.83</u>
<b>Estimated deficiency/surplus as regards preferential creditors</b>	<u>65,072.76</u>
Estimated prescribed part of net property where applicable (to carry forward)	<u>NIL</u>
<b>Estimated total assets available for floating charge holders</b>	<u>65,072.76</u>
Debts secured by floating charges	
	<u>NIL</u>
<b>Estimated deficiency/surplus of assets after floating charges</b>	<u>65,072.76</u>
Estimated prescribed part of net property where applicable (brought down)	<u>NIL</u>
<b>Total assets available to unsecured creditors</b>	<u>65,072.76</u>
Unsecured non-preferential claims (excluding any shortfall to floating charge holders)	
Deficiency b/d	186,670.50
Shortfall to preferential creditors (brought down)	NIL
Trade & Expense Creditors	1,196,369.17
Employees	244,615.84
Gaggia Spa	7,222,324.00
	<u>8,849,979.51</u>
<b>Estimated deficiency/surplus as regards non-preferential creditors (excluding any shortfall to floating charge holders)</b>	<u>(8,784,906.75)</u>
<b>Estimated deficiency/surplus as regards creditors</b>	<u>(8,784,906.75)</u>
Issued and called up capital	
Ordinary Shareholders	200,000.00
	<u>200,000.00</u>
<b>Estimated total deficiency/surplus as regards members</b>	<u><u>(8,984,906.75)</u></u>

Signature



Date 18<sup>th</sup> October 2009

CA00	AA Clark	Windsor Vehicle Leasing, Goswell House, Shiry Avenue, Windsor, SL4 5LH	3,015.10
CA03	Angel Display Limited	Unit 5 Domestic Street Ind Estate, 22 Croydon Street, Leeds, West Yorkshire, LS11 9RT	682.28
CA05	Arabica Services Limited	39 Deane Way, Eastcote, Ruislip, Middlesex, HA4 8SX	4,585.50
CA08	Arval Limited	Arval Center, Windmill Hill, Swindon, SN5 6PE	755.71
CA08	Ashtenne Asset Management Limited	Warwick House, 35 Spring Road, Hall Green, Birmingham, B11 3EA	8,218.90
CA0A	Alivini Company Limited	Units 2 & 3, 189 Eade Road, London, N4 1DN	456.98
CB04	Bindi (GB) Limited	Unit B2Y Skyway 14, Calder Way, Colbrook, Slough, SL3 0BQ	898.55
CB05	David Bradbury	32 Kingfisher Crescent, Fulford, Stoke-on-Trent, ST11 9QE	1,830.83
CB06	British Telecommunications Plc	81 Newgate Street, London, EC1A 7AJ	1,522.85
CB07	British Gas Trading	British Gas Business, PO Box 7885, Leicester, LE19 1ZE	3,953.00
CB08	LA Brook Limited	Royds House, Royds Mill, Lease Road, Ossett, WF5 9YA	581.44
CB08	Brook Street (UK) Limited	Clarence House, 134 Hatfield Road, St Albans, Herts, AL1 4JB	387.00
CB0B	Bewleys Limited	Northern Cross, Malahide Road, Dublin 17, IRELAND	3,434.40
CB0C	Beam Group Limited	Norman Way, Over, Cambridge, CB24 5QE	3,017.25
CB0D	Bean Doctor Limited	The Granary, Mount Farm, Babraham, Cambridge, CB22 3AX	138.00
CB0E	Balmont International	Becket House, Vestry Road, Otford, Sevenoaks, TN14 5EL	2,204.85
CB0F	Balntree District Council	Causeway House, Bocking End, Balntree, Essex, CM7 8YH	1,140.00
CB0G	BT Contract Rentals Limited	2830 The Quadrant, Axtec West, Almondsbury, Bristol, BS32 4CQ	1.00
CB0H	Brown Thomas & Co Limited	PO BOX 8128, Enterprise House, Leicester, LE3 4AL	73,400.00
CC01	Carphone Fx Limited	91D East High Street, Cretif, Perthshire, PH7 3JA	270.25
CC03	Callstream Limited	3 Ardent Court, William Jamesway, Henley in Arden, Warwickshire, B95 6GF	44.82
CC04	Capitol Foods (NI) Limited	28 Crescent Business Park, Enterprise Crescent, Lisburn, County Antrim, BT28 2GN	281.75
CC07	Cleckheaton Cricket Club	c/o K M Johnstone, 20 Mazabrook Crescent, Hunsworth, Cleckheaton, BD19 4BS	1,150.00
CC08	Coffix Limited	3 Willowcroft, Quorn, Leicestershire, LE12 8HQ	283.28
CC0B	Cotterill Business Services	Arches Street, Halifax, HX1 2SY	1,359.01
CC0C	Caffita System Spa	Via Panigali 38, 40041 Gaggio Montano (BO), Italy	14,604.00
CC0D	Chicco Doro	Di eredi Rino Val Sangiacomo, Via Motta 2, 6828 Balerna, ITALY	61,355.20
CC0E	Calderdale Metropolitan Council	PO Box 51, Princess Buildings, Halifax, West Yorkshire, HX1 1TP	3,953.00
CC0F	Chep UK Limited	Parkside, Park Road, Portliff, West Yorkshire, WF8 4QD	112.47
CC0G	CF Asset Finance Limited	Tower House, Charterhall Drive, Chester, CH88 3AN	1.00
CC0H	Converter Technology Limited	Unit 1B, Fritsham Home Farm, Yattenden, Berkshire, RG18 0XT	60.63
CD00	Dairy Crest	Woodford, 84 Chigwell Road, Woodford, London, E18 1NN	1,433.90
CD02	Delta Business Solutions	Allied House, 10 Mundy Street, Hearnor, Derbyshire, DE75 7EB	7,507.20
CD04	DPD	Trelawny House, Surrey Street, Bristol, BS2 8PS	3,956.50
CD05	Drinka Problems	Unit 1, 17 Boulton Road, Reading, Berkshire, RG2 0NH	516.81
CD06	Robert Dyes Holdings Ltd	Cleeve Court, Cleeve Road, Leatherhead, Surrey, KT22 7SD	1,352.87
CD07	DTZ Management	6th Floor, 120 Edmund Street, Birmingham, B3 2ED	9,327.59
CE00	Eaton Smith	14 High Street, Huddersfield, HD1 2HA	1,437.50

