

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

IN THE MATTER OF THE LICENCE HOLDERS

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

**AND IN THE MATTER OF RSL COM EUROPE LIMITED (A COMPANY) AND
OTHERS**

AND IN THE MATTER OF W J BROWN (INDIVIDUAL) AND OTHERS

BETWEEN:

DAVID JAMES WATERHOUSE

**(applying on his own behalf and on behalf of those Applicants listed in Schedule 1 to
this Order)**

- and -

LYNN ROBERT BAILEY

(and the other Respondents listed in Schedule 2 to this Order)

ORDER

UPON THE APPLICATION of the Applicants by Notice of Application issued on 24
June 2003

AND UPON HEARING Counsel on behalf of the Applicants

AND UPON the Respondents being neither present nor represented

AND UPON READING those documents recorded upon the Court File as having been
read



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COMPANIES HOUSE

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05/12/03

IT IS ORDERED THAT:

1. In respect of those bankruptcies, individual voluntary arrangements ("IVA's"), company voluntary arrangements ("CVA's"), creditors voluntary liquidations, compulsory liquidations, members voluntary liquidations and administrations listed in Schedule 3 to this Order which are the subject of proceedings in county court and district registries, those proceedings be transferred to the High Court solely for the purpose of making the Orders contained in Paragraphs 1 to 9 below.
2. The Respondents be removed from the office as trustee in bankruptcy, IVA/CVA supervisor, liquidator (compulsory or voluntary), and/or administrator (as the case may be) of the estates listed in Schedule 3, these removals to take effect immediately.
3. The Respondents be replaced as such office holder in the case of each such estate by the Applicant named in Schedule 3 as his proposed replacement, these replacements to take effect immediately.
4. The Respondents shall be released from all liability pursuant to section 20 of the Insolvency Act 1986 in respect of their acts and omissions and otherwise in respect of their conduct as administrators of the companies listed on page 1 of Schedule 3, such release to take effect 28 days after they have filed their final abstracts in accordance with Rule 2.52(1) of the Insolvency Rules 1986.
5. The Applicants shall be entitled:
 - 5.1 to publish in the Gazette one composite notice relating to all new appointments which are required by law to be published in the Gazette;
 - 5.2 to apportion the costs of the said composite Gazette notice between the said estates equally; and
 - 5.3 to charge to each individual estate the cost of obtaining an insolvency practitioner's licence bond in respect of that estate up to a maximum £40 per estate.
6. Without incurring any additional expense to any of the said estates, the Applicants shall, when the next routine report is due to the creditors of each estate (and in the case of the members' voluntary liquidations, the relevant

company members), notify each creditor and each such member (as the case may be) of the making of this order, such notice to contain the following matters:

- 6.1 An explanation of the effect of the Order;
- 6.2 Express reference to the liberty to apply contained in paragraph 6.7 below;
- 6.3 In the case of the IVA's, CVA's and administrations, the provision of all such information as might reasonably be required with regard to the conduct of the voluntary arrangement, or administration (as the case may be);
- 6.4 In the case of bankruptcies under the Bankruptcy Act 1914 (if any) and liquidations under the Companies Act 1985 (if any), the provision of all such information as might reasonably be required as part of that report with regard to the conduct of the bankruptcy or liquidation (as the case may be);
- 6.5 In the case of creditors voluntary and compulsory liquidations and bankruptcies under the Insolvency Act 1986 where liquidation or creditors committees have been appointed, an explanation that (to the extent that any information which would otherwise required to be provided under Insolvency Rule 4.108(3) or Rule 6.126(2) has not already been provided as part of the routine report) it is open to that committee to require the applicant appointed to provide an account of the administration of the estate, including:
 - 6.5.1 a summary of receipts and payments; and
 - 6.5.2 a statement that he has reconciled his accounts.
- 6.6 In the case of creditors voluntary and compulsory liquidations and bankruptcies under the Insolvency Act 1986 where no liquidation or creditors committees have been appointed, an explanation that, to the extent that such information has not already been provided as part of the routine report, it is open to any creditor to apply to court for an order that the applicant appointed do provide such information as might otherwise be required by Rule 4.108(3) or Rule 6.126(2) (as the case

may be) that is to say, an account of the administration of the estate, including:

6.6.1 a summary of receipts and payments;

6.6.2 a statement that he has reconciled his accounts.

6.7 In the case of members voluntary liquidations, an explanation that, to the extent that any information which might otherwise be required to be supplied under Rule 4.142(2) has not already been provided as part of the routine report, it is open to any member to apply for court for an order that the applicant appointed do provide such information that is to say an account of the administration of the estate, including:

6.7.1 a summary of receipts and payments;

6.7.2 a statement that he has reconciled his account.

