



Ms R E Duncan as Liquidator of Bishop & Rook UK  
Ltd (in Liquidation)  
Maxwell Davies  
Vinters Business Park  
New Cut Road  
Maidstone  
Kent  
ME14 5NZ

your ref  
our ref KBF.109291.00001  
direct dial +44 (0)1392 612498  
email KFarmer@trowers.com  
date 2 May 2024

**Also by email: [ruth@maxwelldavies.com](mailto:ruth@maxwelldavies.com)**

Dear Ms Duncan

**Bishop & Rook UK Ltd (in Liquidation) ("the Company")  
Our Client: Bishop & Rook LLC**

- 1 We are instructed by Bishop & Rook LLC in connection with its placement of 17 vehicles with the Company for refurbishment, prior to the liquidation of the Company.
- 2 These 17 vehicles, in various states of assembly and refurbishment, and their associated parts relate to the 17 unfinished projects referred to in the SIP 6 report. There are 17 different customers associated with these 17 projects.
- 3 Title to the vehicles and associated parts is a matter for the contracts between our client and its customers. While in the Company's possession, these items do not belong to the Company, have never belonged to the Company, and are entirely separate to the Company's stock. The Company holds these items to our client's order for the purpose of undertaking work on them pursuant to its arrangements with our client. The Company has a common law duty to take reasonable care of the vehicles and has no entitlement to retain or sell them or deal with them in any way other than in accordance with our client's instructions.
- 4 We understand that, following commencement of the liquidation, our client has requested that these vehicles are made available for immediate collection. However, you have indicated that the Company seeks to exercise a lien over the vehicles in respect of unpaid refurbishment costs owed by our client to the Company.
- 5 However, we are not aware of any legal basis on which the Company has a right to exercise any lien.

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- 6 Additionally, and even if there is some basis for exercising a lien (which for the avoidance of doubt is not accepted), our client is the Company's most significant creditor, and any sums owed by our client to the Company will be subject to insolvency set off against the sums owed by the Company pursuant to rule 14.25 of the Insolvency (England & Wales) Rules 2016, such that our client is still a net creditor in a significant sum. Therefore, by the mandatory exercise of insolvency set off, any debt owed to the Company is extinguished, meaning there are no grounds for exercise of any lien even if the Company has some right to do so.
- 7 There is accordingly no basis on which the Company can assert any lien or entitlement to retain these vehicles and associated parts. We understand that the vehicles are located at the Company's former trading premises, and our client requires immediate access to collect them.
- 8 We understand that access may have to be arranged via the landlord of those premises and our client is prepared to make suitable direct arrangements.
- 9 Please therefore confirm, by no later than 4pm on Friday 3 May 2024, that you will allow access to the premises and will not impede our client's collection of the vehicles and other assets.
- 10 Should you fail to comply with our client's reasonable request for access to the vehicles, we anticipate instructions to consider all options, including seeking appropriate injunctive relief.
- 11 We look forward to hearing from you.

Yours faithfully

*Trowers & Hamlin LLP*