

IN THE HIGH COURT OF JUSTICE

NO 2075 OF 2016

CHANCERY DIVISION

COMPANIES COURT

Before Mr. Registrar Briggs

This 2nd day of June 2016



IN THE MATTER OF BL (SP) PROPERTIES PLC (IN MEMBERS' VOLUNTARY LIQUIDATION) &
OTHERS

AND IN THE MATTER OF AN OFFICE-HOLDER

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

BETWEEN

- (1) WILLIAM MATTHEW HUMPHRIES TAIT
- (2) MALCOLM COHEN
- (3) MARTHA HANORA CATHERINE THOMPSON
- (4) DANNY NICOLAAS WILLIAM DARTNAILL
- (5) SARAH MEGAN RAYMENT
- (6) JAMES DOUGLAS ERNLE MONEY
- (7) KERRY FRANCHINA BAILEY
- (8) JAMES JOSEPH BANNON

Applicants

- and -

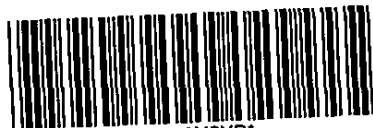
- (1) DAVID HARRY GILBERT
- (2) IAN FRANCES
- (3) CHRISTOPHER KIM RAYMENT
- (4) ANTONY DAVID NYGATE
- (5) DERMOT JUSTIN POWER

Respondents

ORDER

UPON the application of William Matthew Humphries Tait and others ("the Application")

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AND UPON reading the Witness Statements of William Matthew Humphries Tait and David Harry Gilbert

IT IS ORDERED THAT:

- 1 The insolvency proceedings listed in the Schedules attached hereto which are not currently before the High Court be transferred to the High Court for the purposes of this Application only, and the Applicants to ensure that a sealed copy of an Order made in the terms of this Application be lodged with the Court having jurisdiction over each case affected by such Order
- 2 The First Respondent, David Harry Gilbert, be removed from his office as Liquidator in respect of the company in Members' Voluntary Liquidation, which is set out in the attached Schedule A
- 3 The Second Applicant, Malcolm Cohen, shall be appointed as Liquidator in substitution of the Respondent in respect of the company in Members' Voluntary Liquidation which is set out in the attached Schedule A
- 4 The First Respondent, David Harry Gilbert, be removed from his office as Liquidator in respect of the companies in Creditors' Voluntary Liquidation which are set out in the attached Schedule B
- 5 The Third Applicant, Martha Hanora Catherine Thompson, shall be appointed as Liquidator in substitution of the Respondent in respect of the companies in Creditors' Voluntary Liquidation which are set out in the attached Schedule B in which she is identified as proposed nominee
- 6 The Fourth Applicant, Danny Nicolaas William Dartnaill, shall be appointed as Liquidator in substitution of the Respondent in respect of the companies in Creditors' Voluntary Liquidation which are set out in the attached Schedule B in which he is identified as proposed nominee
- 7 The Fifth Applicant, Sarah Megan Rayment, shall be appointed as Liquidator in substitution of the Respondent in respect of the companies in Creditors' Voluntary Liquidation which are set out in the attached Schedule B in which she is identified as proposed nominee
- 8 The Sixth Applicant, James Douglas Ernle Money, shall be appointed as Liquidator in substitution of the Respondent in respect of the company in Creditors' Voluntary Liquidation which is set out in the attached Schedule B in which he is identified as proposed nominee
- 9 That the First Respondent, David Harry Gilbert, be removed from his office as Liquidator in respect of the companies in Compulsory Liquidation, which are set out in the attached Schedule C
- 10 The Fourth Applicant, Danny Nicolaas William Dartnaill, shall be appointed as Liquidator in substitution of the Respondent in respect of the companies in Compulsory Liquidation which are set out in the attached Schedule C

