

AM06 (Scot)

Notice of approval of administrator's proposals



Companies House

THURSDAY



SCT *S854SNZ4* 09/05/2019 #333
COMPANIES HOUSE
SCT *S84PSSOR* 03/05/2019 #256
COMPANIES HOUSE

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1 Company details

Company number S C 1 0 4 6 5 7

Company name in full British Midland Regional Limited

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

2 Court details

Court name the Court of Session

Court number 0 1 7 3 / 1 9

3 Administrator's name

Full forename(s) Francis Graham

Surname Newton

4 Administrator's address

Building name/number c/o BDO LLP Central Square

Street 29 Wellington Street

Post town Leeds

County/Region

Postcode L S 1 1 5 R U

Country

AM06 (Scot)

Notice of approval of administrator's proposals

5 Administrator's name												
Full forename(s)	Antony											
Surname	Nygate											
Other administrator Use this section to tell us about another administrator.												
6 Administrator's address												
Building name/number	55 Baker Street											
Street	London											
Post town	W1U 7EU											
County/Region												
Postcode												
Country												
Other administrator Use this section to tell us about another administrator.												
7 Date administrator(s) appointed												
Date	<table border="1"><tr><td>d</td><td>1</td><td>8</td><td>m</td><td>0</td><td>2</td><td>y</td><td>2</td><td>0</td><td>1</td><td>9</td></tr></table>	d	1	8	m	0	2	y	2	0	1	9
d	1	8	m	0	2	y	2	0	1	9		
8 Date statement of proposals delivered to creditors												
Date	<table border="1"><tr><td>d</td><td>1</td><td>2</td><td>m</td><td>0</td><td>4</td><td>y</td><td>2</td><td>0</td><td>1</td><td>9</td></tr></table>	d	1	2	m	0	4	y	2	0	1	9
d	1	2	m	0	4	y	2	0	1	9		
9 Date proposals were deemed to be approved												
Date	<table border="1"><tr><td>d</td><td>2</td><td>9</td><td>m</td><td>0</td><td>4</td><td>y</td><td>2</td><td>0</td><td>1</td><td>9</td></tr></table>	d	2	9	m	0	4	y	2	0	1	9
d	2	9	m	0	4	y	2	0	1	9		
10 Sign and date												
Administrator's signature	<table border="1"><tr><td>Signature</td><td><table border="1"><tr><td>X</td><td></td><td>X</td></tr></table></td></tr></table>	Signature	<table border="1"><tr><td>X</td><td></td><td>X</td></tr></table>	X		X						
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Signature date	<table border="1"><tr><td>d</td><td>0</td><td>1</td><td>m</td><td>0</td><td>5</td><td>y</td><td>2</td><td>0</td><td>1</td><td>9</td></tr></table>	d	0	1	m	0	5	y	2	0	1	9
d	0	1	m	0	5	y	2	0	1	9		

Continuation page

Name and address of insolvency practitioner

✓ **What this form is for**
Use this continuation page to tell us about another insolvency practitioner where more than 2 are already jointly appointed. Attach this to the relevant form. ①
Use extra copies to tell us of additional insolvency practitioners.

✗ **What this form is NOT for**
You can't use this continuation page to tell us about an appointment, resignation, removal or vacation of office.

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

1 Appointment type

Tick to show the nature of the appointment:

- ☒ Administrator
- ☐ Receiver
- ☐ Nominee
- ☐ Supervisor
- ☐ Liquidator
- ☐ Provisional liquidator

① You can use this continuation page with the following forms:

- VAM1 (Scot), VAM2 (Scot), VAM3 (Scot), VAM4 (Scot), VAM6 (Scot), VAM7 (Scot) VAM8 (Scot)
- CVA1 (Scot), CVA3 (Scot), CVA4 (Scot)
- AM02 (Scot), AM03 (Scot) AM04(Scot), AM05 (Scot), AM06 (Scot), AM07 (Scot), AM08 (Scot), AM09 (Scot), AM10 (Scot), AM12 (Scot), AM13 (Scot), AM14 (Scot), AM19 (Scot), AM20 (Scot), AM21 (Scot), AM22 (Scot), AM23 (Scot), AM24 (Scot), AM25 (Scot)
- REC1(Scot), REC3 (Scot)
- LIQ13 (Scot), LIQ14 (Scot),
- WU15 (Scot)
- COM1 (Scot), COM2 (Scot),

2 Insolvency practitioner's name

Full forename(s) James

Surname Stephen

3 Insolvency practitioner's address

Building name/number 4 Atlantic Quay

Street 70 York Street

Post town Glasgow

County/Region

Postcode G 2 8 J X

Country

AM06 (Scot)

Notice of approval of administrator's proposals



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 **Louise Fox**

Company name **BDO LLP**

Address **4 Atlantic Quay**

70 York Street

Post town **Glasgow**

County/Region

Postcode **G 2 8 J X**

Country

DX **BRNOTICE@bdo.co.uk**

Telephone **01412 483 761**



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 signed and dated 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,
Fourth floor, Edinburgh Quay 2,
139 Fountainbridge, Edinburgh, Scotland, EH3 9FF.
DX ED235 Edinburgh.



