

A.A.G. Investments Ltd

4368433

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
LEEDS DISTRICT REGISTRY

No. 253 of
2016

IN THE MATTER THE LICENCE HOLDER

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

AND IN THE MATTER OF JOSEPH COTTERILL AND OTHER BANKRUPTCIES LISTED IN SCHEDULE 1

AND IN THE MATTER OF LINDSEY HAWLEY AND OTHER INDIVIDUAL VOLUNTARY ARRANGEMENTS
LISTED IN SCHEDULE 2

AND IN THE MATTER OF PROFILE BODYWEAR LIMITED – IN ADMINISTRATION AS LISTED IN
SCHEDULE 3

AND IN THE MATTER OF BROOKSON (5695G) LIMITED AND OTHER COMPULSORY LIQUIDATIONS
LISTED IN SCHEDULE 4

AND IN THE MATTER OF A.A.G. INVESTMENTS LIMITED AND OTHER CREDITORS' VOLUNTARY
LIQUIDATIONS LISTED IN SCHEDULE 5

AND IN THE MATTER OF LIGHT TRADES HOUSE LIMITED AND OTHER MEMBERS' VOLUNTARY
LIQUIDATIONS LISTED IN SCHEDULE 6

BETWEEN

MR GARETH DAVID PECKETT

Applicant

and

- (1) MR CHRISTOPHER WOOD
- (2) MR ANDREW WAUDBY
- (3) MR CHRISTOPHER JOHN BROWN
- (4) MR KEITH ROBIN COTTAM
- (5) MR EDWARD CHRISTOPHER WETTON

Respondents

~~(DRAFT)~~ ORDER

DJ Goldberg
BEFORE HIS HONOUR JUDGE

ON 15 March 2016

UPON THE APPLICATION of the Applicant

AND UPON READING the documents on the Court file and the Skeleton Argument filed on behalf of
the Applicant

WEDNESDAY



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13/04/2016

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COMPANIES HOUSE

AND UPON READING the Witness Statement of the Respondents consenting to the Application

AND UPON READING a letter from the Insolvency Service dated 11 March 2016 confirming that there is no objection to the Application

IT IS ORDERED THAT:-

1. The Bankruptcies and Compulsory Liquidations listed in Schedules 1 and 4 to this Order which are the subject of proceedings in the stated hearing centres of the County Court, be transferred to the High Court, Leeds District Registry, solely for the purpose of hearing the application for the Orders contained in paragraphs 2 to 13 below.
2. The Applicant be removed from office of the estates of the individuals, including Trustee and Supervisor of Individual Voluntary Arrangements ("IVAs") for which he is the Sole Appointee listed in section 1 of Schedule 1 and Schedule 2 which will be transferred to the First and Second Respondents as Joint Appointees with authority to act jointly and severally with immediate effect.
3. The Applicant be removed from office as Trustee of the estates of the individuals for which he is the Joint Appointee listed in section 2 of Schedule 1 which will be transferred to the First Respondent with immediate effect who is to act alongside the existing Joint Appointee with authority to act jointly and severally, as shown in the Schedules
4. The Applicant be removed from office of the estates of the companies, including Administrator and Liquidator (both Compulsory and Voluntary) for which he is the Sole Appointee listed in Schedule 3, section 1 of Schedules 4 and 5 and Schedule 6 which will be transferred to the First and Second Respondents as Joint Appointees with authority to act jointly and severally with immediate effect.
5. The Applicant be removed from office as Liquidator (both Compulsory and Voluntary) of the estates of the companies for which he is the Joint Appointee listed in section 2 of Schedules 4 and 5 which will be transferred to the First Respondent with immediate effect who is to act alongside the existing Joint Appointee with authority to act jointly and severally, as shown in the Schedules.
6. The Applicant be replaced as such office holder in the case of each such estate by the Respondents named in the Schedules as his proposed replacement(s), these replacements to take effect within the timescales referred to at paragraphs 2 to 5 above

- 7 In respect of the Administration listed in Schedule 3, the First and Second Respondents (as the Applicant's proposed replacement) shall have full power and ability to take an appointment as Liquidator(s) pursuant to paragraph 83 of Schedule B1 to the Insolvency Act 1986 (whether solely or jointly), subject to the other provisions of that paragraph
- 8 The Respondent(s) shall be entitled to.-
 - 8.1 Publish in the Gazette one composite notice relating to all new appointments which are required by law to be published in the Gazette;
 - 8.2 Apportion the costs of the said composite Gazette notice between those estates with sufficient funds to discharge the costs of this notice in full equally, and
 - 8.3 Charge to each individual estate the costs of obtaining an Insolvency Practitioner's licence bond in respect of that estate
- 9 The Applicant shall be granted his release as appropriate 21 days after the publication of the notice in the Gazette referred to at paragraph 8.1 above
10. Notwithstanding Rule 6.78A of the Insolvency Rules 1986 in respect of the Bankruptcies listed in Schedule 1, Rule 2.47 in respect of the Administration listed in Schedule 3; Rule 4.49B in respect of the Compulsory Liquidations listed in Schedule 4; and Rule 4.49C in respect of the CVLs and MVLs listed in Schedules 5 and 6:-
 - 10.1 The Applicant, as outgoing office holder, shall not be required to prepare a report to creditors made up to the date of this Order, and
 - 10.2 The reporting periods and anniversaries for both the relevant Respondent(s) named in the Schedules as the Applicant's proposed replacement(s) and any Joint Appointee in respect of all of the estates of individuals and companies listed in the Schedules shall end on the same day as they would have ended had this Order not been made
11. Without incurring any additional expenses to any of the said estates, the Respondent(s) shall, when the next routine report is due to the creditors of each estate, notify each creditor of the making of this Order, such notice to contain the following matters:-
 - 11.1 An explanation of the effect of the Order;
 - 11.2 Express reference to the liberty to apply contained in paragraph 12 below;

