

## PROOF OF DELIVERY CERTIFICATE

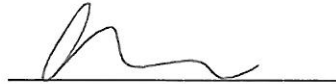
**CASE NAME:** Aberdeen House Care Limited

**CASE TYPE:** Creditors Voluntary Liquidation

### DECLARATION:

I, Stephanie Ball of Business Helpline Group Limited, confirm that on 22 January 2024 I posted by way of 1<sup>st</sup> class post:

Signed



Dated 22/01/2024

Name (*In capitals*) STEPHANIE BALL

Position Insolvency Administrator

### DISBURSEMENT SUMMARY:

	Number of sheets	Rate per sheet	£
Photocopies	105	0.12	£12.60
Postage (total)	-	-	
TOTAL	-	-	£12.60



Our ref: 23CVL055ABE

19 January 2024

Mr M Kotecha  
15 Lynmouth Drive  
Wigston  
LE18 1BP

Dear Mr Kotecha

**Aberdeen House Care Limited - ("the Company")  
(In Creditors' Voluntary Liquidation)**

As you are aware Gareth David Wilcox of Opus Restructuring LLP, and I were appointed as Joint Liquidators of the Company on Wednesday 17 January 2024. As Joint Liquidators of the Company we act both jointly and severally.

The effect of my appointment as Joint Liquidator is that your powers as a Director cease. This means that you have no authority to deal with the Company's affairs or assets, with the exception of such authority as I may from time to time delegate to you.

I would remind you that the Directors of the Company are required by the insolvency legislation to co-operate fully with the Liquidators, to provide such information concerning the Company and its formation, business dealings, affairs or property as we may at any time reasonably require. We may also require you to attend to meetings with us at such times as we may reasonably require.

I enclose a list of the Company's accounting records that you have already delivered to us and would ask you to sign and return that list to me to either confirm that that you have delivered up all of the Company's accounting records for the last 6 years, or to provide me with information about what other accounting records were maintained, and their current whereabouts.

I also enclose a Director's questionnaire in connection with the Liquidators statutory duties under the Company Directors Disqualification Act to report on the conduct of all those who have been Directors, or have otherwise been involved in the management of the Company, in the last 3 years. You should complete this to the best of your ability, returning it to me within the next twenty-one days.

Finally, I would also like to take this opportunity to draw your attention to the provisions of section 216 and 217 of the Insolvency Act 1986 which are briefly explained below.

As you are a Director of the Company, once the Company is placed into liquidation you will be prohibited from using any name by which the Company was known, including any trading names, or a name which is so similar as to suggest an association with that Company.

The restriction from using a prohibited name applies for the period of 5 years beginning with the day on which the Company is placed into liquidation and except with the permission of the court you cannot:

- a) be a Director of any other Company that is known by a prohibited name, or,
- b) in any way, whether directly or indirectly, be concerned or take part in the promotion, formation or management of any such Company, or,
- c) in any way, whether directly or indirectly, be concerned or take part in the carrying on of an unincorporated business under a prohibited name.

Your attention is also drawn to rules 22.1 to 22.7 of The Insolvency (England and Wales) Rules 2016 which provide three exceptions to the restriction imposed by section 216 of the Insolvency Act 1986. You should note that the interpretation of these rules has been subject to case law and you should seek independent legal advice to ensure that you do not contravene section 216.

You should note that it is a criminal offence to contravene section 216 of the Insolvency Act 1986 and if you act in contravention of this section you are liable on conviction to imprisonment and/or a fine.

Your attention is also drawn to section 217 of the Insolvency Act 1986, which provides, amongst other things, that a person who is involved in the management of a Company in contravention of section 216 of the Insolvency Act 1986 is personally liable for any debts of the Company incurred during the period of that involvement.

Copies of sections 216 and 217 of the Insolvency Act 1986 are attached, together with a copy of rules 22.1 to 22.7 of The Insolvency (England and Wales) Rules 2016.

