

IN THE HIGH COURT OF JUSTICE

No. of 2009

CHANCERY DIVISION

COMPANIES COURT

IN THE MATTER OF LEE PAUL BELLAMY (A BANKRUPT) AND OTHERS

AND IN THE MATTER OF R & I TRANSPORT (INSOLVENT PARTNERSHIP)

AND IN THE MATTER OF WL REALISATIONS (2006) LIMITED (SUBJECT TO A COMPANY
VOLUNTARY ARRANGEMENT)

AND IN THE MATTER OF CONFORMANCE REALISATIONS LIMITED (IN
ADMINISTRATION) AND OTHERS

AND IN THE MATTER OF RUSH & TOMPKINS ASSOCIATED DEVELOPMENTS LIMITED
(IN COMPULSORY LIQUIDATION) AND OTHERS

AND IN THE MATTER OF PHOENIX METAL PRODUCTS LIMITED (IN CREDITORS'
VOLUNTARY LIQUIDATION) AND OTHERS

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

AND IN THE MATTER OF THE INSOLVENT PARTNERSHIPS ORDER 1986

BETWEEN:

(1) KEVIN JOHN HELLARD
(2) MICHAEL PETER GERRARD
(3) KEITH HINDS
(4) JAMES EARP
(5) ALISTAIR WARDELL

Applicants

and

(1) GERALD CLIFFORD SMITH
(2) ANTHONY NORMAN FLYNN
(3) JOHN NEVILLE WHITFIELD
(4) JOSEPH PETER FRANCIS MCLEAN
(5) NEIL TOMBS
(6) MARTIN GILBERT ELLIS
(7) NIGEL MORRISON
(8) IAN STEWART CARR
(9) ANDREW DAVID CONQUEST

Respondents

ORDER



UPON THE APPLICATION of Kevin John Hellard, Michael Peter Gerrard, Keith Hinds, James Earp and Alistair Wardell (the "**Applicants**") by Ordinary Application dated May 2009

AND UPON READING the First Witness Statement of Kevin John Hellard

IT IS ORDERED THAT:

1. Each of the insolvency proceedings identified in Schedules 1 to 9 hereto (together the "**Schedules**") as commenced or proceeding in a County Court are hereby transferred, pursuant to s41 County Courts Act 1984, to the High Court of Justice for the purpose only of considering and if thought fit making the orders contained in paragraphs 2 to 10 below.
2. In relation to the insolvency proceedings identified in Schedule 1:
 - (a) in each Bankruptcy:
 - (i) the First Respondent be removed from the office of Trustee in Bankruptcy of the relevant individual; and
 - (ii) the First Applicant be appointed Trustee in Bankruptcy thereof;
 - (b) in the Partnership Liquidation:
 - (i) the First Respondent be removed from the office of Liquidator of the Insolvent Partnership; and
 - (ii) the First Applicant be appointed Liquidator thereof.
 - (c) in each Compulsory Liquidation:
 - (i) the First Respondent be removed from the office of Liquidator of the relevant Company; and
 - (ii) the First Applicant be appointed as Liquidator thereof.
3. In the insolvency proceedings identified in Schedule 2:
 - (a) in each Bankruptcy:
 - (i) the First Respondent be removed from the office of Trustee in Bankruptcy of the relevant individual; and

- (ii) the Second Applicant be appointed as Trustee in Bankruptcy thereof.
 - (b) in the Company Voluntary Arrangement:
 - (i) the First Respondent be removed from the office of Supervisor of the company voluntary arrangement; and
 - (ii) the Second Applicant be appointed as Supervisor thereof.
 - (c) in the pre-Enterprise Act 2002 Administration:
 - (i) the First Respondent be removed from the office of Joint Administrator of the company; and
 - (ii) the Second Applicant be appointed as Joint Administrator thereof;
 - (d) in the Creditors' Voluntary Liquidations:
 - (i) the First Respondent be removed from the office of Joint Liquidator of the relevant company; and
 - (ii) the Second Applicant be appointed as Joint Liquidator thereof;
 - (e) in the Compulsory Liquidation:
 - (i) the First Respondent be removed from the office of Liquidator of the company; and
 - (ii) the Second Applicant to be appointed as Liquidator thereof.
4. In the insolvency proceedings identified in Schedule 3:
- (a) in each pre-Enterprise Act 2002 Administration the First Respondent be removed from the office of Joint Administrator of the relevant company; and
 - (b) in the post-Enterprise Act 2002 Administration the First Respondent be removed from the office of Joint Administrator of the relevant company.
5. In the Creditors' Voluntary Liquidations identified in Schedule 4:
- (a) the First Respondent be removed from the office of Joint Liquidator of the relevant company; and
 - (b) the Third Applicant be appointed as Joint Liquidator thereof.

