

925314



CLAIM NO 8490 of 2002

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
COMPANIES COURT

BEFORE MR JUSTICE LINDSAY
19 DECEMBER 2002



IN THE MATTER OF LICENCE HOLDERS
AND IN THE MATTER OF THE INSOLVENCY ACT 1986
AND IN THE MATTER OF BENCHMARK INTERNATIONAL LIMITED
AND IN THE MATTER OF ANDREW ROBERT ALLPORT

BETWEEN:

DAVID JAMES WATERHOUSE
(APPLYING ON HIS OWN BEHALF AND ON
BEHALF OF THOSE LISTED IN SCHEDULE 1
OF THE APPLICATION)

Applicant

and

(1) STUART C E MACKELLAR
(2) GERALD IAN RANKIN
(3) JAMES PATRICK NICHOLAS MARTIN
(4) NIGEL J HALLS

Respondents

ORDER

UPON THE APPLICATION of the Applicants by Notice of Application issued on
18 December 2002

AND UPON HEARING Counsel on behalf of the Applicants

AND UPON the Respondents being neither present nor represented but having
consented to the making of the orders set out below



AND UPON the Applicants by Counsel undertaking to file and lodge by 9 January 2003 the requisite consents relating to the insertion in Schedule 2 to this Order of the Midgeley appointment

AND UPON READING those documents recorded upon the Court File as having been read

IT IS ORDERED THAT:

- 1 In respect of those bankruptcies, individual voluntary arrangement ("IVA's"), company voluntary arrangements ("CVA's"), partnership voluntary arrangements ("PVA's"), creditors voluntary liquidations, compulsory liquidations, members voluntary liquidations and administrations listed in Schedule 2 to this Order which are the subject of proceedings in county courts and district registries, those proceedings be transferred to the High Court solely for the purpose of making the Orders contained in Paragraphs 2 to 11 below.
- 2 The Respondents be removed from office as trustee in bankruptcy, IVA/CVA/PVA supervisor, liquidator (compulsory or voluntary), and/or administrator (as the case may be) of the estates listed in Schedule 2, these removals to take effect on 30 December 2002.
- 3 The Respondents be replaced as such office holder in the case of each such estate by the Applicant introduced in Schedule 2 as a new appointee, these replacements to take effect on 30 December 2002.
- 4 The Respondents Mr Mackellar, Mr Martin and Mr Rankin shall be released from all liability pursuant to section 20 of the Insolvency Act 1986 in respect of their acts or omissions and otherwise in respect of their conduct as administrators of the companies listed on page 1 of Schedule 2, such release to take effect 28 days after they have filed their final abstracts in accordance with Rule 2.52(1) of the Insolvency Rules 1986.
- 5 The Applicants shall be entitled:

- 5.1 to publish in the Gazette one composite notice relating to all new appointments which are required by law to be published in the Gazette
- 5.2 to apportion the costs of the said composite Gazette notice between the said estates equally
- 5.3 to charge to each individual estate the cost of obtaining an insolvency practitioner's license bond in respect of that estate up to a maximum of £40 per estate.
- 6 Without incurring any additional expense to any of the said estates, the Applicants shall, when the next routine report is due to the creditors of each estate (and in the case of the members voluntary liquidations, the relevant company members), notify each creditor and each such member (as the case may be) of the making of this order, such notice to contain the following matters:
 - 6.1 An explanation of the effect of the Order
 - 6.2 Express reference to the liberty to apply contained in paragraph 7 below.
 - 6.3 In the case of the IVA's, CVA's, PVA's and administrations, the provision of all such information as might reasonably be required with regard to the conduct of the voluntary arrangement, or administration (as the case may be).
 - 6.4 In the case of bankruptcies under the Bankruptcy Act 1914 (if any) and liquidations under the Companies Act 1985 (if any), the provision of all such information as might reasonably be required as part of that report with regard to the conduct of the bankruptcy or liquidation (as the case may be).
 - 6.5 In the case of creditors voluntary and compulsory liquidations and bankruptcies under the Insolvency Act 1986 where liquidation or creditors committees have been appointed, an explanation that (to the extent that any information which would otherwise required to be

provided under Insolvency Rule 4.108(3) or Rule 6.126(2) has not already been provided as part of the routine report) it is open to that committee to require the applicant appointed to provide an account of the administration of the estate, including:

6.5.1 a summary of receipts and payments;

6.5.2 a statement that he has reconciled his accounts.

