

No. 2314 of 2010

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
LEEDS DISTRICT REGISTRY

IN THE MATTER OF THE LICENCE HOLDERS

AND IN THE MATTER OF PAUL NIGEL PURVIS (IN BANKRUPTCY)

AND IN THE MATTER OF CRUST LANE DAVIS LLP (IN CREDITORS VOLUNTARY LIQUIDATION) AND OTHERS

AND IN THE MATTER OF ANSOLL (ESTATES) HOLDINGS LIMITED (IN MEMBERS VOLUNTARY LIQUIDATION) AND OTHERS

AND IN THE MATTER OF LUMMUS AGRICULTURAL SERVICES COMPANY LIMITED (IN COMPULSORY LIQUIDATION)

AND IN THE MATTER OF THE INSOLVENCY ACT 1986
BETWEEN

(1) Bruce Alexander Mackay

Applicant

-and-

(2) Peter John Robertson Souster
(3) Guy Edward Brooke Mander
(4) David Paul Hudson
(5) Russell Stewart Cash
(6) Geoffrey Lambert Carton Kelly
(7) John Patrick Summers

Respondents

TUESDAY



A08 04/01/2011 58
COMPANIES HOUSE

ORDER

BEFORE HIS HONOUR JUDGE KATE QC ON 1 DECEMBER 2010

UPON reading the witness statement of Bruce Alexander Mackay dated 24.11.2010 and
the Witness Statement of Peter John Robertson Souster dated 24.11.2010.

IT IS ORDERED THAT with effect from 1.12.10

- 1 In respect of those Bankruptcies, Creditors Voluntary Liquidations, Members Voluntary Liquidations and Compulsory Liquidations listed in the Schedule to this Application which are the subject of proceedings in County Courts, those proceedings be transferred to the High Court solely for the purpose of this Application and thereafter transferred back to the relevant County Court
- 2 Peter John Robertson Souster be removed from office as Trustee and Liquidator (as the case may be) of the estates listed in the Schedule with immediate effect
- 3 Peter John Robertson Souster be replaced by the Applicant or Respondents as set out in the Schedule, in each such case with immediate effect
- 4 Peter John Robertson Souster shall be granted his release as appropriate 21 days after the publication in the Gazette referred to below
- 5 The Applicant 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 within 14 days of receipt of the sealed Order and shall file any appropriate notices in respect of Peter John Robertson Souster's removal and replacement and those appointments with the Registrar of Companies and the Secretary of State for Business Innovation and Skills (Insolvency Service) as appropriate
- 6 Subject to paragraph 7 below, in the event that, as a result of the implementation of the Order BTRR incurs any additional cost in respect of the administration of those estates where Peter John Robertson Souster 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 BTRR and shall not be charged as an expense of the administration of those estates
- 7 Nothing contained in paragraph 6 shall prejudice the Applicant 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 Gazette notice to be placed under paragraph 5 above
- 8 Without incurring any additional expense to any of the said estates, the Applicant or the relevant Respondent shall notify each creditor or member (as the case may be) of this Application and any Order made as a result of this Application, by way of notice in the next routine report that shall be due to the creditors of each estate (as the case may be), such notice to contain the following matters
 - 8 1 An explanation of the effect of the Order,

