

No:1259 of 2014

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

LEEDS DISTRICT REGISTRY

BEFORE HIS HONOUR JUDGE BEHRENS SITTING AT LEEDS ON THE 17TH DECEMBER
2014

AND IN THE MATTER OF BARCLAY ELECTRICAL CONTRACTORS LIMITED (IN
COMPANY VOLUNTARY ARRANGEMENT) AND OTHERS
AND IN THE MATTER OF CAMPION BUSINESS SOLUTIONS (IN ADMINISTRATION)
AND OTHERS
AND IN THE MATTER OF ACMB PROPERTY LIMITED (IN MEMBERS VOLUNTARY
LIQUIDATION) AND OTHERS
AND IN THE MATTER OF ADRIAN SMITH ELECTRICAL CONTRACTORS LIMITED (IN
CREDITORS VOLUNTARY LIQUIDATION) AND OTHERS
AND IN THE MATTER OF CLAYFIELD CONSTRUCTION LIMITED (IN COMPULSORY
LIQUIDATION) AND OTHERS
AND IN THE MATTER OF ALAN ROBERT CAMPBELL (IN INDIVIDUAL VOLUNTARY
ARRANGEMENT) AND OTHERS
AND IN THE MATTER OF SHELIA MARY BAILEY (IN BANKRUPTCY)
AND IN THE MATTER OF BRENT ELLIS AND MARK BAGGETT T/A THE NAVIGATION
INN (IN PARTNERSHIP VOLUNTARY ARRANGEMENT)
AND IN THE MATTER OF THE INSOLVENCY ACT 1986
BETWEEN:

(1) Andrew Graham MacKenzie

(2) Robert Sadler

and

(1) Andrew Timothy Clay

(2) David Anthony Horner

(3) David Robert Acland

(4) Julian Nigel Richard Pitts

(5) Adrian Graham

Applicants

Respondents

ORDER



Q61U9018

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09/03/2017

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COMPANIES HOUSE

UPON THE APPLICATION of Andrew Graham MacKenzie and Robert Sadler.

AND UPON reading the witness statement of Robert Sadler dated 28 November 2014.

AND UPON reading the witness statement of Andrew Timothy Clay dated 28 November 2014

AND UPON reading letters dated 10 November 2014 from Andrew Graham MacKenzie, David Anthony Horner, David Robert Acland, Julian Nigel Richard Pitts and Adrian Graham.

IT IS HEREBY ORDERED as follows:

- 1 In respect of those Company Voluntary Arrangements, Administrations, Members Voluntary Liquidations, Creditors Voluntary Liquidations, Compulsory Liquidations, Partnership Voluntary Arrangements, Individual Voluntary Arrangements and Bankruptcies as listed in the Schedule to this Order and which are the subject of proceedings in County Courts, the Companies Court or other District registries in England and Wales, those proceedings be transferred to the High Court, Chancery Division, Leeds District Registry solely for the purpose of this Application and thereafter transferred back to the relevant Court;
- 2 Andrew Timothy Clay be removed from office as Administrator, Liquidator, Trustee and Supervisor (as the case may be) of the estates listed in the Schedule with immediate effect;
- 3 Andrew Timothy Clay be replaced as office holder by the relevant Applicant with immediate effect as set out in the Schedule in the column headed Replacement IP;
- 4 Andrew Timothy Clay be granted his release or discharge from all liability as appropriate 21 days after the publication in the London Gazette and/or the filing with the Registrar of Companies and/or the notification to the Secretary

of State as necessary as required by paragraph 5 below, without being required to apply for his release or file a receipts and payment account.

- 5 The relevant Applicant (as the Replacement IP) and where appropriate the relevant Respondent (as the continuing joint office holder) shall as soon as reasonably practicable and in any event, within 14 days of receipt of the sealed Order:
 - 5.1 publish in the London Gazette one composite notice relating to all new appointments which are required by law to be published in the London Gazette;
 - 5.2 file with the Registrar of Companies any notices in respect of Andrew Timothy Clay's removal and replacement which are required by law to be so filed;
 - 5.3 *Without incurring any additional expense to any of the said estates:*
 - 5.3.1 Notify the Secretary of State of the making of this Order; and
 - 5.3.2 *Notify creditors (and members where appropriate), in their next routine report, of the making of this Order and provide an explanation of the effect of this Order including specifically referring to creditors' liberty to apply to discharge or vary this Order*
- 6 Subject to paragraphs 7 and 10 below, in the event that, as a result of the implementation of the Order, Begbies Traynor (Central) LLP incurs any additional cost in respect of the administration of those estates where Andrew Timothy Clay was the office holder (that is to say over and above those costs incurred in the ordinary course of the administration of those estates), those costs shall be borne by Begbies Traynor (Central) LLP and shall not be charged as an expense of those estates.
- 7 Nothing contained in paragraph 6 shall prejudice the Applicants or the Respondents from:
 - 7.1 charging to each individual estate the cost of obtaining an Insolvency Practitioners licence bond in respect of that estate; and
 - 7.2 apportioning between said estates equally the cost of the composite London Gazette notice under paragraph 5 above.