6. In the Compulsory Liquidation identified in Schedule 5:
 - (a) the First Respondent be removed from the office of Liquidator of the Company; and
 - (b) the Fourth Applicant be appointed as Joint Liquidator thereof.
7. In relation to the insolvency proceedings identified in Schedule 6:
 - (a) in each post-Enterprise Act 2002 Administration the Second Respondent be removed as Joint Administrator of the relevant company; and
 - (b) in the Creditors' Voluntary Liquidation the Second Respondent be removed from the office of Joint Liquidator of the relevant company.
8. In the post-Enterprise Act 2002 Administration identified in Schedule 7:
 - (a) the Second Respondent be removed from the office of Joint Administrator; and
 - (b) the Fifth Applicant be appointed as Joint Administrator thereof.
9. In relation to the insolvency proceedings identified in Schedule 8:
 - (a) in the post-Enterprise Act 2002 Administration:
 - (i) the Second Respondent be removed from the office of Joint Administrator; and
 - (ii) the Second Applicant be appointed as Joint Administrator thereof; and
 - (b) in the Creditors' Voluntary Liquidations:
 - (i) the Second Respondent be removed from the office of Joint Liquidator of the relevant company; and
 - (ii) the Second Applicant be appointed as Joint Liquidator thereof.
10. In the Creditors' Voluntary Liquidations identified in Schedule 9 the First Respondent and the Second Respondent be removed from the office of Joint Liquidators of the relevant companies.
11. As soon as reasonably practicable, the relevant Applicant shall lodge with each of the applicable courts mentioned in the Schedules hereto one copy of this Order for each

case under the jurisdiction of that court, for filing on the court file relating to that case.

12. As soon as reasonably practicable, and in any event within three months of the date of this Order, the Applicants shall procure that:
 - (a) a block advertisement is placed in the London Gazette; and
 - (b) in relation to each of the insolvency proceedings listed in the Schedules, an advertisement is placed in a local paper in circulation in the area of the court having jurisdiction over those insolvency proceedings, as set out in the Schedules.
13. The advertisement to be placed in accordance with paragraph 12 (a) above shall contain notification of the removal of the relevant Respondent from the insolvency proceedings identified in Schedules 1 to 9 and where applicable the appointment of the relevant Applicant;
14. Each advertisement to be placed in accordance with paragraph 12 (b) above shall contain notification of the removal of the relevant Respondent from the relevant insolvency proceedings identified in the relevant Schedule and where applicable the appointment of the relevant Applicant;
15. The advertisements to be placed in accordance with paragraphs 12 (a) and (b) above shall also contain notification of the following matters:
 - (a) the fact that the creditors may apply, within 28 days after the last of the relevant notices referred to in paragraph 12 above has been advertised in the relevant publication, to vary or discharge this Order;
 - (b) in the case of each Bankruptcy and Liquidation, that:
 - (i) where there is a creditors' committee, it can require an account of the relevant Respondent's administration of the Liquidation (as the case may be) and administration of the Bankruptcy (as the case may be); and
 - (ii) where there is no creditors' committee, an individual creditor of the relevant company or individual can apply within 28 days of the last of the relevant notices referred to in paragraph 12 above being advertised in the relevant publication, for an Order that an account be given of the relevant Respondent's administration of the Liquidation (as the case

may be) and of the administration of the Bankruptcy (as the case may be);