Signature

Date 18<sup>th</sup> October 2009

## Key Indicators

CE01	The Edmonds Group	Paddington House, Festival Place, Basingstoke, Hampshire, RG21 7JL	2,531.45
CE03	Enterprise RAC UK Limited	Enterprise House, 5 Phoenix Park, Phoenix Way, Hounslow, TW5 9NB	250.86
CE04	The Electrical Incentive Co Limited	The Friary, Bakers Lane, Black Notley, Braintree, Essex, CM77 8QS	881.25
CE07	Espresso Central	12-16 Richardson Road, Hove, Sussex, BN3 5RB	469.44
CE08	Espresso Technical Services	4 Ash Park, Holcombe, Dawlish, Devon, EX7 0LH	261.63
CE09	Euro Food brands	1 Kimbell Mews, Boughton, Northants, NN2 8XB	2,224.82
CE0A	Econ Energy	Newland House, 49 Mount Street, Nottingham, NG1 6PG	919.12
CE0B	Ecrafte SRL	Sede Legale, Via Po 41, 20015 Parabiago, ITALY	14,384.80
CF00	Fairfax Coffee Limited	1 Regency Parade, Finchley Road, London, NW3 5EQ	15,388.78
CF01	Faren Chemical Industries UK Limited	Unit 1 34 Eveline Road, Mitcham, Surrey, CR4 3LE	965.71
CF03	Flowtech Fluid Handling Limited	8 Gresham Way, Reading, Berkshire, RG30 8AW	1,268.06
CF05	Freighttought Limited	Station Road, Irlingham, Northants, NN8 5QQ	2,638.78
CF06	Friendly Drinks Limited	Unit 4 Fleming Way, Isleworth, Middlesex, TW7 6EU	20.47
CG00	Grant Thornton UK LLP	30 Finsbury Square, London, EC2P 2YU	28,865.00
CG01	Greenwoods Stock Boxes Limited	Abbeyfield Road, Lenton, Nottingham, NG7 2TH	1,085.86
CG03	Gegglia Spa	Strada Per Abbiategrosso, 20087 Robecco Sul Naviglio, Milano, ITALY	7,222,324.00
CG04	Geopost UK Limited	Litigation Department, Trelawny House, Surrey Street, Bristol, BS2 8PS	1,826.87
CH00	HM Revenue & Customs	Debt Management & Insolvency, Durrington Bridge House, Barrington Road, Worthing BN12 4SE	224,670.50
CH01	Harrods Limited	Finance Dept, 87-135 Brompton Road, Knightsbridge, London, SW1X 7XL	13,042.92
CH02	Hazel Products	Brancepeth Place, Armley Road, Leeds, LS12 2EG	371.73
CH03	E Hemingway & Son	Work Shops, Providence Street, Batley, WF17 6DQ	1,328.25
CH04	Homebase Limited	Carew House, Railway Approach, Wallington, Surrey, SM6 0DX	24,712.11
CH05	Daphne Honeybone	22 Barnes Road, Didcot, Oxon, OX11 8JJ	111.00
CH06	House of Fraser	31 Stockwell Street, Glasgow, G1 4RZ	16,051.21
CH08	Hermes Freepoint LP	c/o Realm Limited, The Farmhouse, Farm Road Street, Somerset, BA18 0FB	39,325.36
CH09	Ms D Hamilton	Nettlestone, Orchard Road, Pratts Bottom, Orpington, Kent, BR6 7NS	0.00
CI01	Initial Washroom Solutions	Accounts Redeveable, PO Box 4975, Dudley, DY1 8FA	239.86
CI02	Roy Ireland Espresso Services	Russell Chapel, Caswell Lane, Portbury, North Somerset, BS20 7RX	447.79
CI03	Importika Inc	2200 Brighton Henrietta, Town Line Road, Brighton, New York, NY 14623	5,869.00
CJ00	Jackwist Coffeeix Limited	12 Spencer Way, Hemel Hempstead, Herts, HP1 3LZ	2,446.05
CJ01	Jaguar Espresso Systems	Unit 1 Albany loose, Loverock Road, Reading, Berkshire, RG30 1BD	2,159.82
CJ03	John Lewis Plc	171 Victoria Street, London, SW1E 5NN	21.74
CJ04	Ms S Jelley	1A Denford Avenue, Lytham St Annes, Lancashire, FY8 1EJ	504.00
CK00	Kent Coffee Company	Unit 1 28 High Street, Broadstairs, Kent, CT10 1LH	86.25
CK01	Kenilworth Electric	Sales & Service Center Limited, 253 Harolds Cross Road, D6	9,416.11
CK02	Kitchens (Catering Utensils) Limited	167 Whiteladies Road, Bristol, BS8 2SQ	5,002.96
CL00	Lanes Group Plc	17 Parkside Lane, Parkside Industrial Estate, Leeds, LS11 5TD	387.64
CL01	Lavazza Coffee UK Limited	38 Windsor Street, Uxbridge, Middlesex, UB8 1AB	25,262.00