- 8 Rules 2.47(3A), 4.49B(5), 4.49C(3)(a) and 6.78A(4) of the Insolvency Rules 1986 and section 38(2) of the Insolvency Act 1986 shall not apply as a consequence of this Order.
- 9 Liberty to each creditor of each estate to apply to vary or discharge this order within 21 days of the receipt of the notice directed to be sent under paragraph 5 above.
- 10 The cost of this application (including VAT) be aggregated and apportioned equally between each of the estates listed in the Schedule to be drawn as disbursements as and when sufficient funds are available.

Dated this 17th day of December 2014

Case Case Name	Appt Date	Appointment Taker	Second	Appointment Type	Court Ref (if applicable)	Office	Replacement IP
IVA Jacques Gibson	Int Date: Non App. 13/04/2012 Sup App. 10/05/2012	Andrew Timothy Clay	Rob Sadler	Joint Supervisor		York	Andrew Graham MacKenzie
IVA Jonathan Stephen Harbott	Int Date: Non App. 03/02/2012 Sup App. 19/02/2012	Andrew Timothy Clay	Rob Sadler	Joint Supervisor		York	Andrew Graham MacKenzie
IVA Matthew Chris Smith	Int Date: Non App. 29/01/2013 Sup App. 19/02/2013	Andrew Timothy Clay	Adrian Graham	Joint Supervisor		York	Rob Sadler
IVA Marlene Madsen Morris	Int Date: Non App. 15/05/2012 Sup App. 29/05/2012	Andrew Timothy Clay	Rob Sadler	Joint Supervisor		York	Andrew Graham MacKenzie
IVA Philip Edward Tuck via JMB Garage	Int Date: 22/07/2014 Non App. 15/07/2014 Sup App. 09/02/2014	Rob Sadler	Andrew Timothy Clay	Joint Supervisor		Sheffield	Andrew Graham MacKenzie
IVA Robin Albert Corbett	Int Date: Non App. 25/03/2013 Sup App. 19/04/2013	Adrian Graham	Andrew Timothy Clay	Joint Supervisor		Sheffield	Rob Sadler
IVA Saxon Willis Braker via The Hayfield Hotel	Int Date: 05/06/2013 Non App. 05/06/2013 Sup App. 03/07/2013	Adrian Graham	Andrew Timothy Clay	Joint Supervisor		Sheffield	Rob Sadler
IVA ACMS Property Limited	Start 18/07/2013 Res 09/04/2013 3 App 02/05/2013	Andrew Timothy Clay	Rob Sadler	Joint Supervisor		York	Andrew Graham MacKenzie
IVA Armes Evans Motorcycles Limited	Start 04/09/2012 Res 04/09/2012 App 04/09/2012	Andrew Timothy Clay	Rob Sadler	Joint Supervisor		York	Andrew Graham MacKenzie
IVA Armes Evans Motorcycles Limited	Start 04/09/2012 Res 04/09/2012 App 04/09/2012	Andrew Timothy Clay	Rob Sadler	Joint Supervisor		York	Andrew Graham MacKenzie
IVA Armes Yorksters South Limited	Start 04/09/2012 Res 04/09/2012 App 04/09/2012	Andrew Timothy Clay	Rob Sadler	Joint Supervisor		York	Andrew Graham MacKenzie
IVA 10 Lequettum Limited	Start 29/11/2013 Res 29/11/2013 App 29/11/2013	Andrew Timothy Clay	Rob Sadler	Joint Supervisor		York	Andrew Graham MacKenzie
IVA Lonsdale's Buses Limited	Start 04/06/2012 Res 04/06/2012 App 04/06/2012	Andrew Timothy Clay	Rob Sadler	Joint Supervisor		York	Andrew Graham MacKenzie
IVA ROK Bournemouth Limited	Start 11/02/2014 App 14/03/2014	Rob Sadler	Andrew Timothy Clay	Joint Supervisor		York	Andrew Graham MacKenzie
IVA W S Hartman Prologis Limited	Start 18/10/2012 Res 26/10/2012 App 26/10/2012	Andrew Timothy Clay	Rob Sadler	Joint Supervisor		York	Andrew Graham MacKenzie
IVA Zeph Limited	Start 17/07/2012 Res 14/09/2012 App 14/09/2012	Andrew Timothy Clay	Rob Sadler	Joint Supervisor		York	Andrew Graham MacKenzie
IVA Brian Ellis & Mark Baggott via The Hayfield Inn	App 14/02/2014	Andrew Timothy Clay	Rob Sadler	Joint Supervisor		York	Andrew Graham MacKenzie