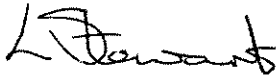
Business Helpline Group Limited and Opus Restructuring LLP uses personal information in order to fulfil the legal obligations of our Insolvency Practitioners under the Insolvency Act and other relevant legislation, and also to fulfil the legitimate interests of keeping creditors and others informed about the insolvency proceedings. You can find more information on how we use your personal information on our website at

Business Helpline Group Limited  
Opus Restructuring LLP

<https://businesshelpline.uk/privacy-policy/>.  
[www.opusllp.com/privacy-policy](http://www.opusllp.com/privacy-policy).

If you have any queries regarding this letter, please contact Kerry Marsh by email at [support@businesshelpline.uk](mailto:support@businesshelpline.uk), or by phone on 01282 502832.

Yours faithfully



Laura Stewart  
Joint Liquidator

## **Section 216    Restriction on re-use of Company names**

- (1) This section applies to a person where a Company ("the liquidating Company") has gone into insolvent liquidation on or after the appointed day and he was a Director or shadow Director of the Company at any time in the period of 12 months ending with the day before it went into liquidation.
- (2) For the purposes of this section, a name is a prohibited name in relation to such a person if-
  - (a) it is a name by which the liquidating Company was known at any time in that period of 12 months, or
  - (b) it is a name which is so similar to a name falling within paragraph (a) as to suggest an association with that Company.
- (3) Except with permission of the Court or in such circumstances as may be prescribed, a person to whom this section applies shall not at any time in the period of 5 years beginning with the day on which the liquidating Company went into liquidation-
  - (a) be a Director of any other Company that is known by a prohibited name, or
  - (b) in any way, whether directly or indirectly, be concerned or take part in the promotion, formation or management of any such Company, or
  - (c) in any way, whether directly or indirectly, be concerned or take part in the carrying on of a business carried on (otherwise than by a Company) under a prohibited name.
- (4) If a person acts in contravention of this section, he is liable to imprisonment or a fine, or both.
- (5) In subsection (3) "the Court" means any Court having jurisdiction to wind up companies; and on an application for permission under that subsection, the Secretary of State or the official receiver may appear and call the attention of the Court to any matters which seem to him to be relevant.
- (6) References in this section, in relation to any time, to a "name" by which a Company is known are to the name of the Company at that time or to any name under which the Company carries on business at that time.
- (7) For the purposes of this section a Company "goes into insolvent liquidation" if it goes into liquidation at a time when its assets are insufficient for the payment of its debts and other liabilities and the expenses of the winding up.

- (8) In this section "Company" includes a Company which may be wound up under Part V of this Act.

**Section 217 Personal liability for debts, following contravention of s 216**

- (1) A person is personally responsible for all the relevant debts of a Company if at any time-
- (a) in contravention of section 216, he is involved in the management of the Company, or
  - (b) as a person who is involved in the management of the Company, he acts or is willing to act on instructions given (without the permission of the Court) by a person whom he knows at that time to be in contravention in relation to the Company of section 216.
- (2) Where a person is personally responsible under this section for the relevant debts of a Company, he is jointly and severally liable in respect of those debts with the Company and any other person who, whether under this section or otherwise, is so liable.
- (3) For the purposes of this section the relevant debts of a Company are-
- (a) in relation to a person who is personally responsible under paragraph (a) of subsection (1), such debts and other liabilities of the Company as are incurred at a time when that person was involved in the management of the Company, and
  - (b) in relation to a person who is personally responsible under paragraph (b) of that subsection, such debts and other liabilities of the Company as are incurred at a time when that person was acting or was willing to act on instructions given as mentioned in that paragraph.
- (4) For the purposes of this section, a person is involved in the management of a Company if he is a Director of the Company or if he is concerned, whether directly or indirectly, or takes part, in the management of the Company.
- (5) For the purposes of this section a person who, as a person involved in the management of a Company, has at any time acted on instructions given (without the permission of the Court) by a person whom he knew at that time to be in contravention in relation to the Company of section 216 is presumed, unless the contrary is shown, to have been willing at any time thereafter to act on any instructions given by that person.
- (6) In this section "Company" includes a Company which may be wound up under Part V.