6.6 In the case of creditors voluntary and compulsory liquidations and bankruptcies under the Insolvency Act 1986 where no liquidation or creditors committees have been appointed, an explanation that, to the extent that such information has not already been provided as part of the routine report, it is open to any creditor to apply to court for an order that the applicant appointed do provide such information as might otherwise be required by Rule 4.108(3) or Rule 6.126(2) (as the case may be) that is to say, an account of the administration of the estate, including:

6.6.1 a summary of receipts and payments;

6.6.2 a statement that he has reconciled his accounts.

6.7 In the case of members voluntary liquidations, an explanation that, to the extent that any information which might otherwise be required to be supplied under Rule 4.142(2) has not already been provided as part of the routine report, it is open to any member to apply to court for an order that the applicant appointed do provide such information that is to say an account of the administration of the estate, including:

6.7.1 a summary of receipts and payments;

6.7.2 a statement that he has reconciled his accounts

6.8 Notification that if any applicant appointed has been required to provide the information referred to in (5),(6) or (7) above, whether by the liquidation/creditors committee or by court order on the application

of any individual creditors or (in the case of a members voluntary liquidation) any individual members, the appointed Applicant's costs of so complying will, unless there are good reasons to the contrary, be paid as an expense of the bankruptcy or winding up as the case may be.

- 6.9 In the case of liquidations under the Insolvency Act 1986, notification to each creditor and member of his right under r11(1) (compulsory winding up) and r11(2) (voluntary winding up) of the Insolvency Regulations 1994 to require the appointed applicant to supply a statement of receipts and payments free of charge;
- 6.10 In the case of bankruptcies under the Insolvency Act 1986, notification to each creditor of his right under r25 of the Insolvency Regulations 1994 to require the appointed applicant to supply a statement of receipts and payments free of charge;
- 6.11 In the case of bankruptcies under the Bankruptcy Act 1914 (if any), notification to each creditor of his right under Section 84 of that Act (provided he has the concurrence of at least 1/6 of the creditors of that bankruptcy, including himself) to require the appointed applicant (at the creditor's cost) to furnish a statement of the accounts of that bankruptcy.
- 7 Liberty to (i) each creditor of each estate and (ii) each member of any company identified in Schedule 2 as being in members voluntary liquidation to apply to vary or discharge this order within 21 days of receipt of the notices directed to be sent under paragraph 6, above.
- 8 The costs of this application (including VAT) be aggregated and apportioned equally between each of the estates listed in schedule 3 , provided that:
- 8.1 PricewaterhouseCoopers shall bear the costs of and occasioned by the Application in relation to the cases in schedule 2 marked with an asterisk;

8.2 if the costs which fall to be borne by any of the estates exceed 10% of the realisable assets within that estate

8.2.1 that estate shall only bear part of those apportioned costs, that part being an amount equal to 10% of that estate's readily realisable assets; and

8.2.2 the unpaid portion shall then be borne by Pricewaterhouse Coopers.

