

Press release: Australian wheat 'investment' scam directors reap lengthy disqualifications

The High Court of Justice has made an order for the disqualification of Robert Ross White for 8 years from 15 February 2017. The allegations made out in Court were that he had failed to keep, preserve, or deliver up Agri Firma's records and that he had evaded his responsibilities as a director.

The Secretary of State previously accepted a Disqualification Undertaking from Richard John Lyon Henstock for 9 years, from 19 July 2016. Mr Henstock had not disputed both the above allegations. His avoidance of his duty as a director allowed the company to mislead its investors to believe a legitimate and valuable lease had been purchased for them for farmland in either Lithuania or Australia, when there is no evidence that any land was purchased in respect of Lithuanian investment and the land purchase in Australia was never completed.

Assurances regarding the Australian wheat investment of 9% farming income and 11-15% capital gain were given, despite professional advice being received that this was unachievable and investor capital being reduced by undisclosed 65% up-front marketing and other fees.

The company was incorporated on 4 July 2011, traded from Bond St, London and went into liquidation on 9 July 2014 with an estimated deficiency of at least £538,667 and AUD\$661,500.

Proceedings are being contested by a third alleged director, with a trial expected in February 2018.

The disqualification prevents Mr White and Mr Henstock from directly or indirectly becoming involved (without the permission of the Court) in the promotion, formation or management of a company for the duration of their disqualification terms.

Commenting on the disqualification, Mark Bruce, Chief Investigator at the Insolvency Service, said:

In this case, the pooling of investors' funds with that from other associated investment vehicles has prevented any ability to trace most of Agri Firma's investment capital through various offshore accounts. Regarding Mr Henstock, even without records it has been possible to shed light on a number of claims made to investors and evidence that these were materially misleading.

Both registered directors have abrogated their duties, facilitating

the scam which this investment became. These disqualifications should give a clear message regarding such behaviour.

Notes to editors

Agri Firma Capital Ltd (CR0 No. 07692576) was incorporated on 4 July 2011 and traded from Mayfair House, 124 Bond St, London W1S 1DX.

The Company went into liquidation on 9 July 2014 with an estimated deficiency of at least £538,667 and AUD\$661,500.

Robert Ross White's date of birth is in October 1957 and he resides in Worcester.

The High Court of Justice ordered the disqualification of Robert Ross White for 8 years from 15 February 2017. The allegations made out in Court were that Robert Ross White (Mr White) failed to keep, preserve, or deliver up Agri Firma Capital Ltd's (Agri Firma's) records. As a consequence, it is not possible to:

- identify all company assets. For example; a loan of AUD\$94,318 was made from Agri Firma to an offshore company on 15 July 2013. Without any company records, it is not possible to test whether the loan was ever repaid
- ascertain the full scale of its liabilities, identify all investors, or trace the disposal of unidentified investor monies
- trace the disposal of estimated investor monies, put aside for product purchase, of at least £126,582.23 and AUD\$93,471.08
- ascertain the causes of its failure

In addition Mr White abrogated his responsibilities as director of Agri Firma Capital Ltd from 2 August 2013 to 9 July 2014, with the result that it was controlled by his co-director, who was not appointed as a director. His co-director was subject to a disqualification under The Company Directors Disqualification Act 1986 and did not have leave of the court to act.

Richard John Lyon Henstock's date of birth is in November 1937 and he resides in South Northamptonshire. The Secretary of State accepted a Disqualification Undertaking from Mr Henstock, effective from 19 July 2016, for 9 years. The matters of unfitness, which Mr Henstock did not dispute in the Disqualification Undertaking, were that Richard John Lyon Henstock failed to keep, preserve, or deliver up Agri Firma's records. As a consequence, it is not possible to

- identify all company assets. For example; a loan of AUD\$94,318 was made from Agri Firma to an offshore company on 15 July 2013. Without any company records, it is not possible to test whether the loan was ever repaid
- ascertain the full scale of its liabilities, identify all investors, or trace the disposal of unidentified investor monies
- trace the disposal of estimated investor monies, put aside for product purchase, of at least £126,582.23 and AUD\$93,471.08

