



CR-2022-001016

IN THE HIGH COURT OF JUSTICE

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

COMPANIES COURT (ChD)

Before ICC Judge Burton

10 June 2022

IN THE MATTER OF MOSS BROS GROUP LIMITED (CRN: 00134995)

AND IN THE MATTER OF THE COMPANIES ACT 2006

BETWEEN: -

FRIDAY



HSBC UK BANK PLC

Claimant

RP 24/06/2022 #97
COMPANIES HOUSE

and

(1) REGISTRAR OF COMPANIES (ENGLAND AND WALES)

(2) MOSS BROS GROUP LIMITED

Defendants

ORDER

UPON the application of the Claimant pursuant to the Companies Act 2006 (the "**Act**") by Part 8 Claim Form dated 5 April 2022 (the "**Claim**") relating to the register of companies and the register of charges of Moss Bros Group Limited (company number: 00134995) (the "**Company**").

AND UPON the Company being notified of the Claim and confirming:

- (i) That it consents to be joined as a defendant to the Claim.
- (ii) That it waives its entitlement to be served with the proceedings.
- (iii) That it does not intend to appear or to be represented at the hearing of the Claim.

AND UPON the court requiring the Claimant to draw the terms of paragraphs 2 and 8 to the attention of the First Defendant specifically, on the basis that more material is to be deleted from the register pursuant to those paragraphs than was originally proposed in the draft version of this order that was previously sent to the First Defendant (and on the basis of which she consented to the relief sought by the Claim).

AND UPON READING and the first witness statement of Oliver David Grant dated 5 April 2022 and the second witness statement of Oliver David Grant dated 7 June 2022.

AND UPON HEARING Tom Hall, Counsel for the Claimant.

IT IS DECLARED THAT:

1. Both (i) the statement of satisfaction (Form MR04) dated 11 October 2021 in respect of the debenture executed by the Company in favour of the Claimant dated 28 September 2021 and delivered to the First Defendant on 4 October 2021 under charge code 0013 4995 0007 (the "**Debenture**") and (ii) the entry on the register of companies dated 11 October 2021 and entitled "*Satisfaction of charge 001349950007 in full*" are factually inaccurate, in that the Debenture has not been satisfied.

2. The purported filing on 6 October 2021 of a Form MR01 in respect of the Debenture and of a copy of the Debenture (the "**6 October Filing**") was ineffective, and the appearance on the register of companies and on the register of charges of the Company of the following entries is derived from the 6 October Filing:
 - 2.1 The entirety of the entry on the register of companies dated 6 October 2021 entitled "*Registration of charge 001349950008, created on 28 September 2021*"; and
 - 2.2 The entirety of the entry on the register of charges entitled "*Charge code 0013 4995 0008*".

AND IT IS ORDERED THAT:

3. Moss Bros Group Limited be joined as a defendant to the Claim pursuant to CPR 19.2 (as the Second Defendant).
4. The requirement to serve the claim form on the Second Defendant be dispensed with.
5. The copy of the Debenture delivered to the First Defendant on 4 October 2021 under charge code 0013 4995 0007 (the "**4 October Copy**") be removed from the charges register of the Company and be replaced by the "**Redacted Debenture**" (a copy of which is annexed to this order), on the basis that, for the purposes of s.859N of the Act, the Charge contains material which could have been omitted under s.859G of the Act.
6. Both (i) the statement of satisfaction (Form MR04) dated 11 October 2021 in respect of the Debenture, appearing on the register of charges, and (ii) the entry on the register of companies dated 11 October 2021 and entitled "*Satisfaction of charge 001349950007 in full*" be removed from those registers, on the basis that they are factually inaccurate for the purposes of s.1096 of the Act.
7. The status of the Debenture be changed from "*satisfied on 11 October 2021*" to "*outstanding*", on the basis that there has been a mis-statement for the purposes of s.859M of the Act.
8. The entries described at paragraphs 2.1 and 2.2 of this order be removed in their entirety from the register of companies and from the register of charges respectively, on the basis that they are derived from the ineffective 6 October Filing.
9. The First Defendant shall have liberty to apply in respect of paragraphs 2 and 8 of this Order.
10. This order shall be served by the Claimant upon the Defendants.
11. No order as to costs.

Dated this 10 day of June 2022

Service of this Order

The court has provided a sealed copy of this Order to the serving party:

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