## **Insolvency Rule 22.1**

The Rules in this Chapter-

- (a) relate to the permission required under section 216 (restriction on re-use of name of Company in insolvent liquidation) for a person to act as mentioned in section 216(3) in relation to a Company with a prohibited name;
- (b) prescribe the cases excepted from that provision, that is to say, those in which a person to whom the section applies may so act without that permission; and
- (c) apply to all windings up to which section 216 applies, whether or not the winding up commenced before the coming into force of the Rules.

### **22.2 Application for permission under s 216(3)**

- (1) At least 14 days' notice of any application for permission to act in any of the circumstances which would otherwise be prohibited by section 216(3) must be given by the applicant to the Secretary of State, who may —
  - (a) appear at the hearing of the application; and
  - (b) whether or not appearing at the hearing, make representations.

### **22.4 First excepted case**

- (1) This Rule applies where—
  - (a) a person ("the person") was within the period mentioned in section 216(1) a Director, or shadow Director, of an insolvent Company that has gone into insolvent liquidation; and
  - (b) the person acts in all or any of the ways specified in section 216(3) in connection with, or for the purposes of, the carrying on (or proposed carrying on) of the whole or substantially the whole of the business of the insolvent Company where that business (or substantially the whole of it) is (or is to be) acquired from the insolvent Company under arrangements—
    - (i) made by its Liquidator; or
    - (ii) made before the insolvent Company entered into insolvent liquidation by an office-holder acting in relation to it as administrator, administrative receiver or supervisor of a CVA.



- (2) The person, will not be taken to have contravened section 216 if prior to that person acting in the circumstances set out in paragraph (1) a notice is, in accordance with the requirements of paragraph (3),—
- (a) given by the person, to every creditor of the insolvent Company whose name and address—
    - (i) is known by him; or
    - (ii) is ascertainable by him on the making of such enquiries as are reasonable in the circumstances; and
  - (b) published in the Gazette.
- (3) The notice referred to in paragraph (2)—
- (a) may be given and published before the completion of the arrangements referred to in paragraph (1)(b) but must be given and published no later than 28 days after their completion;
  - (b) must contain—
    - (i) identification details for the Company;
    - (ii) the name and address of the person;
    - (iii) a statement that it is the person's intention to act (or, where the insolvent Company has not entered insolvent liquidation, to act or continue to act) in all or any of the ways specified in section 216(3) in connection with, or for the purposes of, the carrying on of the whole or substantially the whole of the business of the insolvent Company,
    - (iv) the prohibited name or, where the Company has not entered insolvent liquidation, the name under which the business is being, or is to be, carried on which would be a prohibited name in respect of the person in the event of the insolvent Company entering insolvent liquidation,
    - (v) a statement that the person would not otherwise be permitted to undertake those activities without the leave of court or the application of an exception created by Rules made under the Insolvency Act 1986,
    - (vi) a statement that breach of the prohibition created by section 216 is a criminal offence, and

- (vii) a statement as set out in rule 22.5 of the effect of issuing the notice under rule 22.4(2);
- (c) where the company is in administration, has an administrative receiver appointed or is subject to a CVA,—
  - (i) the date that the company entered administration, had an administrative receiver appointed or a CVA approved (whichever is the earliest)
  - (ii) a statement that the person was a director of the company on that date; and
- (d) where the company is in insolvent liquidation,—
  - (i) the date that the company entered insolvent liquidation, and
  - (ii) a statement that the person was a director of the company during the 12 months ending with that date.
- (4) Notice may in particular be given under this rule—
  - (a) prior to the insolvent company entering insolvent liquidation where the business (or substantially the whole of the business) is, or is to be, acquired by another company under arrangements made by an office-holder acting in relation to the insolvent company as administrator, administrative receiver or supervisor of a voluntary arrangement (whether or not at the time of the giving of the notice the Director is a Director of that other company); or
  - (b) at a time where the person is a Director of another Company where—
    - (i) the other company has acquired, or is to acquire, the whole, or substantially the whole, of the business of the insolvent company under arrangements made by its liquidator; and
    - (ii) it is proposed that after the giving of the notice a prohibited name should be adopted by the other company.
- (5) Notice may not be given under this rule by a person who has already acted in breach of section 216.

