

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
COMPANIES COURT

No 2000

Mr Justice Neuberger
20th December 2000



IN THE MATTER OF LICENSE HOLDERS
AND IN THE MATTER OF IONICA PLC
AND IN THE MATTER OF GARY STONEHAM
AND IN THE MATTER OF THE INSOLVENCY ACT 1986

BETWEEN:

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

Applicants

And

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

Respondents

ORDER

**UPON THE APPLICATION of the Applicants by Notice of Application lodged on
20th December 2000**

AND UPON HEARING Counsel on behalf of the Applicants



**A10
COMPANIES HOUSE**

**0024
24/01/01**

1098-1

2256-3

AND UPON the Respondents being neither present nor represented but having consented to the making of the orders set out below

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

IT IS ORDERED THAT:

1. In respect of those bankruptcies, individual voluntary arrangement ("IVA's"), company voluntary arrangements ("CVA's"), compulsory liquidations, provisional liquidations and administrations listed in Schedule 3 to this Order which are the subject of proceedings in county courts and district registries, those proceedings be transferred to the High Court solely for the purpose of making the Orders contained in Paragraphs 2 to 10 below.
2. The Respondents be removed from office as trustee in bankruptcy, IVA/CVA supervisor, liquidator (provisional, compulsory or voluntary), court appointed receiver and/or administrator (as the case may be) of the estates listed in Schedule 3 with effect from 29th December 2000.
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 with effect from 29th December 2000.
4. The Applicants be entitled 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. Subject to Paragraph 6 below, in the event that, as a result of the implementation of this Order, PricewaterhouseCoopers incurs any additional costs in respect of the administration of those estates where Jonathan Sisson was office holders (that is to say over and above costs incurred in the ordinary course of the administration of those estates), those costs shall be borne by

PricewaterhouseCoopers and shall not be charged as an expense of the administration of those estates.

6. Nothing contained in Paragraph 5 above shall preclude the Applicants from:
 - (1) charging to each individual estate the cost of obtaining an insolvency practitioner's license bond in respect of that estate up to a maximum of £40 per estate; and
 - (2) apportioning the costs of the composite Gazette ordered to be placed under paragraph 4 above, between the said estates equally.
7. 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 and in the case of the court appointed receivership, the person upon whose application the said appointment was made), notify each creditor, each such member and each such appointor (as the case may be) of the making of this order, such notice to contain the following matters:
 - (1) An explanation of the effect of the Order
 - (2) Express reference to the liberty to apply contained in paragraph 8 below.
 - (3) In the case of the IVA's, CVA's, administrations and court appointed receivership, the provision of all such information as might reasonably be required with regard to the conduct of the voluntary arrangement, administration or court receivership (as the case may be).
 - (4) In the case of bankruptcies under the Bankruptcy Act 1914 and liquidations under the Companies Act 1985, 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).

- (5) In the case of creditors voluntary/compulsory/provisional 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:

 - (a) a summary of receipts and payments;
 - (b) a statement that he has reconciled his accounts.
- (6) In the case of creditors voluntary/compulsory/provisional 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:

 - (a) a summary of receipts and payments;
 - (b) a statement that he has reconciled his accounts.
- (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 to 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:

- (a) a summary of receipts and payments;
 - (b) a statement that he has reconciled his accounts
 - (8) Notification that if any applicant appointed has been required to provide the information referred to in (5),(6) or (7) above, whether by the liquidation/creditors committee or by court order on the application of any individual creditors or (in the case of 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.
 - (9) In the case of liquidation 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;
 - (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;
 - (11) In the case of bankruptcies under the Bankruptcy Act 1914, notification to each creditor of his right under Section 84 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
8. Liberty to (i) each creditor of each estate (ii) each member of any company identified in Schedule 3 as being in members voluntary liquidation and (iii) any person upon whose application the any receiver was appointed by the

court, to apply to vary or discharge this order within 21 days of receipt of the notices directed to be sent under paragraph 7, above.

9. The costs of this application (including VAT) be aggregated and apportioned equally between each of the estates listed in schedule 3 , provided that:
 - (1) if the costs which fall to be borne by any of the estates exceed 10% of the realisable assets within that estate
 - (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; and
 - (3) the excess shall then be apportioned and borne equally between the other estates.
10. Service of the said Notice of Application be dispensed with.

