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FERRARI DEVELOPMENTS
LTD

CASE NO:

539 OF 2018

IN THE HIGH COURT OF JUSTICE

BUSINESS AND PROPERTY COURTS IN LEEDS

INSOLVENCY AND COMPANIES LIST (ChD)

IN THE MATTER OF THE INSOLVENCY ACT

AND IN THE MATTER OF

PAULINE GAINFORD (IN BANKRUPTCY) AND OTHERS

RE-MASTIC LIMITED (IN CREDITORS' VOLUNTARY LIQUIDATION) AND OTHERS

JOHN EDWARD CORSINI (IN AN INDIVIDUAL VOLUNTARY ARRANGEMENT) AND OTHERS

EUROWALK EUROPEAN WASTE LTD (IN MEMBERS' VOLUNTARY LIQUIDATION) AND
OTHERS

MONUMENT MANAGEMENT SERVICES LTD (IN COMPULSORY LIQUIDATION) AND OTHERS

DIAMOND BLAQUE ENTERPRISES LTD (IN ADMINISTRATION)

BETWEEN:

PHILIP NUNNEY

Applicant

AND

(1) TRACY TAYLOR
(2) NICOLA KIRK
(3) RUTH HARRIS

Respondents

ORDER

Before District Judge Goldberg on 18 June 2018

UPON READING the Application dated [] June 2018 pursuant to Chapter 6 (Sub-division B) of part 12 of the Insolvency (England and Wales) Rules 2016 (SI/2016/1024)

AND UPON READING the Witness Statements of Philip Nunney, Nicola Kirk and Ruth Harris dated 23 May 2018 and 1 June 2018 respectively.

IT IS ORDERED that:

- 1 Each of the County Court and hearing centre cases listed in Schedule 2, Schedule 5 and Schedule 7 ("County Court cases") be transferred to the High Court of Justice, Business and Property Courts of England and Wales, Insolvency and Companies List (ChD) for the



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purpose only of making this order. Immediately upon this order taking effect, the County Court Cases be transferred back to the relevant County Court or hearing centre.

- 2 Philip Nunney ("**Applicant**") be removed as Officeholder to be replaced by Nicola Kirk, and Ruth Harris as officeholders ("**Replacement Officeholders**") as set out at paragraphs 4 to 7 below. The consents of the Replacement Officeholders to act are contained in their witness statements.
- 3 The Applicant be removed from office as Joint Administrator of the company in Administration listed in Schedule 1 attached hereto with effect from the date of this order and Nicola Kirk be appointed as Joint Administrator in substitution of the said company, with effect from the same date, pursuant to paragraph 95 of Schedule B1 of the Insolvency Act 1986.
- 4 The Applicant be removed from office as Joint Trustee in bankruptcy of the bankruptcy estates listed in Schedule 2 attached hereto with effect from the date of this order and Ruth Harris be appointed as Trustee in bankruptcy in substitution in respect of the said bankruptcy estates, where they were not already a Joint Trustee, with effect from the same date, pursuant to Section 298 of the Insolvency Act 1986.
- 5 The Applicant be removed from office as Sole Trustee in bankruptcy of the bankruptcy estate listed in schedule 2 attached hereto with effect from the date of this order and Ruth Harris be appointed as Sole Trustee in bankruptcy in substitution in respect of the said bankruptcy estate, with effect from the same date, pursuant to Section 298 of the Insolvency Act 1986.
- 6 The Applicant be removed from office as Joint Liquidator of the companies in Creditors' Voluntary Liquidation listed in Schedule 3 attached hereto with effect from the date of this order and Nicola Kirk and Ruth Harris be appointed as Joint Liquidator in substitution in respect of the said companies, where they were not already a Joint Liquidator, with effect from the same date, pursuant to Section 108 of the Insolvency Act 1986.
- 7 The Applicant be removed from office as Joint Liquidator of the companies in Members' Voluntary Liquidation listed in Schedule 4 attached hereto with effect from the date of this order and Ruth Harris and Nicola Kirk be appointed as Joint Liquidator in substitution in respect of the said Companies, where they were not already a Joint Liquidator, with effect from the same date, pursuant to Section 108 of the Insolvency Act 1986.
- 8 The Applicant be removed from office as Joint Liquidator of the companies in Compulsory Liquidation listed in Schedule 5 attached hereto with effect from the date of this order and Ruth Harris and Nicola Kirk be appointed as Joint Liquidators in substitution in respect of the said companies, where they were not already a Joint Liquidator, with effect from the same date, pursuant to Section 172 of the Insolvency Act 1986.