## **22.5 Statement as to the effect of the notice under rule 22.4(2)**

The statement as to the effect of the notice under rule 22.4(2) must be as set out below—

“Section 216(3) of the Insolvency Act 1986 lists the activities that a director of a company that has gone into insolvent liquidation may not undertake unless the court gives permission or there is an exception in the Insolvency Rules made under the Insolvency Act 1986. (This includes the exceptions in Part 22 of the Insolvency (England and Wales) Rules 2016.) These activities are—

- (a) acting as a director of another company that is known by a name which is either the same as a name used by the company in insolvent liquidation in the

- 12 months before it entered liquidation or is so similar as to suggest an association with that company;
- (b) directly or indirectly being concerned or taking part in the promotion, formation or management of any such company; or
- (c) directly or indirectly being concerned in the carrying on of a business otherwise than through a company under a name of the kind mentioned in (a) above.

This notice is given under rule 22.4 of the Insolvency (England and Wales) Rules 2016 where the business of a company which is in, or may go into, insolvent liquidation is, or is to be, carried on otherwise than by the company in liquidation with the involvement of a director of that company and under the same or a similar name to that of that company.

The purpose of giving this notice is to permit the director to act in these circumstances where the company enters (or has entered) insolvent liquidation without the director committing a criminal offence and in the case of the carrying on of the business through another company, being personally liable for that company's debts.

Notice may be given where the person giving the notice is already the director of a company which proposes to adopt a prohibited name."

#### **22.6 Second excepted case**

- (1) Where a person to whom section 216 applies as having been a Director or shadow Director of the liquidating Company applies for permission of the Court under that section not later than 7 business days from the date on which the Company went into liquidation, he may, during the period specified in paragraph (2) below, act in any of the ways mentioned in section 216(3), notwithstanding that he has not the permission of the Court under that section.
- (2) The period referred to in paragraph (1) begins with the day on which the Company goes into liquidation and ends either on the day falling six weeks after that date or on the day on which the Court disposes of the application for permission under section 216, whichever of those days occurs first.

#### **22.7 Third excepted case**

The Court's permission under section 216(3) is not required where the Company there referred to though known by a prohibited name within the meaning of the section-

- (a) has been known by that name for the whole of the period of 12 months ending with the day before the liquidating Company went into liquidation, and
- (b) has not at any time in those 12 months been dormant within the meaning of section 1169(1), (2) and (3)(a) of the Companies Act.

## LIST OF ACCOUNTING RECORDS

### Aberdeen House Care Limited - ("the Company") (In Creditors' Voluntary Liquidation)

#### DECLARATION:

I, Mahesh Kotecha confirm that this is a true list of the Company's accounting records delivered up to the Liquidator of the Company, and that it is a complete schedule of all the accounting records maintained by the Company for the last 6 years

#### Already handed to Liquidator

Aberdeen House - All Interco Accounts at 31 March 22  
Aberdeen House - All Interco Accounts at 31 March 23 Draft  
Aberdeen House - Assets at 31 March 22  
Aberdeen House - Assets at 31 March 23  
Aberdeen House - Creditors Lead Schedule 31 March 23 Draft  
Aberdeen House - DLA at 31 March 22  
Aberdeen House - DLA at 31 March 23 Draft  
Aberdeen House - Nominal Ledger at 31 March 22  
Aberdeen House - Nominal Ledger at 31 March 23 Draft  
Aberdeen House - Remittance LA 31.12.2023  
Aberdeen House 19 & 20 Accounts  
Aberdeen House Care 2022 Accounts  
Aberdeen House Care 2022 Trial Balance  
Aberdeen House Care Draft 2023 Accounts  
Aberdeen House Care Draft 2023 Trial Balance  
Email from accountant - asset - liability

#### Additional Records (as applicable)

Signed \_\_\_\_\_ Dated \_\_\_\_\_

Name (*In capitals*) \_\_\_\_\_

## QUESTIONNAIRE FOR DIRECTORS

Name of Company: Aberdeen House Care Limited

Company Number: 07658860

Address of Registered Office: Office 007, Northlight Parade, Nelson, BB9 5EG

Nature of Business: Residential Care Home

Type of Insolvency: Creditors' Voluntary Liquidation

Relevant Date: Wednesday 17 January 2024

Please complete this questionnaire and return it as soon as possible, but no later than 21 days hence. The questionnaire should be completed for the period of 3 years up to the relevant date.