6.8 Notification that if any applicant appointed has been required to provide the information referred to in 6.5, 6.6 or 6.7 above, whether by the liquidation/creditors committee or by court order on the application of any individual creditors or (in the case of a members voluntary liquidation) any individual members, the appointed Applicant's costs of so complying will, unless there are good reasons to the contrary, be paid as an expense of the bankruptcy or winding up as the case may be.

6.9 In the case of liquidations under the Insolvency Act 1986, notification to each creditor and member of his right under r11(1) (compulsory winding up) and r11(2) (voluntary winding up) of the Insolvency Regulations 1994 to require the appointed applicant to supply a statement of receipts and payments free of charge.

6.10 In the case of bankruptcies under the Insolvency Act 1986, notification to each creditor of his right under r25 of the Insolvency Regulations 1994 to require the appointed applicant to supply a statement of receipts and payments free of charge.

6.11 In the case of bankruptcies under the Bankruptcy Act 1914 (if any), notification to each creditor of his right under Section 83 of that Act (provided he has the concurrence of at least 1/6 of the creditors of that

bankruptcy, including himself) to require the appointed applicant (at the creditor's cost) to furnish a statement of the accounts of that bankruptcy.

7. Liberty to (i) each creditor of each estate and (ii) each member of any company identified in Schedule 3 as being in members voluntary liquidation to apply or vary or discharge this order within 21 days of receipt of the notices directed to be sent under paragraph 6, above.
8. The costs of this application (including VAT) be aggregated and apportioned equally between each of the estates listed in schedule 3, provided that:
 - 8.1 if the costs which fall to be borne by any of the estates exceed 10% of the realisable assets within that estate;
 - 8.2 that estate shall only bear part of those apportioned costs, that part being an amount equal to 10% of that estate's readily realisable assets;
 - 8.3 the excess shall then be apportioned and borne equally between the other estates; and
 - 8.4 by consent the costs in relation to the cases of Peter Spratt and Nigel Vought be borne by PricewaterhouseCoopers itself.
9. Service of the said Notice of Application be dispensed with.

CLAIM NO

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BETWEEN

DAVID JAMES WATERHOUSE

(applying on his own behalf and on behalf of those listed in Schedule 1 to the Application)

Claimant

- and -

LYNN ROBERT BAILEY

(and the other respondents listed in Schedule 2 to the Application)

Defendant

SCHEDULE 1 TO THE ORDER

Nigel John De'Ath

Ian Christopher Oakley-Smith

Michael David Gercke

Julian Guy Parr

Alistair Michael Grove

David Thornhill

Michael John Andrew Jervis

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- and -

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Defendant

SCHEDULE 2 TO THE ORDER

Mark Palios

Gerald Ian Rankin

Peter Norman Spratt

Nigel John Vooght

James Richard Tickell



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SCHEDULE 3 TO THE ORDER

Transfer of Appointments

June 03

Name	App date	Existing Appointee 1	Existing Appointee 2	Ongoing Appointee 1	Ongoing Appointee 2	Company no	Court	Court no
Individual Voluntary Arrangement								
Allport, Keith	10-Oct-01	Reed, NE	Rankin, G I	Reed, NE	-		Doncaster County Cou	175 of 2001
Allport, Marjorie	10-Oct-01	Reed, NE	Rankin, G I	Reed, NE	-		Doncaster County Cou	178 of 2001
Allport, Robert Leslie	10-Oct-01	Reed, NE	Rankin, G I	Reed, NE	-		Doncaster County Cou	176 of 2001
House, Mark G	13-Dec-00	Tickell, J R	Waterhouse, D	Waterhouse, D J	-		Portsmouth County Co	111 of 2000
Moore, F L	31-Jul-00	Tickell, J R	Waterhouse, D	Waterhouse, D J	-		Bournemouth County C	55 of 2000
Moore, June	31-Jul-00	Tickell, J R	Waterhouse, D	Waterhouse, D J	-		Bournemouth County C	56 of 2000
Robinson, Graham	8-Sep-99	Walsh, T G	Rankin, G I	Walsh, T G	-		Stockport County Cou	81 of 1999
Robinson, Lesley	8-Sep-99	Walsh, T G	Rankin, G I	Walsh, T G	-		Stockport County Cou	84 of 1999
Thompson, William Stuart Gower	9-Sep-99	Tickell, J R	Waterhouse, D	Waterhouse, D J	-		Bournemouth County C	58 of 1999
Woodward, M J	31-Jul-00	Tickell, J R	Waterhouse, D	Waterhouse, D J	-		Bournemouth County C	57 of 2000
Members Voluntary Liquidation								
Communications Consultants UK Limited	9-Jun-00	Waterhouse, D J	Tickell, J R	Waterhouse, D J	-	30360008		
William Lawrence Limited	28-Jul-00	Rankin, G I	Reed, NE	Reed, NE	-	43599		