Signature

Date 18 October 2009

Version 2.00

KEY: NAME

2007-2008

CL02	Cliff Leatherby	2 Laurie Place, Forrestmill, Clackmannanshire, FK10 3QH	280.00
CL03	Lesser & Pavey Limited	Leonardo House, Fawkes Avenue, Dartford, Kent, DA1 1JQ	1,531.80
CL04	Lupton Fawcett LLP	Yorkshire House, East Parade, Leeds LS1 5BD	1,500.00
CL05	Land & Property Services	121A Broughshane Street, Town Parks, Ballymena, Belfast, N Ireland, BT43 8HY	2,144.60
CM00	Mad about Coffee	The Cottage, Manor Road, Roydon, IP22 5QS	419.48
CM01	Masteroast Coffee Co Ltd	Units 50/52 Watt Way, Westwood Industrial Estate, Peterborough, PE3 7PN	461.25
CM02	Peter Mairul & Sons Limited	84-88 Vicar Lane, Leeds, LS1 7JH	1,568.75
CM03	McGrath Freight Team Limited	Central Mills, Raymond Street, Bradford, West Yorkshire, BD5 8DT	2,803.07
CM04	Maldstone Borough Council	Mladstone House, King Street, Maldstone, Kent, ME15 6JQ	1,552.00
CM05	Ms S McCann	13 Rathisallagh Grove, Shankill, Co Dublin, Republic of Ireland	0.00
CN00	Norland Managed Services	Ca- Northwest, Trafford Plaza, Seymour Grove, Old Trafford, Manchester, M16 0LD	502.85
CN01	Northern Central Espresso Service	60 Orchard Drive, Ackworth, Portlath, WF7 7DS	1,158.08
CN02	N Power	PO Box 583, Hull, HU5 1YU	1,173.06
CN03	Northampton Borough Council	Head of Revenue & Benefits, The Guildhall, St Giles Square, Northampton, NN1 1DE	718.00
CO00	Orange Personal Comm	Orange Payment Processing, PO Box 52, Sheffield, S98 1DX	1,755.58
CP00	Parcalforce Worldwide	Finance Service Centre, Royal Mail House, Stone Hill Road, Farnworth, Bolton, BL4 9XX	21,467.05
CP01	Pearsons Limited	11-14 The Town, Enfield, Middlesex, EN2 8LJ	548.63
CP02	PHJ Limited	Carlson House, Mount Pleasant Business Centre, Jackson Street, Oldham, OL4 1HU	180.22
CP03	Protect It Hygiene	Castlegate House, Castlegate Way, Dudley, West Midlands, DY1 4RR	258.49
CP04	PC Warehouse	189 King Cross Road, King Cross, Halifax, West Yorkshire, HX1 4LN	982.68
CR01	Richard Reeves	2 Manor Gardens, Wilbarston, Market Harborough, LE16 8QQ	387.38
CR02	RS Components Limited	PO Box 99 Corby, Northants, NN17 9RS	174.23
CR03	Rushlift Limited	Ravensthorpe Industrial Estate, Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3LN	1,495.02
CR04	Robinson Clearing Services Limited	Sarah Jane Robinson House, Rathenaw Industrial Estate, Greystone Road, Antim, Northern Ireland, BT41 2SJ	271.50
CS00	Sealed Air Limited	Clifton House, 1 Marston Road, St Neots, Cambridgeshire, PE19 2HN	3,862.50
CS01	Secom Plc	Secom House, 52 Godstone Road, Kenley, Surrey, CR8 5JL	169.82
CS02	Safidiges & Co	Accounts Receivable Dept, PO BOX 5157, Sunningdale Road, Leicester, LE3 1ZW	200.00
CS03	Sheppy Industries Limited	Rushden Road, Queensborough, Kent, ME11 5HH	2,500.00
CS04	Silea Sukel Limited	Second Floor, 6 London Street, London, W2 1HR	2,639.82
CS05	Stearns Vending Services	The Spinneys, Desford Lane, Kirby Muxloe, Leicestershire, LE9 2BF	512.10
CS06	Stella Imports Limited	Unit 18, 2-4 Exmoor Street, Ladbroke Grove, London, W10 6BD	373.40
CS07	Store Promotions Limited	65 High Street, Whitwell, Herts, SG4 8AH	2,461.52
CS08	Saeco International Group SPA	Via Torretta 240, 40041 Gaggio Montano, Bologna, ITALY	403,458.00
CS09	Saeco Vending Spa	Saeco International Group Spa, Casona 1068, 40041 Gaggio Montano, Bologna, ITALY	227,253.00
CS0A	Southern Electric	PO BOX 514, Basingstoke, Hampshire, RG21 8WS	162.17
CS0B	Southern Water	PO BOX 41, Worthing, BN13 3NZ	12.60
CS0C	Ms J Sweeney	Cedarwood Lodge, Summerhill Road, Dunboyne, Co Neath, Republic of Ireland	0.00
CT00	P Tallis Halifax Trailer Waste	Halifax Trailer Waste, Lee Bridge Mills, Lee Bridge, Halifax, HX3 5AT	552.00

Signature

Date 1st October 2009

Key: Negative

Key: 600

CT01	Thompson & Lilley	20a Berkley Street, Mayfair, London, W1J 8JH
CT02	TNT UK Limited	P O Box 4, Ramsbottom, Bury, Lancashire, BL0 9AR
CT03	Two Way Forwarding	Bellinstown, Ballybougai, Co. Dublin, IRELAND
CU00	Universal Espresso Care	Unit 21 Bellevue, Enterprise Court, Ivy Road, Aldershot, GU12 4QW
CU01	Uno Coffee Services	2 Hurst Street, Reddish, Stockport, Cheshire, SK5 7BA
CU02	UPS Logistics Group	Telford Way, Junction 41 Industrial Estate, Wakefield, WF2 0XF
CV00	Vacu Products	Unit 328/5, Rushock Trading Estate, Nr Droghda, WR8 0NR
CV01	Viking Industrial Products	Unit 1 Coronation Business Park, Hardings Road, Kaghley, BD21 3ND
CV02	VTI UK Limited	Inbucon House, Wick Road, Egham, Surrey, TW20 0HR
CW00	WD Limited	48 Bedford Row, London, WC1R 4LR
CW01	Weese Link	Bradford House, 32 Market Street, Penkridge, Stafford, ST19 5DH
CW02	White Rose Exhibitions Limited	Exhibition House, Unit 15 Moorlands Industrial Estate, Law Street, Cleckheaton, BD19 3QR
CW03	Whittards of Chelsea Plc	Windrush House, Windrush Industrial Estate, Witney, Oxon, OX29 7DX
CW04	Williams & Griffin	152 High Street, Colchester, Essex, CO1 1PN
CW05	Watermark Engineering Limited	A5 Alton Park, Alton Road, Tallaght, Dublin 24, IRELAND
CW06	Watermark Coffee Technology	15b Magna Drive, Magna Business Park, Citywest, Dublin 24, IRELAND
CX00	Xerox Finance	PO Box 64, Bridge House, 80 Oxford Road, Uxbridge, UB8 1HS