9 Service of the said Notice of Application be dispensed with.

CLAIM NO:

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
COMPANIES COURT
IN THE MATTER OF LICENCE HOLDERS
AND IN THE MATTER OF THE INSOLVENCY ACT 1986
AND IN THE MATTER OF BENCHMARK INTERNATIONAL LIMITED
AND IN THE MATTER OF ANDREW ROBERT ALLPORT
BETWEEN

DAVID JAMES WATERHOUSE
(APPLYING ON HIS OWN BEHALF AND ON
BEHALF OF THOSE LISTED IN SCHEDULE 1 TO
THE APPLICATION)

Applicant

and

(1) STUART C E MACKELLAR
(2) GERALD IAN RANKIN
(3) JAMES PATRICK NICHOLAS MARTIN
(4) NIGEL J HALLS

Respondents

SCHEDULE 1

Mark Elijah Thomas Bowen

Nicholas Edward Reed

Patrick Michael Boyden

Richard James Rees

Stephen Andrew Ellis

Richard Victor Yerburgh Stechim

Paul Harding

Adrian Richard Stanway

Ian Christopher Oakley-Smith

Timothy Gerard Walsh

CLAIM NO:

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
COMPANIES COURT
IN THE MATTER OF LICENCE HOLDERS
AND IN THE MATTER OF THE INSOLVENCY ACT 1986
AND IN THE MATTER OF BENCHMARK INTERNATIONAL LIMITED
AND IN THE MATTER OF ANDREW ROBERT ALLPORT
BETWEEN

DAVID JAMES WATERHOUSE
(APPLYING ON HIS OWN BEHALF AND ON
BEHALF OF THOSE LISTED IN SCHEDULE 1 TO
THE APPLICATION)

Applicant

and

(1) STUART C E MACKELLAR
(2) GERALD IAN RANKIN
(3) JAMES PATRICK NICHOLAS MARTIN
(4) NIGEL J HALLS

Respondents

SCHEDULE 2

Transfer of Appointments December 2002

Company Voluntary Arrangement

Name	Appt date	Existing Appointee 1	Existing Appointee 2	Ongoing Appointee 1	Ongoing Appointee 2	Company number	Court	Court no
BKPT Clothing Company Limited	12-Oct-00	Thornhill, D	Rankin, G I	Thornhill, D	Stanway, A R	1970026	Leeds County Court	1895 of 1998
Blowers Green Timber Co Limited	16-Nov-00	Wilton, D R	Martin, J P N	Wilton, D R	Bowen, M E	925314	Birmingham District Reg	1036 of 2000
County Bookshops Limited	8-Jun-01	Martin, J P N	Grove, A M	Bowen, M E	Grove, A M	3926449	High Court of Justice	382 of 2001
Hallamshire Construction plc	12-Oct-98	Klempka, E	Rankin, G I	Klempka, E	Reed, N E	573324	Leeds District Regs	2227 of 1998
Journey (U K) Limited	22-Oct-01	Martin, J P N	Rees, R J	Bowen, M E	Rees, R J	3031225	High Court of Justice	5771 of 2000
Music Heritage Enterprises Limited	26-Jul-02	Reed, N E	Rankin, G I	Reed, N E	Stanway, A R	3691610	Leeds County Court	309 of 2002
Music Heritage Limited	26-Jul-02	Reed, N E	Rankin, G I	Reed, N E	Stanway, A R	2512807	Leeds District Regs	308 of 2002
Ohmega Electronic Products Limited	15-Jun-00	Thornhill, D	Rankin, G I	Thornhill, D	Stanway, A R	1104682	Newcastle County Cou	158 of 2000
R-B International Limited	29-Nov-01	Martin, J P N	Rees, R J	Bowen, M E	Rees, R J	1945899	High Court of Justice	844 of 2000
Science Warehouse Limited	26-Jun-02	Grove, A M	Martin, J P N	Grove, A M	Bowen, M E	2890957	High Court of Justice	2210 of 2002
Stonehouse Balye Limited	13-Mar-02	Reed, N E	Rankin, G I	Reed, N E	Stanway, A R	3497111	Leeds District Regs	2842 of 2001
Velocity Developments Limited	21-Mar-00	Wilton, D R	Martin, J P N	Bowen, M E	Wilton, D R	3611530	Birmingham County Co	1420 of 1999
Walker & Carson Limited	27-Apr-99	Thornhill, D	Rankin, G I	Thornhill, D	Stanway, A R	221395	Leeds County Court	684 of 1999