- 8 2 Express reference to the liberty to apply contained in paragraph 9 below,
- 8 3 In the case of Liquidations, where Liquidation 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) has not already been provided as part of this report) it is open to that committee to require the Applicant or the relevant Respondents appointed to provide an account of the administration of the estate, including
- 8 3 1 A summary of receipts and payments,
- 8 3 2 A statement that he has reconciled his accounts
- 8 4 In the case of Liquidations under the Insolvency Act 1986 where no Liquidation Committees have been appointed, an explanation that, to the extent that such information has not already been provided as part of the report, it is open to any creditor to apply to court for an order that the Applicant or relevant Respondent appointed do provide such information as might otherwise be required by Rule 4 108(3) that is to say, an account of the administration of the estate, including
- 8 4 1 A summary of receipts and payments,
- 8 4 2 A statement that he has reconciled his accounts
- 8 5 Notification that if any Applicant or Respondent appointed has been required to provide the information referred to in (8 4) and (8 5) above, whether by the Liquidation Committee or by court order on the application of any individual creditors, the appointed Applicant's or Respondent's costs of so complying will, unless there are good reasons to the contrary, be paid as an expense of the winding up, and
- 8 6 In the case of Liquidations, notification to each creditor and member of his right under Rule 11(2) (voluntary winding up) to require the appointed Applicant to supply a statement of receipts and payments free of charge
- 9 In the case of bankruptcy, notification to each creditor of his right under Rule 25 of the Insolvency Regulations 1994 to require the appointed Applicant to supply a statement of receipts and payments free of charge
- 10 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 8 above or publication in the Gazette, whichever is the sooner

- 11 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 where sufficient funds are available The costs payable pursuant to the order should not exceed 10 per cent of the value of the realised assets of any particular insolvency
- 12 Service of the Notice of the Application be dispensed with

Job Name	Appointee	Joint Appointee	New Appointee	Job Type	Appt Start	Court Details
Paul Nigel Purvis	Peter John Robertson Souster	None	Guy Mander	BKY	07/08/1997	208 of 1997 Bristol District Registry
Sara Jane Purvis	Peter John Robertson Souster	None	Guy Mander	BKY	07/08/1997	209 of 1997 Bristol District Registry

Job Name	Appointee	Joint Appointee	New Appointee	Job Type	Appt Start	Court Details
Lummus Agricultural Services Company Limited	Peter John Robertson Souster	None	Geoffrey Lambert Carton-Kelly	WUC	28/10/1998	3439 of 1998 High Court of Justice

Job Name	Appointee	Joint Appointee	New Appointee	Job Type	Appt Start
Crust Lane Davis LLP	Peter John Robertson Souster	Bruce Alexander Mackay	David Paul Hudson	CVL	05/12/2008
RL (2007) Limited (formerly Roadsure Limited)	Peter John Robertson Souster	Bruce Alexander Mackay	David Paul Hudson	CVL	27/03/2008
Ansoll (Estates) Holdings Limited	Peter John Robertson Souster	Bruce Alexander Mackay	David Paul Hudson	MVL	10/11/2008
TH E&C Resources Limited	Peter John Robertson Souster	Bruce Alexander Mackay	David Paul Hudson	MVL	26/06/2007
Thos & Jno Brocklebank Limited	Peter John Robertson Souster	Bruce Alexander Mackay	David Paul Hudson	MVL	04/01/2010
Trafalgar House Line Limited	Peter John Robertson Souster	Bruce Alexander Mackay	David Paul Hudson	MVL	04/01/2010
Trafalgar House SG Limited	Peter John Robertson Souster	Bruce Alexander Mackay	David Paul Hudson	MVL	04/01/2010
Trafalgar House Steam Ship Company Limited	Peter John Robertson Souster	Bruce Alexander Mackay	David Paul Hudson	MVL	04/01/2010

Job Name Diadora UK Limited	Appointee Peter John Robertson Souster	Joint Appointee Lindsey Cooper	New Appointee Russell Cash	Job Type CVL	Appt Start 17/07/2009
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Job Name	Appointee	Joint Appointee	New Appointee	Job Type	Appt Start
Supreme Plastics Group Plc	Peter John Robertson Souster	Michael David Rollings	Bruce Alexander Mackay	MVL	10/04/2007
Templeco 613 Limited	Peter John Robertson Souster	Geoffrey Lambert Carton-Kelly	Bruce Alexander Mackay	MVL	05/11/2007
Virgin Express Holdings plc	Peter John Robertson Souster	Geoffrey Lambert Carton-Kelly	Bruce Alexander Mackay	MVL	09/05/2005
VOP Holdings Limited	Peter John Robertson Souster	Geoffrey Lambert Carton-Kelly	Bruce Alexander Mackay	MVL	06/12/2002