- 11.3 In the case of IVAs, the provision of all such information as might reasonably be required with regard to the conduct of the IVA;
- 11.4 In the case of Creditors' Voluntary Liquidations ("CVLs") and Bankruptcies under the Insolvency Act 1986 where liquidation of creditors' committees have been appointed, an explanation that (to the extent that any information which would otherwise be 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 Respondent(s) appointed to provide an account of the administration of the estate, including -
- 11.4.1 a summary of receipts and payments, and
- 11.4.2 a statement that the Respondent(s) has reconciled his or her accounts,
- 11.5 In the case of CVLs 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 that creditor to apply to Court for an order that the Respondent(s) 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),
- 11.6 Notification that if the Respondent(s) has been required to provide information referred to in paragraphs 11.4 or 11.5 above, whether by liquidation, creditors' committee or by Court Order on the application of any individual creditors, the Respondent's costs of so complying will, unless there are good reasons to the contrary, be paid as an expense of the Bankruptcy or Liquidation as the case may be;
- 11.7 In the case of Liquidations under the Insolvency Act 1986, notification to each creditor and member of his/her right under Rule 11(2) (voluntary winding up) of the Insolvency Regulations 1994 to require the appointed Respondent(s) to supply a statement of receipts and payments free of charge; and
- 11.8 In the case of Bankruptcies under the Insolvency Act 1986, notification to each creditor of his/her right under Rule 25 of the Insolvency Regulations 1994 to require the appointed Respondent(s) to supply a statement of receipts and payments free of charge.

- 12 Liberty to each creditor of each estate to apply to vary or discharge this Order within 21 days of receipt of the notices directed to be sent under paragraph 11 above
13. The costs of this application (including VAT) be aggregated and apportioned equally between each of the estates listed in the Schedules provided that if the costs which fall to be borne by any of the estates exceeds 10% of the realisable assets within that estate:-
 - 13.1 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; and
 - 13.2 The excess shall be apportioned and borne rateably amongst the other estates in proportion to their realisable assets
- 14 Following the Orders made in paragraphs 2 to 13 above, the Bankruptcies and Compulsory Liquidations referred to in Schedules 1 and 4 shall be transferred back to their respective County Court hearing centres.
15. Service of the said Application Notice be dispensed with

SCHEDULE 1 – BANKRUPTCIES

Section 1

Case Code	Name	Appointed on	Current Appointee	Court	Court No.	Proposed Appointees
INC005	Joseph Cotterill	22-03-12	Gareth David Peckett	Sunderland County Court	20 of 1994	Christopher Wood & Andrew Waudby
INC011	Jacqueline De Chanel	29-01-14	Gareth David Peckett	Huddersfield County Court	208 of 2013	Christopher Wood & Andrew Waudby
INH011	Pauline Ann Hall	20-06-12	Gareth David Peckett	Doncaster County Court	266 of 2011	Christopher Wood & Andrew Waudby
INH014	Jonathan David Gilbert Hardcastle	13-06-13	Gareth David Peckett	Kingston Upon Hull County Court	60 of 2013	Christopher Wood & Andrew Waudby
INJ005	Hazel Jeffrey	28-10-14	Gareth David Peckett	Chesterfield County Court	84 of 2014	Christopher Wood & Andrew Waudby
INK001	Melvyn Anthony Kendall	02-07-15	Gareth David Peckett	Barnsley County Court	323 of 2009	Christopher Wood & Andrew Waudby
INM001	Mr David Maskill	17-09-15	Gareth David Peckett	York County Court	800 of 2014	Christopher Wood & Andrew Waudby
INP006	Derek Pearson	10-06-10	Gareth David Peckett	Barnsley County Court	217 of 2010	Christopher Wood & Andrew Waudby