- 11 The First Respondent, David Harry Gilbert, be removed from his office as Administrator in respect of the companies in Administration which are set out in the attached Schedule D.
12. The Third Applicant, Martha Hanora Catherine Thompson, shall be appointed as Administrator in substitution of the First Respondent in respect of the company in Administration which is set out in the attached Schedule D in which she is identified as proposed nominee
- 13 The Fifth Applicant, Sarah Megan Rayment, shall be appointed as Administrator in substitution of the First Respondent in respect of the company in Administration which is set out in the attached Schedule D in which she is identified as proposed nominee
14. The Sixth Applicant, James Douglas Ernie Money, shall be appointed as Administrator in substitution of the First Respondent in respect of the company in Administration which is set out in the attached Schedule D in which he is identified as proposed nominee.
15. The Seventh Applicant, Kerry Franchina Bailey, shall be appointed as Administrator in substitution of the First Respondent in respect of the company in Administration which is set out in the attached Schedule D in which she is identified as proposed nominee
- 16 The Eighth Applicant, James Joseph Bannon, shall be appointed as Administrator in substitution of the First Respondent in respect of the company in Administration which is set out in the attached Schedule D in which he is identified as proposed nominee
17. The First Respondent, David Harry Gilbert, be removed from his office as Nominee in respect of the companies in Company Voluntary Arrangements which are set out in the attached Schedule E
- 18 The Third Applicant, Martha Hanora Catherine Thompson, shall be appointed as Nominee in substitution of the First Respondent in respect of the company which is set out in the attached Schedule E in which she is identified as proposed nominee
19. The Fourth Applicant, Danny Nicolaas William Dartnall, shall be appointed as Nominee in substitution of the First Respondent in respect of the company which is set out in the attached Schedule E in which he is identified as proposed nominee
- 20 The Sixth Applicant, James Douglas Ernie Money, shall be appointed as Nominee in substitution of the First Respondent in respect of the company which is set out in the attached Schedule E in which he is identified as proposed nominee
21. The Applicants shall procure that, at the first convenient opportunity to do so, and in any event within 3 months of the date of an Order being made in the terms of this Application, a block advertisement in respect of each of the insolvency appointments listed in Schedules A, B, C, D and E shall be placed in the London Gazette containing notification of the following matters
 - 21.1 the removal of the First Respondent and the substitution of the Respondent by the Second, Third, Fourth, Fifth, Sixth, Seventh or Eighth Applicant, as the case may be,

- 21 2 that creditors, members (in the case of Members' Voluntary Liquidations) and debtors (where they have a financial interest in the outcome of the Insolvency proceedings) have liberty to apply, within 28 days after the notice has been advertised, to vary or discharge the Order made;
- 21 3 that creditors, members (in the case of Members' Voluntary Liquidations) and debtors (where they have a financial interest in the outcome of the insolvency proceedings) have the right to object and make representations to the Respondent in respect of his release within 28 days after the notice has been advertised, and
- 21 4 In the case of the Liquidations listed in Schedules A, B and C, the Respondent will be entitled to apply to the Secretary of State for his release upon the expiry of 42 days from the date the notice has been advertised
22. In relation to the insolvency proceedings listed in the attached Schedules, and insofar as the Insolvency Act 1986 or the Insolvency Rules 1986 contain any requirement for advertisement of the removal of the Respondent or his substitution by the Applicants, the requirement shall be dispensed with save to the extent provided for herein. Insofar as the Respondent is required by law to give any notice of the removal from office, the Applicants (and each of them) are entitled to sign and send any such notice on his behalf
- 23 The period to be covered by progress reports to members and/or creditors and the dates by which those reports need to be sent to members and/or creditors and filed with the Registrar of Companies (if applicable) shall not be altered by virtue of the making of this Order or the replacement of the Respondent by the First or Second Applicant, as the case may be, pursuant to this Order; and this provision shall override any requirement in the Insolvency Rules 1986 that would otherwise require a report to be made to members and/or creditors or would otherwise alter the period to be covered by progress reports or the dates by which those reports need to be sent to members and/or creditors and the Registrar of Companies, on the termination, commencement of replacement of an office-holder's appointment, including those set out in rules 2 47(3A), 4 49B(5) and 4 49C-CVL(3) of the Insolvency Rules 1986
- 24 In the case of the Administrations listed in the attached Schedule **E**, the First Respondent be released from all liability both in respect of any of his acts and omissions in relation to his conduct as office holder of the estate with effect from 28 days from the date when the relevant notice referred to in paragraph 21 above has been placed in the London Gazette, save in respect of any claim notified to the Respondent pursuant to the Insolvency Act 1986 and/pursuant to such other provision as may apply by that date
- 25 In respect of those companies in administration listed in Schedule **E** and solely for the purposes of rule 7 10C(5) Insolvency Rules 1986, that the Respondents be treated as being joined as Applicants for the purpose of seeking the replacement of the First Respondent
- 26 In each Liquidation listed in the attached Schedules A, B, C and **D**, the First Respondent shall not be at liberty to apply to the Secretary of State for his release until the expiry

