

5524468

CASE NO. 21071 of 2009

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

IN BANKRUPTCY

MR JUSTICE NORRIS

~~DAVID TAVISTOCK~~

24th NOVEMBER 2009

WEDNESDAY



AIQ 02/12/2009 79
COMPANIES HOUSE



IN THE MATTER OF ALLAN THOMAS BAINBRIDGE (IN BANKRUPTCY) AND OTHERS

AND IN THE MATTER OF ACE PORTABLE BUILDINGS LIMITED (IN CREDITORS VOLUNTARY LIQUIDATION) AND OTHERS

AND IN THE MATTER OF CAMBRIA MON LIMITED (IN ADMINISTRATION) AND OTHERS

AND IN THE MATTER OF RAYNHAM HOUSE LIMITED (IN MEMBERS VOLUNTARY LIQUIDATION)

AND IN THE MATTER OF MCCARTHY CORPORATION PLC (SUBJECT TO A COMPANY VOLUNTARY ARRANGEMENT) AND OTHERS

AND IN THE MATTER OF DAVID MARTIN BOLAND (SUBJECT TO AN INDIVIDUAL VOLUNTARY ARRANGEMENT) AND OTHERS

AND IN THE MATTER OF ALLIED CATERING SUPPLIES (YORKSHIRE) LIMITED (IN ADMINISTRATIVE RECEIVERSHIP)

AND IN THE MATTER OF ASTRO CENTRE LIMITED (IN LIQUIDATION)

AND IN THE MATTER OF AN OFFICE HOLDER

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

BETWEEN:-

STEPHEN JOHN HUNT (1)
KEVIN JOHN HELLARD (2)

Applicants

-and-

MARTIN CHRISTOPHER HEPWORTH (1)
BUSINESS CARE SOLUTIONS LIMITED (2)

Respondents

ORDER

UPON THE APPLICATION of Stephen John Hunt of Griffins, Tavistock House South, Tavistock Square, London WC1H 9LG ("First Applicant") and Kevin John Hellard of Grant

Thornton UK LLP 30 Finsbury Square, London EC 2P 2YU ("Second Applicant") (together called "the Applicants")

AND UPON hearing Counsel for the Applicants and Counsel for Business Care Solutions Limited (hereinafter called "the Second Respondent")

AND UPON READING THE ^{EVIDENCE RELATING TO AND APPLICATION} ~~DOCUMENTS~~ marked on the Court file as having been read

AND UPON the Applicants having been appointed by the Secretary of State as the joint trustees in bankruptcy of each of the individuals listed in Schedule A to this Order in place of Martin Christopher Hepworth of 2 The Pines, Earlsheaton, Dewsbury WF12 8RN (hereafter called "the First Respondent").

AND UPON the Applicants having been appointed by the Secretary of State as the joint liquidators of each of the companies listed in Schedule H to this Order in place of the First Respondent.

IT IS ORDERED:

1. That the Second Respondent be and is hereby joined as a Respondent to this Originating Application solely for the purpose of making the orders listed in paragraphs 21 to 23 below.
2. That the cases listed in Schedules A to H attached to this Order, in so far as they are currently proceedings in the County Court or in a District Registry be transferred to the High Court for the purpose of making the orders listed below.
3. That the First Respondent be removed from the office of liquidator of each of the companies listed in Schedule B to this Order with immediate effect.
4. That the First and Second Applicants be appointed joint liquidators (such appointment to be joint and several) of each of the companies listed in Schedule B to this Order in place of the First Respondent with immediate effect.
5. That the First Respondent be removed from the office as administrator of each of the companies listed in Schedule C to this Order with immediate effect.
6. That the First and Second Applicants be appointed joint administrators (such appointment to be joint and several) of each of the companies listed in Schedule C to this Order in place of the First Respondent with immediate effect.
7. That the First Respondent be removed from the office of liquidator of the company listed in Schedule D to this Order with immediate effect.

