

LIQ10

Notice of removal of liquidator by court in MVL or CVL



Companies House

TUESDAY



A741TJRD

A23

17/04/2018

#194

COMPANIES HOUSE

1 Company details

Company number 00628491

Company name in full Killby & Gayford Limited

→ Filling in this form
Please complete in typescript or in
bold black capitals.

2 Former liquidator's name

Full forename(s) Shay

Surname Bannon

3 Former liquidator's address

Building name/number

Street 55 Baker Street

Post town London

County/Region

Postcode W1U7EU

Country

4 Former liquidator's email address or telephone number ^①

Email Shay.Bannon@bdo.co.uk

Telephone number

① You must give an email address or
telephone number. All information
on this form will appear on the
public record.

5 Court order

Court order date 28/03/2018

☒ I attach a copy of the court order

6 Sign and date

Former liquidator's
signature

Signature

X

X

Signature date

16/04/2018

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Presenter information

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record.

Contact name	Rebecca Thompson
Company name	BDO LLP UK
Address	5 Temple Square, Temple Street
Post town	Liverpool
County/Region	
Postcode	L 2 5 R H
Country	
DX	
Telephone	0151 237 4472



Checklist

We may return forms completed incorrectly or with information missing.

Please make sure you have remembered the following:

- ☐ The company name and number match the information held on the public Register.
- ☐ You have attached the required documents.
- ☐ You have signed the form.



Important information

All information on this form will appear on the public record.



Where to send

You may return this form to any Companies House address, however for expediency we advise you to return it to the address below:

The Registrar of Companies, Companies House,
Crown Way, Cardiff, Wales, CF14 3UZ.
DX 33050 Cardiff.



Further information

For further information please see the guidance notes on the website at www.gov.uk/companieshouse or email enquiries@companieshouse.gov.uk

This form is available in an alternative format. Please visit the forms page on the website at www.gov.uk/companieshouse

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
INSOLVENCY AND COMPANIES LIST (ChD)

Before DEPUTY INSOLVENCY AND COMPANIES COURT JUDGE KYRIAKIDES

This 28th day of March 2018

IN THE MATTER OF THE BUSINESS (TELFORD) LTD (IN CREDITORS' VOLUNTARY LIQUIDATION) &
OTHERS

AND IN THE MATTER OF AN OFFICE-HOLDER

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

BETWEEN

- (1) FRANCIS GRAHAM NEWTON
- (2) SARAH MEGAN RAYMENT
- (3) SIMON EDWARD JEX GIRLING
- (4) DANNY NICOLAAS WILLIAM DARTNAILL
- (5) ANTONY DAVID NYGATE
- (6) WILLIAM MATTHEW HUMPHRIES TAIT
- (7) SHANE MICHAEL CROOKS

Applicants

- and -

- (1) JAMES JOSEPH BANNON (KNOWN AS SHAY BANNON)
- (2) EDWARD TERENCE KERR
- (3) MARK JAMES SHAW
- (4) JAMES BERNARD STEPHEN
- (5) MARTHA HANORA CATHERINE THOMPSON

Respondents

ORDER

UPON the application of Francis Graham Newton, Sarah Megan Rayment, Simon Edward Jex Girling, Danny Nicolaas William Dartnaill, Antony David Nygate, William Matthew Humphries Tait and Shane Michael Crooks ("the Application")

AND UPON reading the witness statements of James Joseph Bannon (known as Shay Bannon) and Sarah Megan Rayment



CR-2018-001265

IT IS ORDERED THAT:

1. The insolvency proceedings listed in the Schedules attached hereto which are not currently before the High Court of Justice, Chancery Division ("High Court") be transferred to the High Court for the purposes of the Application only, and the Applicants do ensure that a sealed copy of this Order be lodged with the Court having jurisdiction over each case affected by this Order.
2. The First Respondent, James Joseph Bannon (known as Shay Bannon), is removed from his office as Liquidator in respect of the companies in Creditors' Voluntary Liquidation which are set out in Schedule A hereto.
3. The First Applicant, Francis Graham Newton, is appointed as Liquidator in substitution of the First Respondent in respect of the companies which are set out in Schedule A hereto in which he is identified as proposed appointee.
4. The Second Applicant, Sarah Megan Rayment, is appointed as Liquidator in substitution of the First Respondent in respect of the company which is set out in Schedule A hereto in which she is identified as proposed appointee.
5. The Third Applicant, Simon Edward Jex Girling, is appointed as Liquidator in substitution of the First Respondent in respect of the companies which are set out in Schedule A hereto in which he is identified as proposed appointee.
6. The First Respondent, James Joseph Bannon (known as Shay Bannon), is removed from his office as Liquidator in respect of the limited liability partnership in Creditors' Voluntary Liquidation which is set out in Schedule B hereto.
7. The Seventh Applicant, Shane Michael Crooks, is appointed as Liquidator in substitution of the First Respondent in respect of the limited liability partnership which is set out in Schedule B hereto.
8. The First Respondent, James Joseph Bannon (known as Shay Bannon), is removed from his office as Administrator in respect of the companies in Administration which are set out in Schedule C hereto.
9. The First Applicant, Francis Graham Newton, is appointed as Administrator in substitution of the First Respondent in respect of the company which is set out in Schedule C hereto in which he is identified as proposed appointee. In the event that the said company goes into voluntary liquidation the Court hereby appoints Francis Graham Newton to be a liquidator with effect from the date of the liquidation. For the avoidance of doubt, nothing in this Order shall prevent the creditors of the company from seeking to exercise their power to nominate another person as proposed liquidator pursuant to paragraph 83(7)(a) of Schedule B1 of the Insolvency Act 1986, or section 139(3) of the Insolvency Act 1986.
10. The Fourth Applicant, Danny Nicolaas William Dartnaill, is appointed as Administrator in substitution of the First Respondent in respect of the company which is set out in Schedule C hereto in which he is identified as proposed appointee. In the event that the said company goes into voluntary liquidation the Court hereby appoints Danny Nicolaas William Dartnaill to be a liquidator with effect from the date of the liquidation. For the avoidance of doubt, nothing in this Order shall prevent the creditors of the company from seeking to exercise their power to

nominate another person as proposed liquidator pursuant to paragraph 83(7)(a) of Schedule B1 of the Insolvency Act 1986, or section 139(3) of the Insolvency Act 1986.

