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IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS
OF ENGLAND AND WALES
INSOLVENCY AND COMPANIES LIST (ChD)



No. CR-2024-002256

[2024] EWHC 1291 (Ch)

The Rolls Building
7, Rolls Buildings
Fetter Lane
London, EC4A 1NL

Friday, 19 April 2024

IN THE MATTER OF BUTLER-DO LIMITED
(IN CREDITORS' VOLUNTARY LIQUIDATION) COMPANY NO: 04636160
AND IN THE MATTER OF THE INSOLVENCY ACT 1986

Before:

DEPUTY ICC JUDGE BAISTER
(Sitting as an ICC Judge in Retirement)

SHANE BIDDLECOMBE AND MATTHEW HOY
(Former joint liquidators of Butler-Do Limited)

Applicants

MS R SETHI-SMITH appeared on behalf of the Applicants.

J U D G M E N T

DEPUTY ICC JUDGE BAISTER:

- 1 This is an application by Shane Biddlecombe and Matthew Hoy for their reappointment as liquidators. They were the original liquidators of the company which was, on apparent completion of the liquidation, dissolved but subsequently restored in circumstances in which it was likely that HMRC were going to have a substantial claim of £7 million-odd, but also in circumstances where the directors, or the company, may well be indemnified in respect of any such claim.
- 2 The application is slightly unusual, as Ms Sethi-Smith points out, in that the bulk of authority goes to the deficiencies or otherwise in relation to the appointment of administrators but, in her brief but compelling skeleton argument, she makes out, by reference to provisions in The Insolvency Act, good reasons why the court can adopt the course the applicants invite. In any event, it is, I am afraid, not uncommon for people, when restoring a company previously in liquidation, to forget, or indeed the court sometimes to forget, the need to appoint or reappoint liquidators, and that is, I have got to say, in my experience, commonly dealt with without too much difficulty.
- 3 This is plainly a case where it is to the benefit of creditors and all concerned that the previous liquidators be restored to office. Those reasons are set out in Mr Biddlecombe's witness statement, which I have read, and I accept those reasons. In the circumstances, for those very brief reasons, I will make the order as sought.

CERTIFICATE

Opus 2 International Limited hereby certifies that the above is an accurate and complete record of the Judgment or part thereof.

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This transcript has been approved by the Judge.