The relevant date is dependent on the type of insolvency as follows:-

- In a creditors' voluntary winding up, (where there has been no prior declaration of solvency) the date of the passing of the resolution for winding up.
- In members' voluntary winding up, the date on which the liquidator formed the opinion (where applicable) that, at the time when the company went into liquidation, its assets were insufficient for the payment of its debts and other liabilities and the expenses of winding up.
- In receivership, the date of the receiver's appointment.
- In administration, the date of the administration order.

Please sign and date each completed sheet.

If insufficient information is given it may be necessary for you to be interviewed by the office-holder. In addition, the office-holder may seek further particulars from you after review of the answers to this questionnaire.

The following terms are defined in the appendix attached to the questionnaire.

- Shadow Director
- Connected Person
- Associate

## DIRECTOR'S PERSONAL DETAILS

1	Full name:		Official Use Only
2	Have you ever been known by any other name or alias? If Yes, please give full details of the names used by you.		
3	Date of birth:		
4	National Insurance Number:		
5	Address and telephone number:		
6	Trade, profession or occupation: (e.g., engineer, chemist, accountant, etc)		
7	Professional/academic qualifications:		
8	Please list all directorships held by you/or companies within which you held 5% or more of the shares within the three years preceding the relevant date, (including the dates of appointments and, if applicable, resignation/removal together with details of the scale and nature of transactions between the company and those other companies).		
9	Has any of the following happened in relation to the companies: <ul style="list-style-type: none"> <li>• Insolvent liquidation</li> <li>• The making of an administration order</li> <li>• The appointment of an administrative receiver</li> </ul> If Yes, please give details		

Signed:..... Date:.....

10	Do you have any criminal convictions (e.g., health and safety or environmental) as a result of the company's failure to comply with relative legislation. If Yes, please give full details		
11	Has a disqualification order ever been made against you? If Yes, please give full details, including <ul style="list-style-type: none"> <li>• The court</li> <li>• Date on which the order was made</li> <li>• Period of disqualification</li> <li>• Name of relevant company</li> </ul>		
12	Have you ever been made bankrupt or personally been obliged to make arrangements with your own creditors? If Yes, please give details including: <ul style="list-style-type: none"> <li>• Date of the order and the court</li> <li>• Name and address of trustee</li> <li>• Date of discharge</li> </ul>		
13	When did you join the company?		
14	How many years of experience have you had in the type of business operated by the company?		
15	What date were you appointed a director?		
16	Were you a director of the company on the relevant date? If No, please give full details of when and in what circumstances you ceased to be a director.		

Signed:..... Date:.....

## DIRECTOR'S ROLES AND RESPONSIBILITIES

17	What position(s) did you hold in the company? (Please give dates where applicable)		
18	What were your duties and responsibilities and were these set out in writing?		
19	What were the responsibilities of your fellow directors or other managers of the business? Are there any comments you wish to make on the conduct of the other directors?		
20	Name any person whom you believe acted as a shadow director of the company at any time within the three-year period immediately before the relevant date, (include your reasons for this belief).		

## DIRECTOR'S REMUNERATION

21	How much capital did you introduce into the Company by way of: - Share Capital: Loans: Retained Profits: Other: Give details:		
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Signed:.....

Date:.....



22	Please list the remuneration and other benefits you received from the company, or by reason of your employment by it, during each of the 3 years preceding the relevant date as follows:						
	Period	Received £	Remuneration Voted £	Salary £	Fees/ Dividends £	Expenses £	Benefits In Kind £
23	Was your remuneration voted by a resolution of the directors? If Yes, please give details.						
24	Did the company deduct PAYE and NIC from your remuneration? If No, please give reasons and details.						
25	Please give details of all benefits in kind and cash expenses received by you from the company.						
26	Was a P11D submitted to the Inland Revenue? Did it include all your benefits? If No, please give reasons.						
27	Did you acquire any assets of the company within the last five years? If Yes, please give full details including the consideration given.						
28	Have you at any time borrowed money in excess of £2,500 from the company? If Yes, was any of this money used to purchase shares in the company?						
29	Are you a creditor or debtor of the company? If Yes, please provide full details of your account with the company.						