8. That the First and Second Applicants be appointed joint liquidators (such appointment to be joint and several) of the company listed in Schedule D to this Order in place of the First Respondent with immediate effect.
9. That the First Respondent be removed from the office of supervisor of the companies listed in Schedule E to this Order with immediate effect.
10. That the First and Second Applicants be appointed joint supervisors (such appointment to be joint and several) of each of the companies listed in Schedule E to this Order in place of the First Respondent with immediate effect.
11. That the First Respondent be removed from the office of supervisor of the individuals listed in Schedule F to this Order with immediate effect.
12. That the First and Second Applicants be appointed joint supervisors (such appointment to be joint and several) of each of the individuals listed in Schedule F to this Order in place of the First Respondent with immediate effect.
13. That the First Respondent be removed from the office of administrative receiver of the companies listed in Schedule G to this Order with immediate effect.
14. That the First and Second Applicants be appointed administrative receivers (such appointment to be joint and several) of each of the companies listed in Schedule G to this Order in place of the First Respondent with immediate effect.
15. That the First Respondent do, within 14 days of the date of this Order produce an Affidavit providing details of any estates which are not listed in the Schedules A – H to this Order and in respect of which the First Respondent has been appointed as office holder under the Insolvency Act 1986 (whether such appointments are, or were held, solely or jointly) from 22 November 2007 to the date of this Order irrespective of whether the First Respondent has now received his release and/or discharge from office.
16. In relation to any estates over which the First Respondent is appointed as the office holder which are not listed in Schedules A to H to this Order, that the Applicants have permission to restore this application for the purposes of transferring the appointment of the First Respondent over such estate or estates to the Applicants.
17. That in relation to any of the cases listed in Schedules A to H to this Order the period of time for completing any of the acts set out in the table below as are applicable be extended to 1 March 2010.

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|--|
| Steps |
| Company Voluntary Arrangements |
| Annual progress report under IR 1.26(2) |
| Annual Report / Receipts & Payment Account to Creditors under IR 1.26(2) |
| Individual Voluntary Arrangements |
| Annual progress report under IR 5.31(2) |
| Annual Report / Receipts & Payment Account to Creditors under IR 5.31(2) |
| Administrations |
| Submission of initial proposal to creditors and holding of initial creditors meeting under IA sch B1 paras 49(4), 49(5) and 51(2) |
| 6 monthly Progress Report Form 2.24B under IR 2.47 |
| Administrative Receivership |
| Meetings of Creditors & Report to Registrar, Trustee of secured creditors, Creditors and Liquidator if there is one (within 3 months of appointment) under IA s.48 |

18. That the First Respondent be prohibited from drawing any remuneration or withdrawing any other monies whatsoever from the estates of the transferred cases identified in schedules A to H of this Order without the permission of the Court or the written consent of the Applicants.
19. That, in respect of any estates over which the First Respondent remains the appointed office holder and which are not hereby transferred to the Applicants, the First Respondent be and is hereby prohibited from drawing any remuneration or withdrawing any other monies whatsoever for any such estates without the permission of the Court.
20. That the First Respondent must forthwith transfer to the First and Second Applicants any monies or other assets in his possession, custody, power or control which belong to any of the insolvent estates listed in Schedules A to H to this Order.
21. That the First and Second Respondents do deliver up to the First and Second Applicants all the documents, materials and articles which are listed in Schedule I to this Order and the First Respondent's PC.
22. That the First and Second Respondent must permit any of the following persons:
 - (a) the First and Second Applicants, their employees or agents;
 - (b) Ian Ramsay and Nadine Herman both of whom are employees of HBJ Gateley Wareing LLP (the Applicants' solicitors)

to attend at the Second Respondent's business premises at Central Administration, Tong Hall, Tong, West Yorkshire BD4 0RR ("the Premises") between 9 am and 6 pm on 26 and 27 November 2009 so that the First and Second Respondents can deliver up (as per paragraph 21 above) for safekeeping to the First and Second Applicants all the documents, materials and articles which are listed in Schedule I to this Order and the First Respondent's PC.

