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IN THE HIGH COURT OF JUSTICE CHANCERY DIVISION COMPANIES COURT

No. 002028 of 1999

Monday the 29<sup>th</sup> day of March 1999 THE HONOURABLE MR JUSTICE HART

BETWEEN:

IN THE MATTER OF ION BEAM SYSTEMS LIMITED AND OTHERS AND IN THE MATTER OF THE INSOLVENCY ACT 1986

NEIL FRANCIS HICKLING
(a partner in the firm of Smith & Williamson)

and

Applicant

## BARRY JOHN WARD

Respondent

## **ORDER**

UPON THE APPLICATION of the Applicant

AND UPON HEARING counsel for the Applicant and counsel for the Respondent AND UPON READING the evidence

## IT IS ORDERED that:

- 1. Pursuant to section 41(1) of the County Courts Act 1984, the company voluntary arrangements identified in the attached schedule that are proceeding in county courts be transferred to the High Court for the sole purpose of giving effect to paragraph 2 of this order.
- 2. Pursuant to section 7(5) of the Insolvency Act 1986, Barry John Ward be removed from office as supervisor of the company voluntary arrangement of Ion Beam Systems Limited and the other company voluntary arrangements identified in the attached schedule and that Neil Francis Hickling be appointed supervisor in place of Barry John Ward.



- 3. Pursuant to section 19(1) of the Insolvency Act 1986, Barry John Ward be removed from office as administrator of Ion Beam Systems Limited and as joint administrator of Wilesmith Limited and that Neil Francis Hickling be, pursuant to section 13(2) of the Insolvency Act 1986, appointed administrator in place of Barry John Ward in respect of Ion Beam Systems Limited.
- 4. Pursuant to section 108(2) of the Insolvency Act 1986, Barry John Ward be removed from office as liquidator of AEP (Birmingham) Limited (in creditors' voluntary liquidation) and of those other companies in creditors' voluntary liquidation identified in the attached schedule and that Neil Francis Hickling be, pursuant to section 108(1) of the Insolvency Act 1986, appointed liquidator in place of Barry John Ward.
- Pursuant to section 108(2) of the Insolvency Act 1986, Barry John Ward be removed from office as joint liquidator in the creditors' voluntary liquidation of Surf Seafoods Limited.
- 6. Pursuant to Rule 7.11(4) of the Insolvency Rules 1986, alternatively, section 41(1) of the County Courts Act 1984, proceedings for the compulsory winding up of companies identified in the attached schedule which are proceeding in county courts be transferred to the High Court for the sole purpose of giving effect to paragraphs 7 and 9 of this order.
- 7. Pursuant to section 172(2) of the Insolvency Act 1986, Barry John Ward be removed from office as liquidator of Access Floor Maintenance Limited (in compulsory liquidation) and of those other companies in compulsory liquidation identified in the attached schedule (save for those companies identified in peragraphs 8 and 9 below) and that Neil Francis Hickling be, pursuant to section 168(3) of the Insolvency Act 1986, appointed liquidator in place of Barry John Ward.
- 8. Pursuant to section 172(2) of the Insolvency Act 1986, Barry John Ward be removed from office as liquidator of Oasis Merchandising Services Limited (in compulsory liquidation) and that Peter James Yelden, a licensed insolvency

practitioner and a partner in Smith & Williamson ba, pursuant to section 168(3) of the Insolvency Act 1986, be appointed liquidator of Oasis Merchandising Services Limited in place of Berry John Ward.

- 9. Pursuant to section 536(1) of the Companies Act 1985, Barry John Ward be removed from office as liquidator of George Waller (Warwick) Limited (in compulsory liquidation) and of those other companies in compulsory liquidation identified in the strached schedule where the winding-up order was made before 29 December 1986 and that Neil Francis Hickling be, pursuant to section 536(3) of the Companies Act 1985, appointed liquidator in place of Barry John Ward.
- 10. Neil Francis Hickling do, within 28 days of the date of this order inform, by notice in writing, all creditors affected by this order. The notice shall state that any creditor who is affected this order shall have liberty to apply to discharge or vary this order within 28 days of receipt by the creditor of notice in writing pursuant to this paragraph.
- 11. The costs of this application be provided for otherwise than out of the estates identified in the attached schedule.
- 12. The applicant shall pay the Respondent's costs of this application to be taxed if not agreed.

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