Signed:.....

Date:.....

30	Have you or any other person or company become liable in respect of the company's obligations? If Yes, please give full details.		
31	Have you or any connected person received any payment (other than remuneration) which reduced the company's capital? If Yes, please give full details.		
32	Has the company given any guarantees or indemnities in respect of the liabilities of any third party? If Yes, please give full details of: (a) the third party and the quantum of the company's liability. (b) the relationship of the company and yourself to the third party. (c) whether this was noted in the last audited accounts		
33	Has the company at any time acquired any assets from you (including the acquisition of a business from a sole trader or partnership) or from any connected party? If Yes, please give full details.		
34	Are you aware of any instances in which money or other property of the company has been retained or misapplied in either: (a) an obligation to account which has not been fulfilled. (b) a trading, capital or other loss. If Yes, please give full details.		

Signed:.....

Date:.....

35	Are you satisfied that all the assets of the company are listed on the statement of affairs? If No, please give full details.		
36	Has the company transferred any of its assets (including customer details) to yourself or any third party other than in the ordinary course of business or at an undervalue or as a gift? If Yes, please give full details.		

### BOOKS AND RECORDS

37	Have proper accounting and statutory records been kept? If No, please give reasons.		
38	To what date were the company's accounting and statutory records written up?		
39	Who was responsible for the maintenance of the company's accounting and statutory records?		
40	Have any of the company's accounting and statutory records been destroyed within the last six years? If Yes, please give details of the date(s) the records were destroyed and the circumstances in which this occurred.		
41	At what address were the company's accounting records available for inspection prior to the relevant date? If the accounting records were kept at a place outside GB were accounts and returns prepared and submitted in GB?		

Signed:..... Date:.....

42	Were all appointments and resignations of officers and alterations in registered offices notified to the Registrar of Companies? If No, please give details.		
43	What steps did you take to ensure that annual audited accounts were prepared?		
44	What audited accounts were prepared within three years before the relevant date?		
45	What steps did you take to ensure that audited accounts and annual returns were filed with the Registrar of Companies within the relevant time scale?		
46	If the company's auditors qualified their report to any of the audited accounts within three years before the relevant date, what steps did you take to remedy the situation? (Please include details of the nature of the qualification).		
47	Did the company hold board meetings? If so, did you attend? To your knowledge were minutes of board meetings ever kept?		

Signed:..... Date:.....

48	<p>How did you monitor the company's financial position/how did you assess on a regular basis that the Company was operating profitably:</p> <p>(a) what management information did you receive. Were you ever denied access to the financial information you requested?</p> <p>(b) when did you first see the last audited accounts of the company?</p> <p>(c) when did you first see the last set of management and/or draft accounts produced?</p> <p>(d) If no such figures were compiled, how did you know the Company's financial position at any time?</p>		
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#### INDICATIONS OF INSOLVENCY

49	<p>Were any writs issued against the company?</p> <p>If Yes, please give full details including the approximate date of the first writ and list all writs outstanding at the relevant date.</p>		
50	<p>Did any creditor obtain judgement against the company?</p> <p>If Yes, give full details including a list of all judgements unsatisfied at the relevant date.</p>		
51	<p>Were any of the company's assets taken in execution?</p> <p>Has distress (including walking possession) been levied against the company in the 12 months prior to the date of commencement of liquidation?</p> <p>If Yes, please give full details including the dates, names of the creditors and the amounts of execution.</p>		

Signed:..... Date:.....