- (c) the costs of complying with a request of the committee or creditor for an account of the relevant Respondent's administration should be an expense of the relevant insolvency proceedings;
 - (d) the creditors have the right to object and make representations to the Secretary of State in respect of the relevant Respondent's release within 28 days after the last of the relevant notices referred to in paragraph 12 above has been advertised in the relevant publication; and
 - (e) the Respondents will each be entitled to apply to the Secretary of State for his release 42 days after the last of the relevant notices referred to in paragraph 12 above has been advertised in the relevant publication.
16. The relevant Applicant, the relevant Respondent or any creditor of any of the insolvent estates identified in the Schedules may apply within 28 days of the date of the advertisement of the last of the relevant notices referred to in paragraph 12 above, to vary or discharge this Order.
17. The relevant Respondent may apply to the Secretary of State for his release 42 days after the last of the relevant notices referred to in paragraph 12 above has been advertised in the relevant publication.
18. In the case of each post-Enterprise Act 2002 Administration, the relevant Respondents be released from all liability as Administrator pursuant to paragraph 98(2)(c) of Schedule B1 to the Insolvency Act 1986 42 days after the date upon which the last of the relevant notices is advertised in the relevant publication under paragraph 12 above, subject to any application pursuant to paragraph 16 above in relation to the companies in Administration.
19. In the case of each pre-Enterprise Act 2002 Administration, the relevant Respondents be released from all liability as Administrator pursuant to s20(1)(b) Insolvency Act 1986 42 days after the date upon which the last of the relevant notices is advertised in the relevant publication under paragraph 12 above, subject to any application pursuant to paragraph 16 above in relation to the company in Administration.
20. In relation to the insolvency proceedings listed in the Schedules hereto, and insofar as the Insolvency Act 1986 or the Insolvency Rules 1986 contains any requirement for

any appointment of an office-holder to be advertised, the requirement shall be dispensed with save to the extent provided for in paragraphs 12 above.

21. Insofar as a Respondent or an Applicant is required by law to give any notice of a removal from office, the relevant Applicant (if a replacement has been appointed) is entitled to sign and send any such notice on behalf of the relevant Respondent.
22. The costs of this Application:
 - (a) in so far as they are attributable to an individual insolvency proceeding identified in the Schedules, be fixed and paid in the ordinary way as remuneration costs and expenses of such insolvency; and
 - (b) in so far as they are not attributable to an individual insolvency proceeding because they affect all of the insolvency proceedings (the "**Unattributed Costs**"), be apportioned equally between each of the insolvency proceedings identified in the Schedules and subject to paragraph 23 below, the Unattributed Costs be borne equally by each of the insolvency proceedings identified in the Schedules.
23. In no case shall the amount charged to any insolvent estate identified in the Schedules in respect of the costs or the Unattributed Costs exceed 10% of the aggregate of the available funds and the value of the immediately realisable assets in that estate.
24. Liberty to apply.

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Respondents

**SCHEDULE 1: APPOINTMENTS TO BE TRANSFERRED FROM THE FIRST
RESPONDENT TO THE FIRST APPLICANT**

Case name	Case number	Court having jurisdiction
Bankruptcies		
Lee Paul Bellamy*	5077 of 2005	Birmingham County Court
Geoff Ellison*	81 of 1996	Wigan County Court
Nazeeba Bibi Fiaz*	691 of 2006	Birmingham County Court
Garry James Edwards*	444 of 2006	Shrewsbury County Court
Reginald Ernest Holding*	7915 of 1991	High Court of Justice
Roy Stuart Honeyman*	401 of 2004	Birmingham County Court
Jan David Morales*	384 of 2006	Birmingham County Court
Albert Raymond Davis*	811 of 1992	Birmingham County Court
Iris Davis*	7 of 1993	Birmingham County Court
John Thomas Twohig*	127 of 2000	Salford County Court
Maurice Woulfe*	328 of 1996	Birmingham County Court
Martin Ryder Harris*	70227 of 2007	Coventry Combined Court Centre
Richard Ellis*	677 of 1992	Birmingham County Court
Christopher Granville Selvey*	237 of 1997	Nottingham County Court
Partnership Liquidation		
R&I Transport*	48 of 1992	Birmingham County Court
Compulsory liquidations		
Rush & Tompkins Associated Developments Limited*	1147 of 1990	High Court of Justice
Rush & Tompkins Group Plc*	4231 of 1990	High Court of Justice
Eclipse Self Build Association Limited*	129 of 2002	Bristol County Court