1,897.50  
595.14  
280.00  
2,843.92  
359.38  
432.19  
405.72  
204.04  
428.65  
2,488.43  
2,092.08  
39,388.50  
12,180.80  
293.75  
3,708.31  
1,172.31  
1.00

131 Entries Totalling

8,843,383.67

Signature


Date 18<sup>th</sup> October 2009

Key Name

Notes

EA00	Mr A Abdulrahim	25 Lander Grove, Blackley, Manchester, M9 6LN	0.00
EA01	Ms S Arblaster	70 Amoy's Holt Way, Matby, Rotherham, S68 8RF	0.00
EB00	Ms K Beadle	15 Bryan Road, Edgerton, Huddersfield, HD2 2AJ	0.00
EB01	Mr S Brown	38 Jubilee Terrace, Ripponden, Halifax, HX8 4AE	0.00
EB02	Mr Antony Breeze	49 Stanningley Drive, Mixenden, Halifax, HX2 8RW	0.00
EB03	Mr Tony Breeze	49 Stanningley Drive, Mixenden, Halifax, HX2 8RW	0.00
EB04	Mr Stewart Breeze	49 Stanningley Drive, Mixenden, Halifax, HX2 8RW	0.00
EB05	Mr Sean Breeze	49 Stanningley Drive, Mixenden, Halifax, HX2 8RW	0.00
EB06	Mr H Beagant	Flat 3, 25 Teville Road, Worthing, West Sussex, BN11 1UF	0.00
EB07	Mr W Banda	2 Frodsham Street, Manchester, M14 7PA	0.00
EC00	Mr E Crooke	5 Brailthwaite Grove, Keighley, BD22 6JB	0.00
EC01	Ms Z Crighton	7 Carse Terrace, Alloa, Clackmannanshire, FK10 2ED	0.00
EC02	Ms A Clarke	5 Standon Drive, Wincoobank, Sheffield, S9 1PL	0.00
EC03	Mr S Chamanzar	97 Glasgow House, 175 Malda Vale Road, London, W9 1QZ	0.00
ED00	Ms A Duncan	13 Golliside, Booth, Halifax, HX2 6SY	0.00
ED01	Mr T Dougall	91 Calder Croft, Elland, Halifax, HX5 9AY	0.00
ED02	Mr D Dempsey	8 Station Parade, Portsmouth, Todmorden, OL14 8PT	0.00
ED03	Mr M Donoghue	185 Knowlwood Road, Todmorden, OL14 8PD	0.00
ED04	Mr M De Coninck	1 Elmwood, Sale, Manchester, M33 5RN	0.00
EE00	Ms J Evans	11 Fairmead Avenue, Harpenden, Hertfordshire, AL5 5UD	0.00
EF00	Ms P Frattaroli	98 Vaendish Road, Aylestone, Leicester, LE2 7PH	0.00
EG00	Mr A Greenway	41 Oakwood Gardens, Holmfild, Halifax, HX2 8HB	0.00
EH00	Mr L Holmes	7 Chestnut Street, Parkinson Lane, Halifax, HX1 3QS	0.00
EH01	Mr A Hussain	17 Adelalide Road, High Wycombe, HP13 6UR	0.00
EI00	Mr F Iqbal	1st Floor, 34 Buckland Road, Leyton, London, E10 6QS	0.00
EJ00	Ms J Jackson	Wayside, 39 Lower Slack, Wainstalls, Halifax, HX2 7TJ	0.00
EJ01	Mr D Jones	12 Valley Mill, Elland, HX5 9GY	0.00
EJ02	Ms L Jalkens	179 Moor End Road, Mount Tabor, Halifax, HX2 0RY	0.00
EJ03	Ms S Jalkens	179 Moor End Road, Mount Tabor, Halifax, HX2 0RY	0.00
EK00	Mr W Keenan	Apartment 1, Savile Park Mills, Moorfield Street, Halifax, HX1 3DT	0.00
EL00	Mr R Leiderby	1 North Farm Cottage, Shillingford Hill, Wallingford, Oxfordshire, OX10 8NB	0.00
EL01	Mr M Lead	48 Lethkill Close, Bulwell, Nottingham, NG8 6SP	0.00
EM00	Mr K McLammon	58 Jer Lane, Great Horton, Bradford, BD7 4NP	0.00
EM01	Mr C Matthews	42 New School Road, Mosborough, Sheffield, S20 5EU	0.00
EM02	Ms A Mazzini	Flat 3, 110 Charlton Park Lane, London, SE7 8QS	0.00
EM03	Mr M Mazzocco	12 Main Road, Hoo, Rochester, Kent, ME3 9AD	0.00
EM04	Mr L Manning	21 East Vale Drive, Rotherham, S65 4HT	0.00
EM05	Mr F Mohsin	14 East India Buildings, Saltwell Street, Poplar, London, E14 0DH	0.00