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of 42 days from the date when the relevant notice referred to in paragraph 21 above has been placed in the London Gazette.

27 The costs of and occasioned by this application shall be paid for by BDO LLP

28. There be liberty to apply.

Schedule A - Members' Voluntary Liquidations

Name	Current Office Holder (1)	Current Office Holder (2)	Proposed Appointee	Type	Appointed on
BL (SP) Properties Plc	David Harry Gilbert		Malcolm Cohen	MVL	18/02/1999

Schedule B - Creditors' Voluntary Liquidations (Companies)

Name	Current Office Holder (1)	Current Office Holder (2)	Proposed Appointee	Type	Appointed on
Libertas Capital Securities Limited	Malcolm Cohen	David Harry Gilbert	Martha Hanora Catherine Thompson	CVL	25/09/2009
Libertas Capital Group plc	Malcolm Cohen	David Harry Gilbert	Martha Hanora Catherine Thompson	CVL	10/11/2010
Libertas Capital Ventures Limited	Malcolm Cohen	David Harry Gilbert	Martha Hanora Catherine Thompson	CVL	10/11/2010
Windsong Holdings Limited	William Matthew Humphries Tait	David Harry Gilbert	Danny Nicolaas William Dartnall	CVL	30/11/2010
Pinnacle Entertainment Limited	William Matthew Humphries Tait	David Harry Gilbert	Danny Nicolaas William Dartnall	CVL	30/11/2010
CEL Building Services Limited	Martha Hanora Catherine Thompson	David Harry Gilbert	Danny Nicolaas William Dartnall	CVL	07/12/2011
Abaloud Plastics Limited	Christopher Kim Rayment	David Harry Gilbert	Martha Hanora Catherine Thompson	CVL	20/04/2012
Camerabox Limited	Martha Hanora Catherine Thompson	David Harry Gilbert	Danny Nicolaas William Dartnall	CVL	18/06/2012
Jubilee International World Outreach	William Matthew Humphries Tait	David Harry Gilbert	Danny Nicolaas William Dartnall	CVL	22/10/2012
OCM Capital Markets Limited	Danny Nicolaas William Dartnall	David Harry Gilbert	Martha Hanora Catherine Thompson	CVL	21/12/2012
eQ Design and Build Limited	William Matthew Humphries Tait	David Harry Gilbert	Danny Nicolaas William Dartnall	CVL	22/02/2013