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

British Midland Regional Limited t/a Flybmi (In Administration) ('the Company')
Company Number: SC104657
Court: the Court of Session
Court Reference: P173/19

**Record of Deemed Decision conducted by correspondence under S246ZF of the Insolvency Act 1986.
Pursuant to Rules 5.3(1), 5.7 & 5.36 of the Insolvency (Scotland) (Company Voluntary Arrangements and Administration) Rules 2018**

Proposed decisions were contained in the Deemed Decision Notice delivered to creditors on 12 April 2019 with a Decision Date of 29 April 2019.

Decisions Considered by the Deemed Decision Notice	Creditor/Contributory objections by number. Total population 4,997	Creditor/Contributory objection in value. Total Value £39,014,159	Creditor objections by 10 or more creditors	Result
a) The Joint Administrators continue to manage the Company's business and realise assets in accordance with objective (c), the third and final objective of the statutory purpose of the Administration.	Nil, 0%	£ Nil, 0 %	No	Deemed Approved
b) The Joint Administrators may investigate and, if appropriate, pursue any claims the Company may have under the Companies Act 1985 and 2006 or Insolvency Act 1986 or otherwise. In addition, the Joint Administrators shall do all such other things and generally exercise all their powers as Joint Administrators as they in their discretion consider desirable in order to achieve the purpose of the Administration or to protect and preserve the assets of the Company or to maximise their realisations or for any other purpose incidental to these proposals.	Nil, 0%	£ Nil, 0%	No	Deemed Approved
c) If there are sufficient assets to enable payment of a dividend to unsecured creditors beyond the prescribed part, that the Joint Administrators, at a time they see fit, are empowered to file the necessary returns at Court and with the Registrar of Companies to place the Company into Creditors Voluntary Liquidation ('CVL') pursuant to Paragraph 83 of Schedule B1 of the Insolvency Act 1986 and that the Joint Administrators be appointed Joint Liquidators of the Company. Any one Joint Liquidator may exercise all and any/or any powers which are conferred on them as Joint Liquidators.	Nil, 0%	£ Nil, 0%	No	Deemed Approved
d) If there are insufficient assets to enable payment of a dividend to unsecured creditors beyond the prescribed part that the Joint Administrators arrange for the Company to exit the Administration by way of dissolving the Company under Paragraph 84 of Schedule B1 of the Insolvency Act 1986.	Nil, 0%	£ Nil, 0%	No	Deemed Approved

As summarised above, there were no objections received by the decision date and the decisions above have been deemed approved.

Date : 2 May 2019



**A D Nygate
Joint Administrator**

British Midland Regional Limited t/a Flybmi (In Administration) ('the Company')
Company Number: SC104657
Court: the Court of Session
Court Reference: P173/19

Convenor of Decision

Francis Graham Newton, Antony Nygate and James Stephen of BDO LLP, 4 Atlantic Quay, 70 York Street, Glasgow, G2 8JX, were appointed Joint Administrators on 18 February 2019. The business and assets of the Company are now managed by the Joint Administrators. The Joint Administrators act as agents of the Company, without personal liability.

Francis Graham Newton is authorised to act as an insolvency practitioner in the UK by the Insolvency Practitioners Association. Office holder number 9310. Antony Nygate is authorised to act as an insolvency practitioner in the UK by the Institute of Chartered Accountants in England & Wales. Office holder number 9237. James Stephen is authorised to act as an insolvency practitioner in the UK by the Institute of Chartered Accountants in England & Wales. Office holder number 9273.