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AND IN THE MATTER OF GARY DEAN BROMHAM

BETWEEN

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(applying on his own behalf and on behalf of those
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Applicants

and

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Respondents

SCHEDULE 1

newpartners	location
Adrian Stanway	PC213
David Waterhouse	PC214
David Wilson	Newcastle
David Wilton	Birmingham
Daniel Schwartzman	PC236
David Thornhill	Manchester
Edward Klemпка	Leeds
Ian Oakley-Smith	PC231
Ian Rankin	Glasgow
Julia Branson	Reading
James Tickell	Southampton
Mike Gercke	PC317
Neville Kahn	PC316
Nick Reed	Leeds
Pat Boyden	Gloucester
Philip Singer	PC235
Colin Bird	PC233
Peter Buckle	PC216
Dipankar Ghosh	PC377
Mark Homan	PC314
Roger Marsh	Leeds
Ian Powell	PC330
Mark Shires	Nottingham
Richard Boys-Stones	PC382
John Laurie	Edinburgh
Stuart MacKellar	Leeds
Tony Kett	PC322
Tony Lomas	PC331
Richard	PC215

newpartners	location
Setchim	
Richard Rees	Birmingh am
David	PC237
Vaughan	

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SCHEDULE 2

Respondents

Allen, Robin
Barrett, Alan John
Barrows, Peter
Bond, Ian Douglas Barker
Brackenbury, Neil Andrew
Brereton, Anthony J
Cork, Roger William (Sir)
Coyle, Robert C
Halls, Nigel J
Hill, Nigel Steven
Holgate, S P
Hughes, Christopher John
Larkins, B
Powell, John Frederick
Sisson, Jonathan M
Soden, John F
Stone, Richard A
Thompson, J
Wilding, J N

Grand Total

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SCHEDULE 3

Transfer of Appointments December 2000

Members Voluntary Liquidation

NAME	Date Appt	EXISTING		REPLACEMENT		Company No
		Appointee 1	Appointee 2	Appntee 1	Appntee 2	
Bennett & Fountain Group Plc	25/10/96	Powell, I C	Brereton, AJ	Powell, I C	Reed, N	84238
CIS (Shudehill) Limited	26/09/96	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	2506619
Hobourn (Leasing) Limited	20/07/93	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	930602
Hobourn Plastics Limited	20/07/93	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	667116
Motor Hydraulics Limited	20/07/93	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	414056
Neale House (Bilston) Limited	26/09/96	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	987218
Neale House (Caledonia) Limited	26/09/96	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	967752
Neale House (Highlands) Limited	26/09/96	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	51160
Neale House (Oxford Street) Limited	26/09/96	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	1077183
Neale House Industrial Developments (Leith)	26/09/96	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	958767
Neale House Investments Limited	26/09/96	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	954254
Neale House Properties (Cardiff) Limited	26/09/96	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	1061691
Neale House Properties (Essex) Limited	26/09/96	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	968103
Neale House Properties (Glenrothes) Limited	26/09/96	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	1045990
Neale House Properties (Manchester) Limited	26/09/96	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	966740
Neale House Properties (Motherwell) Limited	26/09/96	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	968104
Parts-Mobile Limited	20/07/93	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	1074402
Precis (1168) Limited	21/10/96	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	95929
Robert Neill & Co (Sheffield) Ltd	21/12/92	Powell, I C	Brereton, AJ	Powell, I C	Setchim, R	290852
Supra Automotive Limited	20/07/93	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	1133118
Supra Steering and Suspension Limited	20/07/93	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	367306
Supra Steering Limited	20/07/93	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	1037997
Swan Hunter Group PLC	12/01/79	Larkins, B	Barrows, P	Setchim, R	Gercke, M	77709
Teur Limited	12/12/96	Soden, J F	None	Setchim, R	None	1711516
Vehicle Components Limited	20/07/93	Brereton, AJ	Powell, I C	Setchim, R	Powell, I C	1855723
Walsall Electrical Distributors Limited	20/12/96	Powell, I C	Brereton, AJ	Powell, I C	Setchim, R	242113