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SCHEDULE 2: APPOINTMENTS TO BE TRANSFERRED FROM THE FIRST
RESPONDENT TO THE SECOND APPLICANT

Case name	Case number	Court having jurisdiction
Bankruptcies		
Michael J Bowcott*	250 of 1999	Coventry County Court
Alan Riley*	90 of 1993	Shrewsbury County Court
John Wagstaff*	103 of 1996	Coventry County Court
Roger Aidan Griffiths*	94 of 1991	Blackburn County Court
Rodney David Meadows*	79 of 1997	Warwick County Court
Company Voluntary Arrangement		
WL Realisations (2006) Limited*		
Administration – pre-Enterprise Act 2002		
Conformance Realisations Limited	2005 of 2003	High Court of Justice, Birmingham District Registry
Creditors' Voluntary Liquidations		
Phoenix Metal Products Limited		
Ware Realisations Limited		
Compulsory Liquidation		
Medway Property Limited*	5365 of 2006	High Court of Justice, Birmingham District Registry

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Respondents

SCHEDULE 3: REMOVALS WHERE THE FIRST RESPONDENT IS TO BE REMOVED
AS JOINT ADMINISTRATOR

Case name	Case number	Court having jurisdiction
Administrations pre-Enterprise Act 2002		
OCWA Realisations Limited	472 of 2002	High Court of Justice, Birmingham District Registry
Lionspeed Limited	2585 of 2003	High Court of Justice, Birmingham District Registry
Prescot Aluminium Company Limited	560 of 2002	High Court of Justice, Birmingham District Registry
WWW Realisations Limited	559 of 2002	High Court of Justice, Birmingham District Registry
Administration post-Enterprise Act 2002		
Grove Park Radco Limited	4639 of 2007	High Court of Justice, Birmingham District Registry

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Respondents

**SCHEDULE 4: APPOINTMENTS TO BE TRANSFERRED FROM THE FIRST
RESPONDENT TO THE THIRD APPLICANT**

Case name	Case number	Court having jurisdiction
Creditors' Voluntary Liquidations		
KYE Limited		
UK Protect Limited		

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Respondents

**SCHEDULE 5: APPOINTMENT TO BE TRANSFERRED FROM THE FIRST
RESPONDENT TO THE FOURTH APPLICANT**

Case name	Case number	Court having jurisdiction
Compulsory Liquidation		
Corporate & Trade Finance Plc	891 of 2001	High Court of Justice

Note: All appointments are currently joint appointments unless otherwise indicated.
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Respondents

**SCHEDULE 6: REMOVALS WHERE THE SECOND RESPONDENT IS TO BE REMOVED
AS JOINT ADMINISTRATOR**

Case name	Case number	Court having jurisdiction
Administrations post-Enterprise Act 2002		
Heaner Gate Printing Limited	9375 of 2008	High Court of Justice, Birmingham District Registry
My Fotostop Limited	3212 of 2005	High Court of Justice
PL Realisations 2008 Limited	1085 of 2005	High Court of Justice, Birmingham District Registry
Utiliserv Group Limited	1084 of 2008	High Court of Justice, Birmingham District Registry
UL Realisations 2008 Limited	1087 of 2008	High Court of Justice, Birmingham District Registry
Creditors' Voluntary Liquidation		
East Central Distributions Limited		

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Respondents

SCHEDULE 7: APPOINTMENT TO BE TRANSFERRED FROM THE SECOND
RESPONDENT TO THE FIFTH APPLICANT

Case name	Case number	Court having jurisdiction
Administration post-Enterprise Act 2002		
Luxton & Coombes Limited	133 of 2008	Bristol County Court