Signature

Date 18 October 2009

Key Page

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EO00	Ms J Oliver	216 St Pauls Road, Snettisham, West Midlands, B68 1QS	0.00
EP00	Ms S Parveen	1 West Grove Terrace, Hopwood Lane, Halifax, HX1 5EX	0.00
EP01	Mr S Pollitt	185 Knowwood Road, Todmorden, OL14 8PD	0.00
EP02	Ms P Patel	109 The Mill, South Hall Street, Salford, Manchester, M5 4JH	0.00
ER00	Ms D Rogers	1 Oxford Lane, Siddal, Halifax, HX3 9AX	0.00
ER01	Mr R Rupnowski	Flat 11, 8A Vernon Avenue, Huddersfield, HD1 4EE	0.00
ER02	Mr M Ramzan	34 Healey Avenue, High Wycombe, HP13 7JP	0.00
ES00	Mr R Speight	21 Hopefield Way, Bradford, BD5 8AA	0.00
ES01	Ms K Snape	15 Spen View, Heckmondwike Road, Dewsbury, WF13 3PZ	0.00
ES02	Mr P Stead	24 Illingworth Drive, Bradshaw, Halifax, HX2 9RR	0.00
ES03	Ms H Stark	23 Norland View, Sowerby Bridge, Halifax, HX6 2BB	0.00
ES04	Ms T Stewart	25 Hatfield Croft, Newtown, Birmingham, B19 3BS	0.00
ES05	Mr P Salinas	35C Musgrove Road, New Cross, London, SE14 5PP	0.00
ES06	Ms S Stroud	81 Anne Boleyn Close, Sheerness, Kent, ME12 4DT	0.00
ES07	Mr C R Smith	15 The Pastures, Downley, High Wycombe, HP13 5LZ	0.00
ES08	Mr D Smith	48 Rockdove Avenue, Hulme, Manchester, M15 5FH	0.00
ET00	Ms S Thirkell	17 Kt Hill Avenue, Walderslade Woods, Chatham, Kent, ME5 9EU	0.00
EU00	Ms J Urran	3 York Road, Walthamstow, London, E17 7HU	0.00
EW00	Mr A Watson	33 Greenion Avenue, Scholes, Cleckheaton, BD19 6DT	0.00
EW01	Ms D Webster	196 Parkinson Lane, Halifax, HX1 3UW	0.00
EW02	Mr T Williams	28 Weatherhouse Terrace, Pellon, Halifax, HX2 0PU	0.00
EW03	Ms D Williams	28 Weatherhouse Terrace, Pellon, Halifax, HX2 0PU	0.00
EW04	Mr P Webster	4 Stanningley Avenue, Mixenden, Halifax, HX2 8RP	0.00
EW05	Mr G Walewski	15 Bishopdale Court, Halifax, HX1 2QD	0.00
EY00	Mr G Yaxley	24 Cardigan Place, Norwich, Norfolk, NR2 4QS	0.00
63 Entries Totalling			0.00

Signature 

Date 18 October 2009



HA00 Any Sac LP  
 HB00 E R Beadle  
 HJ00 P Jeznes  
 HL00 R Leiderby  
 HO00 C Olley  
 HS00 R Speight  
 HW00 Andrew Watson

18182 Coastal Highway, Lewes, DE 19958, USA  
 15 Bryan Road, Edgerton, Huddersfield, HD2 2AJ  
 The Farmhouse, Palace Gate Farm, Oditham, RG28 1JX  
 1 North Farm Cottages, Shillingford, Wallingford, OX10 8NB  
 1 Bedford Close, Leeds, LS16 6DS  
 21 Hopefield Way, Bradford, BD5 8AA  
 33 Greenton Avenue, Cleckheaton, BD18 6DT

140,000  
 50,000  
 2,000  
 2,000  
 2,000  
 2,000  
 2,000

7 Entries Totalling

200,000

Signature

Date 18 October 2009

## GAGGIA UNITED KINGDOM LIMITED - IN ADMINISTRATION

### CREDITORS' GUIDE TO FEES

#### 1 Introduction

- 1.1 When a company goes into administration the costs of the proceedings are paid out of its assets. The creditors, who hope eventually to recover some of their debts out of the assets, therefore have a direct interest in the level of costs, and in particular the remuneration of the insolvency practitioner appointed to act as administrator. The insolvency legislation recognises this interest by providing mechanisms for creditors to determine the basis of the administrator's fees. This guide is intended to help creditors be aware of their rights under the legislation to approve and monitor fees and explains the basis on which fees are fixed.

#### 2 The nature of administration

- 2.1 Administration is a procedure which places a company under the control of an insolvency practitioner and the protection of the court with the following objective:

- rescuing the company as a going concern, or;
- achieving a better result for the creditors as a whole than would be likely if the company were wound up without first being in administration.

or, if the administrator thinks neither of these objectives is reasonably practicable

- Realising property in order to make a distribution to secured or preferential creditors.

#### 3 The creditors' committee

- 3.1 The creditors have the right to appoint a committee with a minimum of 3 and a maximum of 5 members. One of the functions of the committee is to determine the basis of the administrator's remuneration. The committee is established at the meeting of creditors which the administrator is required to hold within 3 months of the administration order to consider his proposals. The administrator must call the first meeting of the committee within 3 months of its establishment, and subsequent meetings must be held either at specified dates agreed by the committee, or when a member of the committee asks for one, or when the administrator decides he needs to hold one. The committee has power to summon the administrator to attend before it and provide such information as it may require.

#### 4 Fixing the administrator's fees

- 4.1 The basis for fixing the administrator's remuneration is set out in Rule 2.106 of the Insolvency Rules 1986, which states that it shall be fixed either:

- as a percentage of the value of the property which the administrator has to deal with, or
- by reference to the time properly given by the administrator and his staff in attending to matters arising in the administration.