- 9 The Applicant be removed from office as Joint Supervisor of the individuals in an Individual Voluntary Arrangement listed in Schedule 6 attached hereto with effect from the date of this order and Ruth Harris be appointed as Joint Supervisor in substitution in respect of the said Individual Voluntary Arrangements, where they were not already a Joint Supervisor, with effect from the same date, pursuant to Section 263 of the Insolvency Act 1986.
- 10 The Applicant be removed from office as Sole Supervisor of the individual in an Individual Voluntary Arrangement listed in Schedule 6 attached hereto with effect from the date of this order and Ruth Harris be appointed as Sole Supervisor in substitution in respect of the said Individual Voluntary Arrangement, with effect from the same date, pursuant to Section 263 of the Insolvency Act 1986.
- 11 The Applicant be removed from office as Joint Supervisor of the companies in an Company Voluntary Arrangement listed in Schedule 7 attached hereto with effect from the date of this order and Ruth Harris be appointed as Joint Supervisor in substitution in respect of the said Company Voluntary Arrangements, where they were not already a Joint Supervisor, with effect from the same date, pursuant to Section 7 of the Insolvency Act 1986.
- 12 The Applicant be removed and replaced, as set out at paragraphs 4 to 11 above, in each of the cases contained in Schedules 1 to 7 from the date of this order, without being required to (i) apply to the Secretary of State for release or discharge as appropriate pursuant to Section 173(2)(b) Section 174(4)(b) and Section 299 of the Insolvency Act 1986 as the case may be or (ii) file a receipts and payment account.
- 13 Where the appointments referred to in this order are joint appointments, any act required or authorised under any enactment to be done by joint appointees may be done by all or any one or more of the persons at the time being holding office. No functions are required to be undertaken by both joint appointees acting together and no functions are specifically the responsibility of either joint appointee.
- 14 The Applicant, Respondent or Replacement Officeholder shall file a copy of this order with each of the courts listed in Schedule 2, Schedule 5, Schedule 6 and Schedule 7.
- 15 Without incurring any additional expense for any of the said estates, the relevant Applicant, Respondent or Replacement Officeholder shall notify each creditor of this Application and this order by way of notice at the same time as the next routine report that shall be due to the creditors of each estate, such notice to contain the following matters:
- 15.1 An explanation of the effect of the Order;
- 15.2 Express reference to the liberty to apply contained in paragraph 16 below;

- 15.3 In the case of Liquidations and Bankruptcies, where Liquidation Committees or Creditors' Committees have been appointed, an explanation that, to the extent that any information which would otherwise be required to be provided under rule 6.25 or rule 10.77 (as the case may be) of the Insolvency (England and Wales) Rules 2016 has not already been provided as part of the report, it is open to that committee to require the relevant Applicant, Respondent or Replacement Officeholder to provide an account of the administration of the estate, including:
- 15.3.1 A summary of receipts and payments;
- 15.3.2 A statement that he has reconciled his accounts.
- 15.4 In the case of Liquidations and Bankruptcies where no Liquidation Committees or Creditors' Committees have been appointed, an explanation that, to the extent that such information as aforesaid 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 relevant Applicant, Respondent or Replacement Officeholder do provide an account of the administration of the estate, including:
- 15.4.1 A summary of receipts and payments;
- 15.4.2 A statement that he has reconciled his accounts.
- 15.5 Notification that if any Applicant, Respondent or Replacement Officeholder has been required to provide the information referred to in sub-paragraphs 15.3 and 15.4 above, whether by a Liquidation Committee or Creditors' Committee or by court order on the application of any creditor(s), the costs of any appointed officeholder of so complying will, unless there are good reasons to the contrary, be paid as an expense of the winding-up or bankruptcy as the case may be; and
- 15.6 In the case of Liquidations, notification to each creditor of his right under regulation 11(2) of the Insolvency Regulations 1994 to require the appointed officeholders to supply a statement of receipts and payments free of charge.
- 15.7 In the case of the Administration and Voluntary Arrangements, the provision of all such information as might reasonably be required with regard to the conduct of the Administration or Voluntary Arrangement.
- 16 The Respondents shall, when the next routine report is due to the creditors of each appointment, give written notice of the making of this Order to each such creditor, such notice to include the following matters:-
- 16.1 an explanation as to the effect of the Order; and

16.2 express reference to the liberty to apply as set out in the Order.