- ascertain the causes of its failure

In addition Mr Henstock abrogated his responsibilities as director of Agri Firma Capital Limited from 4 July 2011 to 9 July 2014, in this period it:

- was controlled, without the leave of the Court, by an individual subject to a ban, under The Company Directors Disqualification Act 1986, from acting directly or indirectly in its management
- misled investors, contributing to their losses estimated at £508,667 and AUD\$661,500. Marketing material, as well as a lease document issued to investors, led them to believe that a legitimate and valuable lease had been purchased for them for farmland in either Lithuania or Australia. However, there is no evidence that any land was purchased in respect of Lithuanian investment and the land purchase in Australia was never completed. The company brochures made assurances of Agri Firma's extensive farming experience and 16% returns received by customer in the previous quarter, when there is no evidence from available records that it ever purchased any land, upon which it could carry out farming. Regarding the Australian investment, assurances of 9% farming income and 11-15% capital gain were misleading, when investor capital was reduced by 65% up-front marketing and other fees. The proposed agents for the Australian investment had advised the company that the 8-10% envisaged return to investors was achievable. A direct association between investors and a service provider was implied, misleading investors regarding their level of involvement in the investment. Follow-up communications in June 2014 indicated that the project had value and the plantation was progressing. However this was not the case and the land purchase had fallen through.

A disqualification order has the effect that without specific permission of a court, a person with a disqualification cannot:

- act as a director of a company
- take part, directly or indirectly, in the promotion, formation or management of a company or limited liability partnership
- be a receiver of a company's property

Disqualification undertakings are the administrative equivalent of a disqualification order but do not involve court proceedings. Persons subject to a disqualification order are bound by a [range of other restrictions](#).

Media enquiries for this press release – 020 7674 6910 or 020 7596 6187

You can also follow the Insolvency Service on:

[Rebecca Long-Bailey responds to reports that Sir Philip Green has agreed to pay £363m into BHS pension fund](#)

Rebecca

Long-Bailey MP, Labour's Shadow Business Secretary, commenting on reports that Sir Philip Green has agreed to pay £363m into the BHS pension fund, said:

"The 20,000 members of BHS's troubled pension scheme will no doubt be relieved to see almost a year of uncertainty come one step closer to resolution. But this deal falls far short of justice being done.

"The £363m contribution – a capitulation to months of pressure, despite his claim that it is voluntary – is peanuts to billionaire Sir Philip, yet will leave an outstanding hole of £200m in the pension scheme."

[Press release: Foreign & Commonwealth Office statement on the Tunisia Inquests](#)

We welcome the thorough work by the Coroner and his team for more than a year on this important investigation, resulting in today's conclusions.

The Sousse attack was the largest loss of British life to terrorism since 7/7, and devastated the lives of so many. Our deepest sympathy remains with all those people caught up in this horrific attack and we hope that the Inquest process has been of some help to the families.

Yemen: UN verifies nearly 1,500 boys recruited for use in armed conflict

28 February 2017 – The United Nations human rights office today urged all warring parties in Yemen to immediately release child soldiers, noting that the UN has verified the recruitment of 1,476 children, all boys, between 26 March 2015 and 31 January 2017.

“The numbers are likely to be much higher as most families are not willing to talk about the recruitment of their children, for fear of reprisals,” Ravina Shamdasani, spokesperson for the Office of the UN High Commissioner for Human Rights (OHCHR), told reporters at the regular bi-weekly press briefing in Geneva.

She said her Office received numerous reports of the recruitment of children in Yemen for use in the armed conflict, mostly by the Popular Committees affiliated with the Houthis.

Since 2015, the southern Arabian nation has been in a conflict between forces loyal to President Abdrabbuh Mansour Hadi and those allied to the Houthi rebel movement.

Just last week, OHCHR received new reports of children who were recruited without the knowledge of their families.