It is for the creditors' committee (if there is one) to determine on which of these bases the remuneration is to be fixed, and if it is fixed as a percentage, to fix the percentage to be applied. Rule 2.106 says that, in arriving at its decision, the committee shall have regard to the following matters:

- the complexity (or otherwise) of the case;
- any responsibility of an exceptional kind or degree which falls on the administrator;
- the effectiveness with which the administrator appears to be carrying out, or to have carried out, his duties;
- the value and nature of the property which the administrator has to deal with.

- 4.2 If there is no creditors' committee, or the committee does not make the requisite determination, the administrator's remuneration may be fixed by a resolution of a meeting of creditors, having regard to the same matters as the committee would. If the remuneration is not fixed in any of these ways, it will be fixed by the court on application by the administrator.

- 4.3 There are special rules about creditors' resolutions in cases where the administrator has stated in his proposals that the company has insufficient property to enable a distribution to be made to unsecured creditors except out of the reserved fund which may have to be set aside out of floating charge assets.

In this case, if there is no creditors' committee, or the committee does not make the requisite determination, the remuneration may be fixed by the approval of:

- each secured creditor of the company; or
- if the administrator has made or intends to make a distribution to preferential creditors
  - each secured creditor of the company; and
  - preferential creditors whose debts amount to more than 50% of the preferential debts of the company, disregarding debts of any creditor who does not respond to an invitation to give or withhold approval,

having regard to the same matters as the committee would.

Note that there is no requirement to hold a creditors' meeting in such cases unless a meeting is requisitioned by creditors whose debts amount to at least 10% of the total debts of the company.

4.4 A resolution of creditors may be obtained by correspondence.

## 5 What information should be provided by the administrator?

### 5.1 When seeking fee approval

5.1.1 When seeking agreement to his fees the administrator should provide sufficient supporting information to enable the committee or the creditors to form a judgement as to whether the proposed fee is reasonable having regard to all the circumstances of the case. The nature and extent of the supporting information which should be provided will depend on:

- the nature of the approval being sought;
- the stage during the administration of the case at which it is being sought; and
- the size and complexity of the case.

5.1.2 Where, at any creditors' or committee meeting, the administrator seeks agreement to the terms on which he is to be remunerated, he should provide the meeting with details of the charge-out rates of all grades of staff, including principals, which are likely to be involved on the case.

5.1.3 Where the administrator seeks agreement to his fees during the course of the administration, he should always provide an up to date receipts and payments account. Where the proposed fee is based on time costs the administrator should disclose to the committee or the creditors the time spent and the charge-out value in the particular case, together with, where appropriate, such additional information as may reasonably be required having regard to the size and complexity of the case. The additional information should comprise a sufficient explanation of what the administrator has achieved and how it was achieved to enable the value of the exercise to be assessed (whilst recognising that the administrator must fulfil certain statutory obligations that might be seen to bring no added value for creditors) and to establish that the time has been properly spent on the case. That assessment will need to be made having regard to the time spent and the rates at which that time was charged, bearing in mind the factors set out in paragraph 4.1 above. To enable this assessment to be carried out it may be necessary for the administrator to provide an analysis of the time spent on the case by type of activity and grade of staff. The degree of detail will depend on the circumstances of the case, but it will be helpful to be aware of the professional guidance which has been given to insolvency practitioners on this subject. The guidance suggests the following areas of activity as a basis for the analysis of time spent:

- Administration and planning
- Investigations
- Realisation of assets
- Trading
- Creditors
- Any other case-specific matters

The following categories are suggested as a basis for analysis by grade of staff:

- Partner
- Manager
- Other senior professionals
- Assistants and support staff

The explanation of what has been done can be expected to include an outline of the nature of the assignment and the administrator's own initial assessment, including the anticipated return to creditors. To the extent applicable it should also explain:

- Any significant aspects of the case, particularly those that affect the amount of time spent.
- The reasons for subsequent changes in strategy.
- Any comments on any figures in the summary of time spent accompanying the request the administrator wishes to make.
- The steps taken to establish the views of creditors, particularly in relation to agreeing the strategy for the assignment, budgeting, time recording, fee drawing or fee agreement.
- Any existing agreement about fees.
- Details of how other professionals, including subcontractors, were chosen, how they were contracted to be paid, and what steps have been taken to review their fees.

It should be borne in mind that the degree of analysis and form of presentation should be proportionate to the size and complexity of the case. In smaller cases not all categories of activity will always be relevant, whilst further analysis may be necessary in larger cases.

- 5.1.4 Where the fee is charged on a percentage basis the administrator should provide details of any work which has been or is intended to be sub-contracted out which would normally be undertaken directly by an administrator or his staff.

Details of the charge out rates of staff employed by BWC Business Solutions Limited with effect from 1 April 2009 are as follows:

STAFF GRADE	CHARGE OUT RATE £ PER HOUR
Partner	310
Manager	200
Assistant Manager	175
Senior	150
Case Administrator	150
Cashiering	150
Clerical	75

## 5.2 After fee approval

Where a resolution fixing the basis of fees is passed at any creditors' meeting held before he has substantially completed his functions, the administrator should notify the creditors of the details of the resolution in his next report or circular to them. In all subsequent reports to creditors the administrator should specify the amount of remuneration he has drawn in accordance with the resolution. Where the fee is based on time costs he should also provide details of the time spent and charge-out value to date and any material changes in the rates charged for the various grades since the resolution was first passed. He should also provide such additional information as may be required in accordance with the principles set out in paragraph 5.1.3. Where the fee is charged on a percentage basis the administrator should provide the details set out in paragraph 5.1.4 above regarding work which has been sub-contracted out.