11. The Fifth Applicant, Antony David Nygate, is appointed as Administrator in substitution of the First Respondent in respect of the company which is set out in Schedule C hereto in which he is identified as proposed appointee. In the event that the said company goes into voluntary liquidation the Court hereby appoints Antony David Nygate to be a liquidator with effect from the date of the liquidation. For the avoidance of doubt, nothing in this Order shall prevent the creditors of the company from seeking to exercise their power to nominate another person as proposed liquidator pursuant to paragraph 83(7)(a) of Schedule B1 of the Insolvency Act 1986, or section 139(3) of the Insolvency Act 1986.
12. The First Respondent, James Joseph Bannon (known as Shay Bannon), is removed from his office as Liquidator in respect of the companies in Compulsory Liquidation which are set out in Schedule D hereto
13. The First Applicant, Francis Graham Newton, is appointed as Liquidator in substitution of the First Respondent in respect of the company which is set out in Schedule D hereto in which he is identified as proposed appointee.
14. The Third Applicant, Simon Edward Jex Girling, is appointed as Liquidator in substitution of the First Respondent in respect of the companies which are set out in Schedule D hereto in which he is identified as proposed appointee.
15. The First Respondent, James Joseph Bannon (known as Shay Bannon), is removed from his office as Liquidator in respect of the limited liability partnership in Compulsory Liquidation which is set out in Schedule E hereto
16. The Sixth Applicant, William Matthew Humphries Tait, is appointed as Liquidator in substitution of the First Respondent in respect of the limited liability partnership which is set out in Schedule E hereto.
17. The Applicants shall procure that, at the first convenient opportunity to do so, and in any event within 3 months of the date of this Order, 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:
 - 17.1 the removal of the First Respondent and the substitution of the First Respondent by the First, Second, Third, Fourth, Fifth, Sixth or Seventh Applicant, as the case may be;
 - 17.2 that creditors and debtors have liberty to apply, within 35 days after the notice has been advertised, to vary or discharge this Order,
 - 17.3 that creditors and debtors have liberty to apply within 35 days after the notice has been advertised, to object to the First Respondent's release;
 - 17.4 that in the case of the Liquidations listed in Schedules A, B, D and E, the First 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, SAVE that in the event that an application in relation to one of the insolvency appointments has been made by a creditor or debtor, within the relevant time period, objecting to the said release, the First Respondent will not seek to apply for his release in

relation to that insolvency appointment until after the said application has been disposed of (whether by agreement or by order of the Court), and

- 17.5 that in the case of the Administrations listed in Schedule C, the First Respondent will 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 estates with effect from 35 days from the date when the notice has been advertised, SAVE that in the event that an application in relation to one of the insolvency appointments has been made by a creditor or debtor, within the relevant time period, objecting to the said release, the First Respondent will be released in relation to the said insolvency appointment 28 days after the said application has been disposed of (whether by agreement or by order of the Court) or further order of the Court in the meantime
18. In relation to the insolvency proceedings listed in the Schedules hereto, and insofar as the Insolvency Act 1986 or the Insolvency (England and Wales) Rules 2016 contain any requirement for advertisement of the removal of the First Respondent or his substitution by the Applicants, compliance with paragraph 17 above shall be deemed as being sufficient compliance with any such advertisement provisions and for the avoidance of doubt, any further compliance with such notice provisions shall be waived. Insofar as the First Respondent is required by law to give any notice of his removal from office, the Applicants (and each of them) are entitled to sign and send any such notice on his behalf.
19. 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 First Respondent by the First, Second, Third, Fourth, Fifth, Sixth or Seventh Applicant, as the case may be, pursuant to this Order, and for the avoidance of doubt, any such requirement necessitating an alteration in the reporting dates by reason of the date of commencement, termination or replacement of an office holder's appointment, are hereby waived.
20. In each Liquidation listed in Schedule A, B, D and E hereto, the First Respondent shall be at liberty to apply to the Secretary of State for his release upon the expiry of 42 days from the date when the relevant notice referred to in paragraph 17 above has been placed in the London Gazette, SAVE that in the event that an application in relation to one of the insolvency appointments has been made by a creditor or debtor, within the relevant time period, objecting to the said release, the First Respondent will not seek to apply for his release in relation to that insolvency appointment until after the said application has been disposed of (whether by agreement or by order of the Court).
21. In each Administration listed in Schedule C hereto, 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 estates with effect from 35 days from the date when the relevant notice referred to in paragraph 17 above has been placed in the London Gazette, SAVE that in the event that an application in relation to one of the insolvency appointments has been made by a creditor or debtor, within the relevant time period, objecting to the said release, the First Respondent will be released in relation to the said insolvency appointment 28 days after the said application has been disposed of (whether by agreement or by order of the Court) or further order of the Court in the meantime
22. The costs of and occasioned by the Application shall be paid by BDO LLP