23. In the event that it becomes necessary for any of the persons in paragraph 22 to leave the Premises before they have collected all the documents, materials and articles which are listed in Schedule I to this Order, the First and Second Respondent must allow them to re-enter the Premises immediately upon their seeking re-entry on the same or the next business day between 9am and 6pm.
24. That the First and Second Applicants do give notice of their appointment to all creditors of the estates listed in schedules B to E and G of this Order within 28 days of the date of this Order by way of advertisement in the London Gazette.
25. That the First and Second Applicants do give notice in writing by First Class Post of their appointment to all creditors of the estates listed in Schedule F of this Order within 28 days of the date of this Order.
26. That all creditors of the estates listed in schedules B to G of this Order do have permission to apply to the Court, on notice to the Applicants, within 28 days of being given notice of the terms of this Order for the purposes of applying to vary or discharge the Order in so far as it affects the estate or estates of which they are a creditor.
27. That the following witness statements filed in support of this application be closed to inspection by the public pursuant to Rule 7.31 (5) of the Insolvency Rules 1986:
 - 27.1 First Witness Statement of Naomi Barton dated 19 November 2009;
 - 27.2 First Witness Statement of Stephen Hunt dated 19 November 2009;
 - 27.3 First Witness Statement of Kevin Hellard dated 19 November 2009;
 - 27.4 First Witness Statement of Eugene Walsh dated 20 November 2009.
28. There be no Order as to costs save that the First and Second Applicant's costs of this application be charged as a cost or expense of the estates listed in Schedules A to H of this Order (each estate to bear an equal share, but with no estate having to bear an amount exceeding 10 per cent of the available funds in that estate).

29. That the First Respondent is not entitled to any indemnity in respect of the costs of this application and that, accordingly, the First Respondent is not entitled to charge those costs as a cost or expense of the estates listed in Schedules A to H of this Order.

AND IT IS ORDERED

30. THAT THE SECOND RESPONDENT'S APPLICATION FOR AN ADJOURNMENT IN RESPECT OF HIS COSTS BE REFUSED

31. THIS IS AN ORDER FROM WHICH AN APPEAL LIES TO THE COURT OF APPEAL FOR THE PURPOSES OF RULE 40.2(4) OF THE CIVIL PROCEDURE RULES IT IS A FINAL ORDER. THE SECOND RESPONDENT IS REFUSED PERMISSION TO APPEAL THOUGH HE ORDER A FURTHER APPLICATION FOR PERMISSION MAY BE MADE TO THE COURT OF APPEAL

32. THAT THE FIRST AND SECOND APPLICANTS DO SERVE THIS ORDER

P.

Schedule B
Creditors' Voluntary Liquidations

| | | Date of Appointment |
|-----|---|---------------------|
| 1. | Ace Portable Buildings Ltd | 16.01.2009 |
| 2. | Acorn Foundation Engineering Holdings Ltd | 18.02.2009 |
| 3. | Alba Movements Ltd | 28.03.2006 |
| 4. | Aspex Direct Ltd | 05.04.2004 |
| 5. | Axis Telemarketing Ltd | 26.02.2009 |
| 6. | B Line Travel Ltd | 19/09/2008 |
| 7. | Blakes of Montpellier Ltd | 22.11.2005 |
| 8. | BMIL Ltd | 16.01.2009 |
| 9. | BMS International Ltd | 23.10.2006 |
| 10. | Cheamstar Ltd | 16.01.2009 |
| 11. | Colour House Digital Offset Ltd | 04.09.2008 |
| 12. | D & D Computer Supplies Ltd | 17.10.2007 |
| 13. | Daton Moulding Ltd | 05.08.2004 |
| 14. | Daton Tools Ltd | 05.08.2004 |
| 15. | Decorative Coloured Glass Ltd | 26/09/2008 |
| 16. | Demauris Associates Ltd | 08.01.2009 |
| 17. | Digital Inventory Ltd | 23.03.2006 |
| 18. | Direct Door Panels Brighthouse Ltd | 23.10.2006 |
| 19. | Easypay (Organia) Ltd | 16.01.2009 |
| 20. | Farmforce Engineering Ltd | 16.01.2009 |
| 21. | Farsley Fencing Ltd | 15.05.2009 |
| 22. | Fastcrown Ltd | 16.01.2009 |
| 23. | Fearns Builders Company Ltd | 17.02.2009 |
| 24. | Ffizz Communications Ltd | 25.05.2007 |
| 25. | Fluid Bathrooms Ltd | 29.01.2009 |
| 26. | Gough Security Ltd | 09.06.2009 |
| 27. | H H Specialised Coatings Ltd | 14.10.2004 |
| 28. | HomeBuyers Ltd | 11.07.2008 |
| 29. | HomeBuyers London Ltd | 11.07.2008 |