## 5.3 Expenses and disbursements

There is no statutory requirement for the committee or the creditors to approve the drawing of expenses or disbursements. However, professional guidance issued to insolvency practitioners requires that, where the administrator proposes to recover costs which, whilst being in the nature of expenses or disbursements, may include an element of shared or allocated costs (such as room hire, document storage or communication facilities provided by the administrator's own firm), they must be disclosed and be authorised by those responsible for approving his remuneration. Such expenses must be directly incurred on the case and subject to a reasonable method of calculation and allocation.

## 6 What if a creditor is dissatisfied?

- 6.1 If a creditor believes that the administrator's remuneration is too high he may, if at least 25 per cent in value of the creditors (including himself) agree, apply to the court for an order that it be reduced. If the court does not dismiss the application (which it may if it considers that insufficient cause is shown) the applicant must give the administrator a copy of the application and supporting evidence at least 14 days before the hearing. Unless the court orders otherwise, the costs must be paid by the applicant and not as an expense of the administration.

## 7 What if the administrator is dissatisfied?

- 7.1 If the administrator considers that the remuneration fixed by the creditors' committee is insufficient he may request that it be increased by resolution of the creditors. If he considers that the remuneration fixed by the committee or the creditors is insufficient, he may apply to the court for it to be increased. If he decides to apply to the court he must give at least 14 days' notice to the members of the creditors' committee and the committee may nominate one or more of its members to appear or be represented on the application. If there is no committee, the administrator's notice of his application must be sent to such of the company's creditors as the court may direct, and they may nominate one or more of their number to appear or be represented. The court may order the costs to be paid as an expense of the administration.

## 8 Other matters relating to fees

- 8.1 Where there are joint administrators it is for them to agree between themselves how the remuneration payable should be apportioned. Any dispute arising between them may be referred to the court, the creditors' committee or a meeting of creditors.
- 8.2 If the administrator is a solicitor and employs his own firm to act on behalf of the company, profit costs may not be paid unless authorised by the creditors' committee, the creditors or the court.

**9 Provision of information – additional requirements**

In any case where the administrator is appointed on or after 1 April 2005 he must provide certain information about time spent on a case, free of charge, upon request by any creditor, director or shareholder of the company. The information which must be provided is:

- the total number of hours spent on the case by the administrator or staff assigned to the case;
- for each grade of staff, the average hourly rate at which they are charged out;
- the number of hours spent by each grade of staff in the relevant period.

The period for which the information must be provided is the period from appointment to the end of the most recent period of six months reckoned from the date of the administrator's appointment, or where he has vacated office, the date that he vacated office. The information must be provided within 28 days of receipt of the request by the administrator, and requests must be made within two years from vacation of office.

**10 Policy for Re-Charging Expenses Incurred by Office Holders in Respect of the Administration of Insolvent Estates.**

10.1 This note applies where the administrator seeks creditor approval to make a separate charge by way of expenses or disbursements to recover the cost of facilities provided by him. Best practice guidance<sup>1</sup> requires that such charges should be disclosed to those who are responsible for approving his remuneration, together with an explanation of how those charges are made up and the basis on which they are arrived at.

10.2 Best practice guidance classifies expenses into two broad categories:

- Category 1 expenses (approval not required) – specific expenditure that is directly related to a particular insolvency case, where the cost of the expense incurred is referable against an independent external supplier's invoice or published tariff of charges;
- Category 2 expenses (approval required) – all other items of expenditure which cannot, or cannot easily be directly related to a particular insolvency case because there is an element of shared or allocated cost; and/or where the cost of the expense incurred is an estimated, unitised cost with the estimate based on external costs or opportunity cost.

10.3 Category 1 expenses (approval not required) – with the exception of any items referred to below, all such items are re-charged to the case as they are incurred.

10.4 Category 2 expenses (approval required) – the following items of expenditure are re-charged as described:

- Internal meeting room usage for the purpose of statutory meetings of creditors is re-charged at the rate of £100 per meeting;
- Car mileage is re-charged at the rate of 40 pence per mile;
- Storage of books and records (when not rechargeable as a Category 1 expense) is recharged at the rate of £3 per archive box per year or part thereof;

In respect of category 2 expenses, a re-charge will be made without specific approval, where the precise cost to the case can be determined because the item satisfies the test of a category 1 expense.

In respect of the above three items of expenditure it is anticipated that the cost to the case can be precisely determined and accordingly, the item satisfies the test of a category 1 expense and hence will be charged without requiring specific approval.

The following items of expenditure will normally be treated as general office overheads not subject to a re-charge:

- Telephone and facsimile
  - Printing and photocopying
  - Stationery
  - IT licences and software
  - Postage
-

# APPENDIX IV

## GAGGIA UNITED KINGDOM LIMITED - IN ADMINISTRATION

### ADMINISTRATORS' TIME COSTS AS AT 15 SEPTEMBER 2009

Notes		Partner Hours £245-£310	Manager Hours £150-£200	Admin Hours £50-£150	Total Hours	Average cost per hour £	Total Cost £
1	Admin & Compliance	8.00	9.00	6.25	23.25	211.51	4,917.50
2	Planning & Control	9.50			9.50	310.00	2,945.00
3	Fixed Charge Assets						
4	Floating Charge Assets	12.00	4.50		16.50	280.00	4,620.00
5	Trading						
6	Debt Collection	2.00	1.50		3.50	262.86	920.00
7	Creditors	2.00	5.50		7.50	229.33	1,720.00
8	Employees	7.00	0.50	23.50	31.00	186.94	5,795.00
9	Meetings & Statutory Duties		10.50	1.00	11.50	195.65	2,250.00
10	Reports & Statutory Returns		3.00		3.00	200.00	600.00
11	Investigations		3.50		3.50	200.00	700.00
	<b>Total Post Appointment Time</b>	<b>40.50</b>	<b>38.00</b>	<b>30.75</b>	<b>109.25</b>	<b>223.96</b>	<b>24,467.50</b>