INR002	Robert Anthony Rawlings	02-02-11	Gareth David Peckett	Sheffield County Court	1449 of 2010	Christopher Wood & Andrew Waudby
INS004	Michelle Louise Srou	17-12-12	Gareth David Peckett	Sheffield County Court	92 of 2012	Christopher Wood & Andrew Waudby
INS001	Nabil Srou	02-07-15	Gareth David Peckett	Sheffield County Court	668 of 2006	Christopher Wood & Andrew Waudby
INS008	Richard Michael Sutton	18-10-13	Gareth David Peckett	Sheffield County Court	346 of 2013	Christopher Wood & Andrew Waudby
INS007	Susan Elizabeth Sutton	18-10-13	Gareth David Peckett	Sheffield County Court	347 of 2013	Christopher Wood & Andrew Waudby

Section 2

Case Code	Name	Appointed on	Current Appointees	Court	Court No.	Proposed Appointees
INP009	Nathan James Pearson	08-05-14	Gareth David Peckett and Christopher John Brown	Barnsley County Court	193 of 2010	Christopher Wood & Christopher John Brown
INR005	Elizabeth Rigney	21-12-11	Gareth David Peckett and Kerth Cottam	Stockport County Court	259 of 2011	Christopher Wood and Keith Robin Cottam

NR004	Martin Edward Rigney	21-12-11	Gareth David Peckett and Keith Cottam	Stockport County Court	260 of 2011	Christopher Wood and Keith Robin Cottam
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SCHEDULE 2 – INDIVIDUAL VOLUNTARY ARRANGEMENTS

Case Code	Name	Appointed on	Current Appointee	Proposed Appointees
INH018	Lindsey Hawley	28-10-14	Gareth David Peckett	Christopher Wood & Andrew Waudby
ING005	Geraldine Lyons-Askham	31-01-14	Gareth David Peckett	Christopher Wood & Andrew Waudby
INP011	Andrew George Paget	07-11-14	Gareth David Peckett	Christopher Wood & Andrew Waudby

SCHEDULE 3 – ADMINISTRATION

Case Code	Name	Appointed on	Current Appointee	Court	Court No.	Proposed Appointees
INP010	Profile Bodywear Limited	20-07-15	Gareth David Peckett	Leeds District Registry	615 of 2015	Christopher Wood & Andrew Waudby

SCHEDULE 4 – COMPULSORY LIQUIDATIONS

Section 1

Case Code	Name	Appointed on	Current Appointee	Court	Court No.	Proposed Appointees
INB007	Brookson (5695G) Limited	15-08-12	Gareth David Peckett	Wakefield County Court	11 of 2012	Christopher Wood & Andrew Waudby
INE003	Elden Minns & Co Limited	20-02-14	Gareth David Peckett	Sheffield County Court	41 of 2014	Christopher Wood & Andrew Waudby
INE002	Eljay Engineering Limited	28-05-13	Gareth David Peckett	Sheffield County Court	80 of 2012	Christopher Wood & Andrew Waudby
INR006	Rad Interiors Limited	14-08-12	Gareth David Peckett	Leeds County Court	837 of 2012	Christopher Wood & Andrew Waudby

Section 2

Case Code	Name	Appointed on	Current Appointees	Court	Court No.	Proposed Appointees
INT005	Topps Rogers Financial Management	23-11-11	Gareth David Peckett and Keith Cottam	Stockport County Court	258 of 2011	Christopher Wood and Keith Robin Cottam

SCHEDULE 5 – CREDITORS' VOLUNTARY LIQUIDATIONS

Section 1

Case Code	Name	Appointed on	Current Appointee	Proposed Appointees
INA005	A.A.G. Investments Limited	25-11-11	Gareth David Peckett	Christopher Wood & Andrew Waudby
INC013	Clico (Sheffield) Tooling Limited	22-12-14	Gareth David Peckett	Christopher Wood & Andrew Waudby
INC009	Cobbetts Employee Services	06-06-14	Gareth David Peckett	Christopher Wood & Andrew Waudby
INC006	CYC Marketing Limited	20-07-12	Gareth David Peckett	Christopher Wood & Andrew Waudby
INI001	IIK Limited	02-07-15	Gareth David Peckett	Christopher Wood & Andrew Waudby
INP012	Plus Engineering Services Limited	24-02-15	Gareth David Peckett	Christopher Wood & Andrew Waudby
INV002	Victoria Builders Limited	15-06-11	Gareth David Peckett	Christopher Wood & Andrew Waudby

Section 2

Case Code	Name	Appointed on	Current Appointees	Proposed Appointees
INP008	Platillos Limited	18-02-14	Gareth David Peckett and Edward Christopher Wetton	Christopher Wood & Edward Christopher Wetton

SCHEDULE 6 – MEMBERS' VOLUNTARY LIQUIDATIONS

Case Code	Name	Appointed on	Current Appointee	Proposed Appointees
L00014	Light Trades House Limited	02-07-15	Gareth David Peckett	Christopher Wood & Andrew Waudby
INN001	Northbeach Property (SW3) Limited	09-12-14	Gareth David Peckett	Christopher Wood & Andrew Waudby
INT010	T.C. U Limited	22-12-15	Gareth David Peckett	Christopher Wood & Andrew Waudby
INW004	The Westwick Group of Businesses Limited	03-08-15	Gareth David Peckett	Christopher Wood & Andrew Waudby