British Midland Regional Limited t/a Flybmi (In Administration) ('the Company')
 Company Number: SC104657
 Court: the Court of Session
 Court Reference: P173/19

Record of business conducted by a decision procedure in terms of Rule 5.36 of the Insolvency (Scotland) (Company Voluntary Arrangements and Administration) Rules 2018

The undernoted resolutions were contained in the decision notice delivered to creditors on 12 April 2019 with a decision date of 29 April 2019. The results of the decision notice are as follows:

Resolutions Considered	Creditors in favour by value	Creditors in favour by % of votes cast	Creditors against value	Creditors against % of votes cast	Result
Resolution E - A creditors' committee be established if sufficient creditors are willing to be members (such committee must comprise of between 3 and 5 creditors).	£181,289	100%	£nil	0%	Passed*
Resolution F - That the Joint Administrators' remuneration approved on a time cost basis.	£181,287	100%	£nil	0%	Passed
Resolution G - That the Joint Administrators' category 2 Disbursements be approved on the basis of the mileage scale approved by HM Revenue & Customs, being 45p per mile unless otherwise disclosed to creditors.	£181,505	100%	£nil	0%	Passed
Resolution H - That the Joint Administrators' interim fee and category 2 outlays from the date of appointment on 18 February 2019 to 5 April 2019 be determined at £467,639.85 (excluding VAT) and £1,926.19 (excluding VAT) respectively.	£181,287	100%	£nil	0%	Passed
Resolution I - That the unpaid pre-appointment Costs of £108,454.45 and outlays of £33,591.35, as detailed in the proposals, be authorised as an expense of the Administration.	£181,287	100%	£nil	%	Passed

*Although creditors voted in favour on Resolution E, only two written consents to act on the Creditors' Committee were received and therefore as a Creditors' Committee requires a minimum of three members, a Committee has not been formed. The list of the names of the creditors who participated in this decision procedure, with details of their claims is attached.


 A D Nygate
 Joint Administrator
 Convener of Decision
 Dated: 2 May 2019

British Midland Regional Limited t/a Flybmi (In Administration) ('the Company')
Company Number: SC104657
Court: the Court of Session
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Complaints Re Non Fee Related Decisions - Rule 5.32

A decision of the convener or chair is subject to appeal to the Court by creditor(s). An appeal under R5.32 may not be made after the end of the period of 21 days beginning with the decision date. However, where a CVA is proposed the appeal period may not be made after the end of 28 days beginning with the day on which the first of the reports required by section 4(6) or paragraph 30(3) of Schedule A1 to the Insolvency Act 1986 was lodged with the Court.

Complaints Re Fee Decisions - Rule 3.100

If the Administrators' remuneration and outlays have been fixed by creditors' committee or by the creditors, any creditor or creditors of the company representing not less in value at least 25% of the creditors may apply to the court not later than eight weeks after the end of an accounting period for an order that the Administrators' remuneration or outlays be reduced on the grounds that they are, in all circumstances excessive. The Court may make an order fixing the remuneration or outlays at a reduced rate or the Court. The Court may order the expenses of the creditor making the application to be paid as an expense of the Administration.

Summary of claims received in respect of the Decision Procedure.

Name of Creditor	Unsecured Claim for Voting Purposes	Joint Administrators' Proposal E			Joint Administrators' Proposal F			Joint Administrators' Proposal G			Joint Administrators' Proposal H			Joint Administrators' Proposal I		
		Approved	Rejected	Abstain / Invalid	Approved	Rejected	Abstain / Invalid	Approved	Rejected	Abstain / Invalid	Approved	Rejected	Abstain / Invalid	Approved	Rejected	Abstain / Invalid
Passenger	£367.98	£367.98			£367.98			£367.98			£367.98			£367.98		
Peterson Company / 80:20 Procurement Services Limited	£1,193.40	£1,193.40			£1,193.40			£1,193.40			£1,193.40			£1,193.40		
Passenger	£218.66			£218.66			£218.66	£218.66			£218.66					£218.66
Passenger	£218.67	£218.67			£218.67			£218.67			£218.67			£218.67		
CAE Training & Services Limited	£23,999.97	£23,999.97			£23,999.97			£23,999.97			£23,999.97			£23,999.97		
CAE STS Limited	£155,507.04	£155,507.04			£155,507.04			£155,507.04			£155,507.04			£155,507.04		
Airline Investments Limited	£1.00	£1.00			£1.00			£1.00			£1.00			£1.00		
Stephen and Peter Bond	£1.00	£1.00			£1.00			£1.00			£1.00			£1.00		
Totals	£181,507.72	£181,289.06	£0.00	£218.66	£181,287.06	£0.00	£220.66	£181,505.72	£0.00	£22.00	£181,287.06	£0.00	£220.66	£181,287.06	£0.00	£220.66

Please note that the value placed on claims of £1 are for voting purposes only. They are not an admission of claims for distributions purposes. Creditors defined as "Passengers" relate to individuals and therefore their personal details are not provided.