

Insolvency Act Application Notice

See Form IAA-N for guidance notes on how to complete this Form IAA

Insert case number if the court has assigned one

Case No: 2016 Comp No 23

IN THE SUPREME COURT OF GIBRALTAR

Insert name of Debtor/bankrupt or company

**IN THE MATTER OF ENTERPRISE INSURANCE COMPANY PLC
(IN LIQUIDATION)
AND IN THE MATTER OF AN APPLICATION FOR DIRECTIONS
UNDER SECTION 177(5) OF THE INSOLVENCY ACT 2011**

Insert name(s) of applicant(s)

Frederick David John White (in his capacity as Liquidator of Enterprise Insurance Company Plc (in liquidation))

APPLICANT

AND

Insert name(s) of respondent(s)

None named

RESPONDENT

Delete/complete as applicable

This application is made under section 177(5) of the Insolvency Act 2011

Insert required details (name, address, etc) of applicant(s)

The Applicant is Mr Frederick White of Grant Thornton Limited of 6A Queensway, Gibraltar in his capacity as Liquidator of Enterprise Insurance Company Plc (in liquidation)

Insert required details (name, address, etc) of respondent(s)

No respondents are named as respondents to the application. However, the Liquidator does intend to provide notice of the application to those named below as well as advertise the application for directions on the EIC liquidation website namely www.eigplc.com.

Insert required details of the debtor or company that is the subject of the proceedings

The application concerns an application for directions in relation to a proposed interim dividend to insurance creditors in the EIC liquidation as more particularly set out in the Affidavit of Mr White dated 26 September 2023 which is filed in support of the application.

Identify level of judge and court or hearing centre (as per heading)

This application is made to a Judge of the Supreme Court of Gibraltar at Supreme Court, 277 Main Street, Gibraltar (time estimate: 1 to 2 hours)

Delete as applicable and if YES, insert the number assigned by the court

Is this application within existing insolvency proceedings? **YES/NO**

The court reference number for the proceedings to which this application relates is: **2016 COMP 023**

The Applicant seeks the directions as set out in the Affidavit of Mr Frederick White dated 26 September 2023

Provide details of basis for application or identify the witness statement made in support

The directions are sought pursuant to section 177(5) of the Insolvency Act 2011 for the reasons set out in the Affidavit of Mr Frederick White dated 26 September 2023

Insert names, addresses of those on whom the application is to be served (if any)

None

Insert names, addresses of those to whom notice of the application is to be given (if any)

The names and addresses of the persons to whom it is intended to give notice of this application are:

1. The Financial Services Compensation Scheme, 10th Floor, Beaufort House, 15 St Botolph Street, London EC3A 7QU (Mr James Darbyshire (james.darbyshire@fscs.org.uk) Chief Counsel).
2. The Auxiliary Fund, Bank of Greece, 1 Makri & D.Aeropagitou str. 11742 Athens, Greece (Mr George Valais, valais@interamerican.gt / dep.insurcesupervision@bankofgreece.gr).
3. The Italian Guarantee Fund (Titolare del Servizio Amministrazione Fondi di Garanzia), Consap S.p.A, Unita di business 1, Servizi Assicurativi di Natura Pubblicistica, 14 Via Yser, Roma, Lombardy, 00198, Italy (Mr Gilberto Guerrieri).
4. The Guarantee Fund for Mandatory Non-life insurance (FGAO), 26 Rue Villiot, 75012 Paris, France (Mr Phillipe Roux (philippe.roux@fgvictimes.fr)).
5. The Insurance Compensation Fund (Ireland), the Central Bank of Ireland, New Wapping Street, North Wall Quay, Dublin 1 DO1 F7X3 (c/o Siobhan Hayes, Head of Litigation at the State Claims Agency (Siobhan.Hayes@ntma.ie)).
6. The Icebreaker policyholders as represented by Moore Barlow LLP of Gateway House, Tollgate, Chandler's Ford, Southampton, Eastleigh SO53 3TG, England.
7. The Quality Assurance Service Co Limited, the Underwritten Warranty Company Limited and the Double Glazing and Conservatory Ombudsman Scheme c/o Isolac, Portland House, Glacis Road, Gibraltar.
8. Individual policyholders who have notified the Liquidator of claims, unsecured and other creditors by publishing this application notice and the affidavit filed in support as well as notice of the hearing date on the EIC liquidation website namely www.eigplc.com.

This is the address that the court will use for all communications to the Applicant until notified otherwise in writing

The address for service for the Applicant is:

Triay Lawyers, 28 Irish Town, Gibraltar GX11 1AA

Tel. +350 200 72020 email charles.simpson@triay.com

If the Application is authenticated by the sole member of a body, this fact and the body in question must be identified

Dated 27th September 2023

Signed 

Solicitor for the Applicant

Name Charles Simpson, Triay Lawyers Position Held: Partner / Director

For court use

(Where the Application is issued by e-filing, the endorsement will normally be on the front of the Application, beneath the seal)

Insert address of court in which Application is to be issued

Endorsement by the Court

This application will be heard:

Date Monday 27th November 23

Time 10am

Place Supreme Court Gibraltar

This application was issued at the Supreme Court of Gibraltar, 277 Main Street, Gibraltar