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Showbox Media Group Limited	David Harry Gilbert	Ian Frances	Danny Nicolaas William Dartnall	CVL	13/03/2013
Frankis Solutions Limited	William Matthew Humphries Tait	David Harry Gilbert	Danny Nicolaas William Dartnall	CVL	07/04/2014
Still Water Farming Company Limited	William Matthew Humphries Tait	David Harry Gilbert	Danny Nicolaas William Dartnall	CVL	19/05/2014
BDA Creative Limited	William Matthew Humphries Tait	David Harry Gilbert	Danny Nicolaas William Dartnall	CVL	25/07/2014
BDA International Limited	William Matthew Humphries Tait	David Harry Gilbert	Danny Nicolaas William Dartnall	CVL	25/07/2014
Facilities Services Group Limited	Danny Nicolaas William Dartnall	David Harry Gilbert	Martha Hanora Catherine Thompson	CVL	10/10/2014
Sound Performance Manufacturing Limited	Christopher Kim Rayment	David Harry Gilbert	Martha Hanora Catherine Thompson	CVL	21/01/2015
Euro Dismantling Services Ltd.	Antony David Nygate	David Harry Gilbert	Sarah Megan Rayment	CVL	12/01/2015
EDS Plant Solutions Limited	Antony David Nygate	David Harry Gilbert	Sarah Megan Rayment	CVL	17/12/2014
Silverdell Plc	Antony David Nygate	David Harry Gilbert	Sarah Megan Rayment	CVL	22/01/2015
Atom Utilities Limited	William Matthew Humphries Tait	David Harry Gilbert	Danny Nicolaas William Dartnall	CVL	02/03/2015
HESL Limited	Martha Hanora Catherine Thompson	David Harry Gilbert	James Douglas Ernie Money	CVL	09/02/2015

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Schedule C - Creditors' Voluntary Liquidation (Limited Liability Partnership)

Liddendale Racing LLP	Danny Nicolaas William Dartnall	David Harry Gilbert	Martha Hanora Catherine Thompson	CVL	24/07/2014
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Schedule D - Compulsory Liquidations

Name	Current Office Holder (1)	Current Office Holder (2)	Proposed Appointee	Type	Appointed on	Court	Court No
Coastal Bulk Shipping Ltd	William Matthew Humphries Tait	David Harry Gilbert	Danny Nicolaas William Dartnall	WUC	22/12/2009	High Court of Justice	22012 of 2009
Monkey Bizness Limited	William Matthew Humphries Tait	David Harry Gilbert	Danny Nicolaas William Dartnall	WUC	17/09/2012	High Court of Justice	5584 of 2012
E1 Living Limited	William Matthew Humphries Tait	David Harry Gilbert	Danny Nicolaas William Dartnall	WUC	08/06/2015	High Court of Justice	1286 of 2015

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Schedule E - Administrations

Name	Current Office Holder (1)	Current Office Holder (2)	Proposed Appointee	Type	Appointed on	Court	Court No
Transfex Limited	Martha Hanora Catherine Thompson	David Harry Gilbert	James Douglas Emile Money	ADM	28/07/2015	High Court of Justice	7192 of 2015
Professional Concrete Pumping Limited	Dermot Justin Power	David Harry Gilbert	Kerry Franchina Bailey	ADM	14/10/2014	Manchester District Registry	3198 of 2014
Ashbury Chocolates Limited	Malcolm Cohen	David Harry Gilbert	Martha Hanora Catherine Thompson	ADM	09/02/2015	High Court of Justice	942 of 2015
C F Anderson Timber Products Limited	Martha Hanora Catherine Thompson	David Harry Gilbert	Sarah Megan Rayment	ADM	17/04/2015	Manchester District Registry	2362 of 2015
Seacourt Developments Limited	Sarah Megan Rayment	David Harry Gilbert	James Joseph Bannon	ADM	14/05/2015	High Court of Justice	3562 of 2015

Schedule F – Company Voluntary Arrangements

Name	Current Office Holder (1)	Current Office Holder (2)	Proposed Appointee	Type	Appointed on
Worcestershire Metal Holdings Limited	Christopher Kim Rayment	David Harry Gilbert	Martha Hanora Catherine Thompson	CVA	14/10/2011
Mr. H TV Limited	David Harry Gilbert	Martha Hanora Catherine Thompson	Danny Nicolaas William Dartnall	CVA	14/02/2012
UL Realisations 2013 Limited	David Harry Gilbert	Martha Hanora Catherine Thompson	James Douglas Ernie Money	CVA	21/12/2012

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