Notes		
1	Admin & Compliance	Includes: Maintenance of cash and estate records, general correspondence, compliance, review of case files.
2	Planning & Control	Includes: Case planning/strategy/trading strategy.
3	Fixed Charge Assets	Includes: Dealing with various actions effecting the disposal of charged assets including sales pack, meetings with potential purchasers.
4	Floating Charge Assets	Includes: Dealing with various actions affecting the motor vehicles, plant, machinery and office equipment.
5	Trading	Includes: Disposal of work in progress/ stock and general continuation of the business.
6	Debt Collection	Includes: Correspondence with debtors, collection of outstanding debts, maintaining debtor records.
7	Creditors	Includes: Dealing with preferential and unsecured creditors claims.
8	Employees	Includes: Employee claims (preferential and unsecured), pension matters.
9	Meetings & Statutory Duties	Includes: Appointment formalities, meetings of creditors.
10	Reports & Statutory Returns	Preparation of creditors reports, directors conduct reports, statutory returns submitted to Companies House.
11	Investigations	Includes: Investigation work.

**APPENDIX V**

**GAGGIA UNITED KINGDOM LIMITED - IN ADMINISTRATION**

**NOTICE OF CREDITORS' MEETING**

## Rule 2.35

## Notice of a meeting of Creditors

Name of Company

Gaggia United Kingdom Ltd

Company number

04301009

In the High Court of Justice, Chancery Division,  
Leeds District Registry

(full name of court)

Court case number  
2417 of 2009(a) Insert full name(s)  
and address(es) of  
administrator(s)

Notice is hereby given by (a)  
Paul Andrew Whitwam  
BWC Business Solutions Limited  
8 Park Place  
Leeds  
LS1 2RU

David Leighton Cockshott  
BWC Business Solutions Limited  
8 Park Place  
Leeds  
LS1 2RU

(b) Insert full name and  
address of registered  
office of the company

that a meeting of creditors of (b)  
  
Gaggia United Kingdom Ltd  
c/o BWC Business Solutions Limited  
8 Park Place  
Leeds  
LS1 2RU

(c) Insert details of place  
of meeting

is to be held at (c)

(c) BWC Business Solutions Limited, 8 Park Place, Leeds, LS1 2RU

(d) Insert date and time  
of meeting

on (d) 28th October 2009

at 10.00am

The meeting is:

\*Delete as applicable

\*(1) an initial creditors' meeting under paragraph 51 of Schedule B1 to the Insolvency Act 1986 ('the schedule')

I invite you to attend the above meeting.

A proxy form is enclosed which should be completed and returned to me by the date of the meeting if you cannot attend and wish to be represented.

In order to be entitled to vote under Rule 2.38 at the meeting you must give to me, not later than 12.00 hours on the business day before the day fixed for the meeting, details in writing of your claim

Signed

Joint Administrators

Dated

6 October 2009

6 October 2009

\*Delete as applicable

A copy of the proposals is attached



**APPENDIX VI**

**GAGGIA UNITED KINGDOM LIMITED - IN ADMINISTRATION**

**PROXY FORM**

## Proxy (Administration)

GAGGIA UNITED KINGDOM LIMITED - IN  
ADMINISTRATION

Name of Creditor \_\_\_\_\_

Address \_\_\_\_\_

Name of Proxy Holder

Please insert name of person  
(who must be 18 or over) or  
the Chairman of the Meeting.  
If you wish to provide for  
alternative proxy holders in  
the circumstances that your  
first choice is unable to attend  
please state the name(s) of the  
alternatives as well

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

Please delete words in  
brackets if the proxy holder is  
only to vote as directed i.e. he  
has no discretion

I appoint the above person to be my/the creditor's proxy holder at the meeting of creditors to be held on 28 October 2009 or at any adjournment of that meeting. The proxy holder is to propose or vote as instructed below (and in respect of any resolution for which no specific instruction is given, may vote or abstain at his/her discretion).

## Voting Instructions for resolutions

\* Delete as appropriate

1. For the acceptance/rejection\* of the administrator's proposals as circulated

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. For the appointment of \_\_\_\_\_

of \_\_\_\_\_

representing \_\_\_\_\_

as a member of the creditors' committee

This form must be signed

Signature \_\_\_\_\_ Date \_\_\_\_\_

Name in CAPITAL LETTERS \_\_\_\_\_

Only to be completed if the  
creditor has not signed in  
person

Position with creditor or relationship to creditor or other authority for signature

\_\_\_\_\_  
\_\_\_\_\_

Remember: there may be resolutions on the other side of this form

**APPENDIX VII**

**GAGGIA UNITED KINGDOM LIMITED - IN ADMINISTRATION**

**PROOF OF DEBT CLAIM FORM**

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**PROOF OF DEBT CLAIM FORM**  
**GAGGIA UNITED KINGDOM LIMITED**

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The balance due to us by the above Company is made up as follows:

**£**

**Gross balance according to our books:**

**Less: VAT refunds for bad debts claimed/claimable:** \_\_\_\_\_

**Amount of my/our claim in the administration:** \_\_\_\_\_

**Name of Creditor:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_

**Telephone Number:** \_\_\_\_\_

**Name (BLOCK CAPITALS)** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

**Position:** \_\_\_\_\_  
\_\_\_\_\_

A written statement is available on request from the Administrators acknowledging receipt of your claim.

**Notes:**

1. A detailed statement of account together with copy invoices **MUST** accompany this claim form.
2. Details of VAT bad debt relief procedures are contained in Leaflet 8/78/VAC which is obtainable from any VAT office.
3. Please note that form VAT 996 is not applicable in this administration as the Official Receiver is not involved.
4. VAT bad debt relief is not claimable in respect of goods supplied if ownership has not passed to the above company. Your VAT bad debt relief should be held over if you have claimed reservation of title on goods supplied until the position has been resolved.

Please return this form to: **BWC Business Solutions, 8 Park Place, Leeds, LS1 2RU**