- 17 The creditors in each of the cases listed in Schedules 1 to 7 shall be notified of this Order by way of one composite notice (**"the Advertisement"**) to be published in the Gazette within 28 days of receipt of the sealed order.
- 18 Each creditor of each bankruptcy, administration and liquidation case, who has an objection to this Order, has liberty to apply to vary or discharge this Order. Creditors shall have 21 days from the date of the Advertisement to apply to Court to set aside or vary the terms of this Order. Such application shall not affect the transfer of the case as listed in Schedules 1 to 7 until further or other order by the Court.
- 19 The Respondents shall file any appropriate notices in respect of the removal of the Applicant and appointment of the Replacement Officeholders appointed pursuant to paragraphs 4 to 11 of this Order with the Registrar of Companies and the Secretary of State for Business, Energy, Innovation and Skills (Insolvency Service) as appropriate and as soon as reasonably practicable.
- 20 In the case of the Administration listed in Schedule 1 appended to this Order, the Applicant be released and discharged forthwith from liability in respect of any action of his as administrator. Such release to take effect 21 days from the date of the Advertisement, save in respect of any objection made pursuant to paragraph 18 of this Order, or claim notified to the Applicant pursuant to the Insolvency Act 1986 and / or pursuant to such other provision as may apply on or prior to the notice date.
- 21 In the cases listed in Schedules 2 to 7 the Applicant be released and discharged forthwith from all liability both in respect of acts or omissions of his in the administration of the estate and otherwise in relation to his conduct as Trustee, or in respect of acts or omissions of his in the winding-up and otherwise in relation to his conduct as Supervisor. Such release to take effect 21 days from the date of the Advertisement, save in respect of any objection made pursuant to paragraph 18 of this Order or claim notified to the Applicant pursuant to the Insolvency Act 1986 and / or pursuant to such other provision as may apply on or prior to the notice date.
- 22 In order to ensure consistency with paragraph 83(7) of Schedule B1 of the Insolvency Act 1986- where the Applicant would have been removed and replaced as Administrator and those administrations are subsequently converted into CVLs, the replacement Administrator in each case, as set out in the Schedule, shall also replace the Applicant as Liquidator, subject to creditors' rights to appoint an alternative Liquidator.
- 23 Subject to paragraph 24 below, in the event that, as a result of the implementation of the Order Abbey Taylor Limited (**"Abbey Taylor"**) incurs any additional cost in respect of the

administration of those estates where the Applicant was the officeholder (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 Abbey Taylor and shall not be charged as an expense of the administration of those estates.

- 24 Nothing contained in paragraphs 23 or 25 shall prejudice the Applicant, the Respondents or the replacement officeholders from:

24.1 Charging to each individual estate the cost of obtaining an Insolvency Practitioner's licence bond in respect of that estate; and

24.2 *Apportioning between the said estates equally the cost of the composite gazette notice (the Advertisement) to be placed under paragraph 17 above.*

- 25 The costs of this Application (including VAT) shall be met by Abbey Taylor.

- 26 The Respondents have the right apply to the court to amend this Order to include any appointments held by the Applicant which have been inadvertently omitted from the application.

COMPANY VOLUNTARY ARRANGEMENTS

Transfer from Philip Nunney to Ruth Harris Court Name	Court No	Reference Number	Year	Company Number	Current Joint Appointee	Current Appointee / Appointee Leaving	New Appointee
Broughton Transport Solutions Ltd	Swindon County Court	35	2016	7795214	Nicola Kirk	Philip Nunney	Ruth Harris
Foxwood Boring & Grinding Limited	Chesterfield County Court	38	2016	2214104	Nicola Kirk	Philip Nunney	Ruth Harris
Northern Environmental Solutions Ltd	Sheffield County Court	38	2017	7540975	Nicola Kirk	Philip Nunney	Ruth Harris
Ferrari Developments Limited	Sheffield County Court	51	2017	5669709	Nicola Kirk	Philip Nunney	Ruth Harris
FC Environmental Ltd	Luton County Court	1	2017	6716837	Nicola Kirk	Philip Nunney	Ruth Harris