

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
Registrar *Baisher*

No. CR-2016-001324

COMPANIES COURT

IN THE MATTER OF DALMUIR HOUSE LIMITED (IN MEMBERS' VOLUNTARY
LIQUIDATION) & OTHERS

AND IN BANKRUPTCY

IN THE MATTER OF IAN BOXX & OTHERS

AND IN THE MATTER OF AN OFFICE HOLDER
AND IN THE MATTER OF THE INSOLVENCY ACT 1986

BETWEEN:-

RICHARD HOOPER

- and -

NICK NICHOLSON (1)
STRATFORD HAMILTON (2)
DOMINIC DUMVILLE (3)
GARY SHANKLAND (4)
KIRSTIE PROVAN (5)
JAMES DOWERS (6)



Applicant

THURSDAY



Respondents

ORDER

UPON THE APPLICATION OF RICHARD HOOPER (hereinafter called "the Applicant")
dated 10th March 2016

AND UPON READING THE DOCUMENTS recorded on the Court file as having been read,
including the witness statement of Richard Hooper dated 5 January 2016

IT IS ORDERED THAT

- 1 The insolvency proceedings listed in the Schedules to this Order which are not currently before the High Court of Justice be transferred to the High Court of Justice for the purposes of this application only, and the Applicant do ensure that a sealed copy of this Order be lodged with the Court having jurisdiction over each case affected by the Order
- 2 The Applicant, Richard Hooper, be removed from his office as Liquidator in respect of the companies in Members' Voluntary Liquidation which are set out in Schedule A hereto
- 3 The First Respondent, Nick Nicholson, shall be appointed as Liquidator in substitution of the Applicant in respect of the companies which are set out in Schedule A hereto in which he is identified as the proposed appointee

- 4 The Second Respondent, Stratford Hamilton, shall be appointed as Liquidator in substitution of the Applicant in respect of the company which is set out in Schedule A hereto in which he is identified as the proposed appointee
- 5 The Applicant, Richard Hooper, be removed from his office as Liquidator in respect of the companies in Creditors' Voluntary Liquidation which are set out in Schedule B hereto
- 6 The First Respondent, Nick Nicholson, shall be appointed as Liquidator in substitution of the Applicant in respect of the companies which are set out in Schedule B hereto in which he is identified as the proposed appointee, or one of two proposed appointees
- 7 The Second Respondent, Stratford Hamilton, shall be appointed as Liquidator in substitution of the Applicant in respect of the companies which are set out in Schedule B hereto in which he is identified as the proposed appointee, or one of two proposed appointees
- 8 The Third Respondent, Dominic Dumville, shall be appointed as Liquidator in substitution of the Applicant in respect of the companies which are set out in Schedule B hereto in which he is identified as the proposed appointee, or one of two proposed appointees
- 9 The Fourth Respondent, Gary Shankland, shall be appointed as Liquidator in substitution of the Applicant in respect of the company which is set out in Schedule B hereto in which he is identified as the proposed appointee
- 10 The Applicant, Richard Hooper, be removed from his office as Liquidator in respect of the companies in Compulsory Liquidation which are set out in Schedule C hereto
- 11 The First Respondent, Nick Nicholson, shall be appointed as Liquidator in substitution of the Applicant in respect of the companies which are set out in Schedule C hereto in which he is identified as the proposed appointee, or one of two proposed appointees
- 12 The Second Respondent, Stratford Hamilton, shall be appointed as Liquidator in substitution of the Applicant in respect of the companies which are set out in Schedule C hereto in which he is identified as the proposed appointee, or one of two proposed appointees
- 13 The Third Respondent, Dominic Dumville, shall be appointed as Liquidator in substitution of the Applicant in respect of the companies which are set out in Schedule C hereto in which he is identified as the proposed appointee, or one of two proposed appointees
- 14 The Applicant, Richard Hooper, be removed from his office as Trustee in Bankruptcy in respect of the Bankruptcies which are set out in Schedule D hereto
- 15 The First Respondent, Nick Nicholson, shall be appointed as Trustee in Bankruptcy in substitution of the Applicant in respect of the Bankruptcies which are set out in Schedule D hereto in which he is identified as the proposed appointee
- 16 The Second Respondent, Stratford Hamilton, shall be appointed as Trustee in Bankruptcy in substitution of the Applicant in respect of the Bankruptcies set out in Schedule D hereto in which he is identified as the proposed appointee

- 17 The Third Respondent, Dominic Dumville, shall be appointed as Trustee in Bankruptcy in substitution of the Applicant in respect of the Bankruptcies which are set out in Schedule D hereto in which he is identified as the proposed appointee
- 18 In relation to each of the insolvency proceedings listed in the Schedules to this Order, the Respondents shall procure that, at the first convenient opportunity to do so, and in any event within 3 months of the date of the Order, a block advertisement shall be placed in the London Gazette containing notification of the following matters
- 18 1 The removal of the Applicant and the substitution of the Applicant by the First, Second, Third, or Fourth Respondents, as the case may be,
- 18 2 That
- 18 2 1 the 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,
- 18 2 2 the 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 Applicant in respect of the Applicant's release within 28 days after the notice has been advertised, and
- 18 2 3 the Applicant will be entitled to apply to the Secretary of State for his release upon expiry of 42 days from the date the notice has been advertised
- 19 In relation to the insolvency proceedings listed in the Schedules hereto, and insofar as the Insolvency Act 1986 or the Insolvency Rules 1986 contain any requirement for advertisement of the removal of the Applicant or his substitution by the Respondents, the requirement shall be dispensed with save to the extent provided for herein. Insofar as the Applicant is required by law to give any notice of the removal from office, the Respondents (and each of them) are entitled to sign and send any such notice on his behalf.
- 20 The period to be covered by progress reports to creditors and the dates by which those reports need to be sent to 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 Applicant by the First, Second, Third or Fourth Respondents, 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 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 creditors and companies house, on the termination, commencement or replacement of an office-holder's appointment, including those set out in rules 4 49B(5), 4 49C-CVL(3) and 6 78A(4) of the Insolvency Rules 1986
- 21 In relation to each of the insolvency proceedings listed in the Schedules to this Order, the Applicant shall not be at liberty to apply to the Secretary of State for his release until after the expiry of 42 days from the date when the relevant notice referred to in paragraph 18 above has been placed in the London Gazette

22 The costs of this application including the costs of the block advertisement are not to exceed £5,000 inclusive of disbursements but exclusive of VAT and shall be apportioned equally between each of the insolvency proceedings identified in the Schedules to this Order which have sufficient funds to pay those costs, and each of the said insolvency proceedings shall bear an equal proportion of the costs as an expense of those insolvency proceedings

23 There be liberty to apply

DATED this 15th day of April 2016

