

Neutral Citation Number: (2023) EWHC 3144 (Ch)

ClaimNo.:BR-2022-NCL-000006

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS IN NEWCASTLE
INSOLVENCY AND COMPANIES LIST(ChD)
IN BANKRUPTCY
IN THE MATTER OF GARY RONALD FORREST
AND IN THE MATTER OF THE INSOLVENCY ACT 1986

Between

**STRATEGIC ADVANTAGES PC
(for and on behalf of HSG Rooftops SP)**

Petitioner

and

GARY RONALD FORREST

Respondent

The Moot Hall,
Castle Garth,
Newcastle upon Tyne NE1

Thursday, 4th May 2023

Before:

HIS HONOUR JUDGE KRAMER
Sitting as a judge of the High Court

No appearance for or on behalf of the Applicant
No appearance for or on behalf of the Respondent

JUDGMENT
(received and approved on 4 December 2023)

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HHJ KARMER:

1. This is the hearing of a petition brought by Strategic Advantage SPC against Mr Gary Forrest seeking his bankruptcy in relation to an alleged debt of £36,894,393.64.
2. The petition was contested and was listed for hearing for trial today and tomorrow. In the event, shortly before trial, the petitioner has decided to seek withdrawal or dismissal of the petition. The application for withdrawal or dismissal was made on 26 April 2023 under sections 266(2) and (3) of the Insolvency Act and Rule 10.30 of the Insolvency Rules.
3. There are two supporting creditors, Insolvency & Law Ltd and Alternative Investment Consulting Ltd. They have been notified of the application to withdraw or for dismissal and have both indicated, by email, that they do not seek any further part in these proceedings. In particular, they do not seek to be substituted as petitioner or indeed for carriage of the petition.
4. Accordingly, this is a case in which I can properly dismiss the petition. The petitioner and respondent are agreed that the matter can now either be dealt with by withdrawal or dismissal and the supporting creditors do not wish to play any further part.
5. The hearing is being made in the absence of the parties, I having indicated that in the light of what had happened the matter could be dealt with in their absence. However, on the hearing, a question arose as to the registration of the petition with the Chief Land Registrar, the Court not having been provided with the reference number and registration of the petition, which is information which must be contained within an order dismissing or permitting the withdrawal of a petition.
6. The Court made enquiries of the petitioner's and respondents' solicitors involved in the case. Enquiries by the petitioner's solicitor of the Land Registry indicate that they say they have no record of an application for registration having been made. One possibility, though it is only a possibility, there being no evidence one way or another on this point, is that no application was actually made because it is the Court who send the application for registration to the Land Registry and there is a possibility that that has been overlooked.
7. The information from the Land Registry is that there is no registration and there is no pending registration, as far as they are aware. Accordingly it is impossible to give a reference number and date of registration. An order that the entry be vacated on the debtor's application would be otiose. Nevertheless, there is always a danger that there has been some breakdown in the communication of information and that somewhere on the electronic

highway is some application registration, which has not been dealt with.

8. In those circumstances, both the petitioner and the respondent agree that alternative wording to that required by Rule 10.31(4)(g) is appropriate and that is that, having dismissed the petition, which is the dismissal being contained in the draft agreed between the parties, I provide that insofar as there is a pending application for registration of the bankruptcy petition as a pending action, the respondent has liberty to write to the Court with details of the date of entry and registration number to request that an order is granted for the registration to be vacated upon the application of the respondent under Land Charges Rules. That would seem to sufficiently protect the respondent in case there is a lurking application somewhere yet to be dealt with. I will also inform the Court that if the registration has not been sought, they are to desist from seeking registration.
9. Therefore, I make an order in the form of the draft, with which I have been presented, with slight modification. I have included reference to the email that I received today from Olivia Faye Prescott, of the petitioner's solicitors, telling me what the Land Registry said. I have also recorded that the petition has been heard today, as that is information required by sub- rule (4). Apart from that, the order is that the bankruptcy petition is dismissed; I have already recited the order concerning the registration. There are to be no orders as to costs and this order is sufficiently served if the Court sends sealed copies by email to the parties' solicitors' addresses, service to be effective two hours following transmission. I have been given a number of email addresses and I shall be sending the sealed order to them after having given this judgment.

End of Judgment

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