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Respondents

**SCHEDULE 8: APPOINTMENTS TO BE TRANSFERRED FROM THE SECOND
RESPONDENT TO THE SECOND APPLICANT**

Case name	Case number	Court having jurisdiction
Post-Enterprise Act 2002 Administration		
DH Westrope (Wholesale Newsagents) Limited	9719 of 2007	High Court of Justice
Creditors' Voluntary Liquidations		
Lane Logistics Services Limited		
Manor Farm Ducklings Limited		

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(4) JOSEPH PETER FRANCIS MCLEAN
(5) NEIL TOMBS
(6) MARTIN GILBERT ELLIS
(7) NIGEL MORRISON
(8) IAN STEWART CARR
(9) ANDREW DAVID CONQUEST

Respondents

SCHEDULE 9: REMOVALS WHERE THE FIRST RESPONDENT AND THE SECOND RESPONDENT ARE TO BE REMOVED AS JOINT LIQUIDATORS AND THE REMAINING JOINT LIQUIDATOR WILL BECOME THE SOLE LIQUIDATOR

Case name	Case number	Court having jurisdiction
Creditors' Voluntary Liquidations		
Bloxwich Automotive Limited		
Bloxwich Engineering Limited		

Note: All appointments are currently joint appointments unless otherwise indicated.
Appointments which are not currently joint appointments have an * next to them.

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
COMPANIES COURT

IN THE MATTER OF LEE PAUL BELLAMY (A
BANKRUPT) AND OTHERS

AND IN THE MATTER OF R & I TRANSPORT
(INSOLVENT PARTNERSHIP)

AND IN THE MATTER OF WL REALISATIONS (2006)
LIMITED (SUBJECT TO A COMPANY VOLUNTARY
ARRANGEMENT)

AND IN THE MATTER OF CONFORMANCE
REALISATIONS LIMITED (IN ADMINISTRATION) AND
OTHERS

AND IN THE MATTER OF RUSH & TOMPKINS
ASSOCIATED DEVELOPMENTS LIMITED (IN
COMPULSORY LIQUIDATION) AND OTHERS

AND IN THE MATTER OF PHOENIX METAL
PRODUCTS LIMITED (IN CREDITORS' VOLUNTARY
LIQUIDATION) AND OTHERS

AND IN THE MATTER OF THE INSOLVENCY ACT 1986

AND IN THE MATTER OF THE INSOLVENT
PARTNERSHIPS ORDER 1986

BETWEEN:

- (1) KEVIN JOHN HELLARD
- (2) MICHAEL PETER GERRARD
- (3) KEITH HINDS
- (4) JAMES EARP
- (5) ALISTAIR WARDELL

Applicants

and

- (1) GERALD CLIFFORD SMITH
- (2) ANTHONY NORMAN FLYNN
- (3) JOHN NEVILLE WHITFIELD
- (4) JOSEPH PETER FRANCIS MCLEAN
- (5) NEIL TOMBS
- (6) MARTIN GILBERT ELLIS
- (7) NIGEL MORRISON
- (8) IAN STEWART CARR
- (9) ANDREW DAVID CONQUEST

Respondents

ORDER

Mayer Brown International LLP
201 Bishopsgate, London EC2M 3AF
Tel: 020 3130 3000

Fax: 020 3130 8943
Ref: 21474/20454/09038604

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

COMPANIES COURT

MR JUSTICE FLOYD

6th JUNE 2009

HELLARD -v- SMITH

ORDER

The Court has sent sealed copies of this Order to: -

Applicant's Solicitor

Mayer Brown International LLP
DX. 556 London and City
Ref: 21505/09038604

This Order was sealed by Steven Rogers Associate (Tel: 020 7947 6733) to whom all enquiries regarding this Order should be made between the hours 9.00 am - 10.15 am and after 4.15 pm. When corresponding with the Court please address forms or letters to The Court Manager, Chancery Chambers Thomas More Building Royal Courts of Justice Strand London WC2A 2LL (DX 44450 Strand) and quote the case number.