“Children under the age of 18 often join the fighting after either being misled or attracted by promises of financial rewards or social status. Many are then quickly sent to the front lines of the conflict or tasked with manning checkpoints,” Ms. Shamdasani said.

She reminded all parties to the conflict that the recruitment and use of children in armed conflict is strictly forbidden by international human rights law and international humanitarian law, and when concerning cases of recruitment of children under fifteen may amount to a war crime.

The conflict in Yemen has, between March 2015 and 23 February 2017, led to 4,667 civilian deaths and 8,180 injured civilians.

At the same briefing, Christophe Boulierac, spokesperson for the UN Children’s Fund (UNICEF), said that every 10 minutes, a child under the age of five died in Yemen from preventable diseases such as diarrhoea, pneumonia or measles, because the health system is on the verge of collapse. Some 50 per cent of the health facilities in the country were not functioning.

“The rate of severe acute malnutrition in children under five had tripled between 2014 and 2016. There are currently approximately 2.2 million malnourished children in the country, including 462,000 children suffering from severe acute malnutrition,” he said.

Press release: Winners of Highways England Supplier Recognition Awards announced

The combined efforts of Highways England contractors who worked tirelessly to repair and rebuild a storm-damaged road in Cumbria have been honoured at the company's annual Supplier Recognition Scheme awards. Pulling out all the stops, this vital route was repaired, making a real difference to an area where tourism plays a vital part to the local economy.

Kier Highways, and Cubby Construction JV with the local supply chain completed the work three weeks early, under budget and without a single incident. It meant the local community had the A591 back in action in time for the start of the tourist season and Highways England could notch up a 'first' by delivering improvements on a local road network.

The Cumbria nomination was among 130 entries in this year's awards which also recognised companies for achievements in various fields including safety, customer service, sustainability, capability, value and inclusion. The supply chain – ranging from small to medium sized enterprises (SMEs) to international organisations – carries out around 90 per cent of Highways England's work.

Jim O'Sullivan, Chief Executive of Highways England said:

We need and value the expertise, ambition and innovation our supply chain partners bring, because without them we cannot deliver the £15 billion Government investment.

We have achieved a great deal since April 2015, and there is much more to do. We are responsible for the largest road building programme in a generation, and have thousands of miles of road network that need to be maintained to a high standard. It is imperative that we achieve this while keeping our network open to traffic, and ensuring the safety of our customers and workforce.

That is what our awards are all about, recognising the contribution our supply chain partners make to the important work we do.

Safety, health and wellbeing

Awarded to suppliers who show industry leading commitment to improving organisational, workforce and road user health and safety.

Winner: A-One+ and Postpullers UK Ltd for a collaborative approach to the development of an innovative solution to remove embedded safety barrier posts. The system reduces the safety risks faced by the workforce: requires only one operator, not two or three; reduces the amount of machinery needed to remove the barrier posts and gets the job done more quickly.

Highly commended: HW Martin (Traffic Management) Ltd; Manchester smart motorways (Balfour Beatty, Carillion, Costain & Bam/Morgan Sindall JV); Carnell Support Services Ltd

Customer Experience

Awarded to suppliers who have demonstrated industry leading commitment to customer service.

Winner: Costain for the work they did to get to engage with communities, stakeholders, road users and community teams working alongside the construction team on the A556 Knutsford to Bowden scheme. The work they did demonstrated a clear understanding of our customer service strategy, and enabled them to build upon the basics to improve customer service. To achieve this, they used a wide variety of communication channels from VMS to social media to communicate with customers, alongside using commercial providers such as TomTom and ABTA.

Their whole ethos was to think about things differently. That pro-active, customer focused, lessons learned approach was what elevated this submission into the winning bid.

Highly commended: Carillion Morgan Sindall JV

Communities

Awarded to suppliers that have engaged with community groups from the outset, understood what really matters to them and identified ways in which they can work differently.