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|-----|-------------------------------|------------|-------------|---------------------|
| 62. | Raja Mohammed Shamin | 16.01.2009 | 159 of 2007 | High Court |
| 63. | Raymond Newbrook | 10.01.2007 | | |
| 64. | Richard & Fay Perks | 09.05.2006 | | |
| 65. | Richard William Deacon | 16.01.2009 | 0000118 | Newcastle Upon Tyne |
| 66. | Roger Brian Turner | 16.01.2009 | 22 of 2008 | Gloucester |
| 67. | Roger Clayton | 01.03.2005 | 0134105 | Rhyl County Court |
| 68. | Roger Keith Kirk-Whitham | 16.01.2009 | 353 of 1995 | Nottingham |
| 69. | Shaun David Christopher Tripp | 18.05.2009 | | |
| 70. | Stuart Dixon | 28/05/2008 | 0082336 | Derby |
| 71. | T Khan | 11/02/2008 | 0000279 | Oldham |
| 72. | Tahir Khan | 19.09.2006 | | |
| 73. | Tariq Khan | 27.07.2004 | | |
| 74. | Terry Martin Guy | 16.01.2009 | 432 of 2005 | Colchester |
| 75. | Theresa Horspool | 30.03.2007 | | |
| 76. | Veronica Anne Hammond | 16.01.2009 | 186 of 2007 | Swindon |

| | | |
|-----|--|------------|
| 30. | Indigo Shading Solutions Ltd | 11.06.2009 |
| 31. | Ironfirm Ltd | 13.07.2006 |
| 32. | J & L Tyres Ltd | 19.05.2008 |
| 33. | J A Sports Ltd | 16.12.2008 |
| 34. | Jem Telecom Ltd | 27.02.2009 |
| 35. | Keeping Information Technology Easy Ltd | 07.09.2005 |
| 36. | Keswick International Logistics Ltd | 16.01.2009 |
| 37. | LCD Transport Ltd | 21.09.2007 |
| 38. | Loaves & Fishes of Woodbridge Ltd | 28.04.2009 |
| 39. | McEwen Travel Ltd | 25.03.2009 |
| 40. | Orchid Conservatories & Windows Ltd | 08.03.2007 |
| 41. | Perfect Solutions Property Maintenance Ltd | 19.02.2009 |
| 42. | Picture-Framing Warehouse Ltd | 14.07.2006 |
| 43. | Prempac Ltd | 12.12.2006 |
| 44. | Pulse Computer Consultancy Ltd | 09.12.2003 |
| 45. | R.J.K Building Contractor Ltd | 19.10.2007 |
| 46. | Richards & Co (Mansfield) Ltd | 16.01.2009 |
| 47. | SafetyStoreUK.com Ltd | 16.01.2009 |
| 48. | Sands of Sheffield Ltd | 05.10.2005 |
| 49. | SD Security and Electrical Ltd | 21.04.2009 |
| 50. | Skill Development Ltd | 07.09.2005 |
| 51. | Titanic Exhibitions Ltd | 25.01.2006 |
| 52. | UK Steel Erection Ltd | 08.04.2009 |
| 53. | Wainwright Estate Agents Ltd | 14.10.2008 |
| 54. | West Riding Group Ltd | 19.12.2009 |
| 55. | Westwood Joinery Ltd | 10.04.2006 |
| 56. | Oliis Design Limited | |
| 57. | Cambria Mon Limited | |
| 58. | Crane Engineering Services Limited | |
| 59. | Pooleys Removals and Storage Limited | |
| 60. | Yorkshire Seamless Gutters Limited | |

Schedule I

- (1) any property, books, papers or records to which any of the companies or individuals listed in Schedules A to H (inclusive) of this Order ("the insolvent estates") appear to be entitled including but not limited to all paper records of the insolvent estates within the First and/or Second Respondents' possession or control and all records of the insolvent estates within the First and/or Second Respondents' possession or control that are in electronic format;
- (2) all books papers and other records in the custody, power or control of the First and/or Second Respondent that relate to the Respondents' administration of the insolvent estates including all paper records and all records held in electronic format to include but not be limited to time records, all emails sent and received by the Respondents in relation to the administration of the insolvent estates and all records held on the IPS system; and
- (3) all bank documents including pass books, cheque books, paying-in books, bank statements and all other monies and assets belonging to the insolvent estates.

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B E T W E E N:-

STEPHEN JOHN HUNT (1)
KEVIN JOHN HELLARD (2)

Applicants

-and-

MARTIN CHRISTOPHER HEPWORTH

Respondent

ORDER

COURT SEALS ORDER + SEALED
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