Winner: Carillion Morgan Sindall JV for work on the A1 Leeming to Barton widening and motorway upgrade. They showed a dedication for changing the face of construction by revolutionising their commitment to social responsibility across the industry, by: proactively working with media to talk about the work they do; health-checks for HGV drivers; showcasing archaeological findings and targeting donations that will positively impact on local communities.

Delivering sustainable and environmental solutions

Awarded to suppliers who have integrated environmental, social, economic and management aspects of sustainable development into the delivery of Highways England contracts.

Winner: Interserve Construction for empowering communities through social value mapping. The company worked alongside an environmental regeneration

charity, Groundwork, to track their key objectives. This method enabled a better understanding of the key factors impacting communities where Interserve Construction were operating and their influence on employment, job creation and supply chain spend. This method has ultimately helped Interserve Construction to better identify how they can help Highways England meet their sustainability targets. For example; M3 Black Dam Improvement and M11 Stansted schemes.

Highly commended: Graham Construction

Inclusion

Awarded to suppliers that have created opportunities to bring people into the workplace, developed skills and created an environment where differences are valued and utilised.

Winner: Skanska UK Ltd for their work to initiate and encourage daily conversations with their colleagues, partners, clients and the wider sector about becoming more diverse and inclusive; how together there can be a culture in which everyone feels they can be themselves. They have tracked the impact of this work over the last six years, and have seen an increase in diversity and inclusion engagement scores from 66% to 82%.

Highly commended: VINCI Construction UK Ltd – Taylor Woodrow

Building capacity and capability

Awarded to suppliers that have developed their employees' skills and capabilities through delivery of Highways England contracts.

Winner: HW Martin (Traffic Management) Ltd for their work in building an employment and skills infrastructure. They actively managed the supply chain, bringing on board people from local SMEs, having a commitment to accessible entry level employment (for people from all backgrounds) and offering training opportunities for local people and SMEs – this includes apprenticeships and a self-funding skills development academy.

Highly commended: Costain M1 smart motorways

Managing down cost/improving value

Awarded to suppliers who have demonstrated significant achievement by delivering Highways England contracts in smarter, more efficient ways.

Winner: A-One+ and Urbis Schreder Ltd for taking an existing lighting unit, used on 24 overhead gantries in Yorkshire to display information to road users, and adapting it to meet Highways England specifications. The result was an improved LED lighting unit, which is more visible to road users (especially at night). In addition, by making these changes, the whole life costs of the units was lowered, disruption to road users reduced (the control gear for the units is installed in the hard shoulder, meaning future maintenance can be done from there, without the need for lane closures) and

road worker safety is improved (reduces the need for working from height).

Highly commended: Carnell Support Services Ltd

Supply chain management

Awarded to suppliers that demonstrate Highways England's strategic agenda, values and principles through supply chains.

Winner and Chairman's Award: Kier Highways and Cubby Construction JV with local supply chain for the "Reconnecting Cumbria" Project. This saw national, regional and local organisations working together to repair Cumbria's local road network following an unprecedented series of devastating, severe weather events in December 2015. Through collaboratively working with its supply chain, other contractors and stakeholders including Highways England, Cumbria County Council, Lake District National Park and United Utilities, the winning companies enabled Highways England to deliver works on Cumbria's local road network – a first for the government company – three weeks early, under budget and without a single incident.

Winner: Kier Highways for their work with BSI and ToweyDuffy in Area 3 to unlock a new certification process which saw the largest number of SMEs achieve the national standard for Collaborative Business relationships (BS11000) as part of a single assessment. Not only did it reduce costs and result in efficiency savings for Highways England, but it has helped promote collaborative working, improved how information is shared and better delivery.

Highly commended: Costain, Aggregate Industries and Walters; Chevron Traffic Management and Kier Highways, HTM, Golden Orb Solutions, Consillium

General enquiries

Members of the public should contact the Highways England customer contact centre on 0300 123 5000.

Media enquiries

Journalists should contact the Highways England press office on 0844 693 1448 and use the menu to speak to the most appropriate press officer.