52	Has a winding-up petition been issued against the company or has it received any statutory demands within the three years prior to the relevant date? If Yes, please give full details.		
53	When and how did you first become aware that the company was unable to pay its debts as they became due (i.e., insolvent)?		
54	What did you do/what steps did you take as a result? Were new funds introduced?		
55	If trading was continued, who was responsible for this decision and what were the reasons for so doing? What steps were taken to minimise the potential loss to creditors?		
56	Who did you consult when you became aware/formed the view that the company was insolvent (i.e., fellow directors, the company's auditors, other professional persons etc)? Please give details of the dates and nature of the advice received.		
57	Did the company incur any debt after you became aware/formed the view that it was insolvent?		
58	Were such creditors informed of the company's position? If so, when and how and by whom?		
59	Are any amounts due in respect of PAYE, NIC and VAT? If Yes, please provide full details including the dates and amounts due.		

Signed:..... Date:.....

60	Were any agreements reached by the company with the government departments to pay debts outstanding by instalments? Did the company enter into a Time-to Pay arrangement with HMRC and did the company comply with the terms of the agreement? If Yes, please give full details.		<i>Yes, the company entered into a Time-to Pay arrangement with HMRC in March 2018 for the payment of VAT arrears. The arrangement was for 12 months with 12 monthly payments of £1,000.00. The company has complied with the terms of the agreement.</i>
61	To what causes do you attribute the company's failure?		<i>The company's failure was due to a combination of factors, including a lack of sufficient capital, poor financial management, and a decline in sales.</i>
62	To your knowledge, in the three years prior to the relevant date, did the company have any of its cheques returned by its bankers because of insufficient funds?		<i>No, the company did not have any cheques returned by its bankers because of insufficient funds in the three years prior to the relevant date.</i>
63	Were any of the company's liabilities the result of non-supply of goods or services, which had been paid for in advance? If Yes, please give full details.		<i>No, none of the company's liabilities were the result of non-supply of goods or services which had been paid for in advance.</i>
64	Are there any connected companies and/or subsidiaries? If Yes, give full details including the name, registered office etc., and the scale and nature of transactions between the company and those other companies.		<i>Yes, the company has a subsidiary, ABC Limited, which is a private limited company registered in England. The company is the sole shareholder of ABC Limited. The company provides services to ABC Limited, and ABC Limited provides services to the company. The scale and nature of transactions between the company and ABC Limited are detailed in the company's financial statements.</i>
65	Are any of the amounts owed to creditors less than at any time within the six months before the relevant date? If Yes, please give full details. (If the creditor is a connected person or an associate this information must be provided for the two years prior to the relevant date).		<i>No, the amounts owed to creditors were not less than at any time within the six months before the relevant date.</i>
66	If the creditor is a connected person or an associate please give details of the relationship between yourself and the creditor, and between the creditors and the company.		<i>No, the creditor is not a connected person or an associate.</i>

Signed:.....

Date:.....

67	Have any creditors been paid in full at any time during the last six months (if the creditor is a connected person or an associate this information must be provided for the two years prior to the relevant date).		
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#### OTHER BACKGROUND INFORMATION

68	Do you, or does anyone else to your knowledge, hold any assets belonging to the company? If Yes, please give full details.		
69	Are you aware of any other assets of any kind at any location of which the liquidator/receiver/administrator has not taken control? If Yes, please give full details.		
70	To your knowledge, have any of the company's assets been overvalued in the accounts for the purpose of obtaining loans, or to mislead creditors. If Yes, please give full details.		
71	Are you aware of any civil or criminal proceeding in relation to the company taken or likely to be taken against yourself, or other directors or any other person? If Yes, please give full details.		
72	Please list the name of any company of which you have been appointed director, or acted in a manner which might be construed as a director, since the date of this insolvency.		
73	Are you suffering any serious ill-health issues, or were you whilst the company was trading?		

Signed:.....

Date:.....



74	Please give any further information you think the liquidator/receiver/administrator should take into account when preparing their report or interim return to the Secretary of State for Trade & Industry.		
75	Please confirm that you have provided an original utilities bill, together with copies of your passport and driving licence in order to comply with the Money Laundering Regulations.		

I confirm the information given above is correct to the best of my knowledge and belief.

Signed:..... Date:.....

## APPENDIX

### Shadow Director

A person in accordance with whose directions or instructions the directors of the company are accustomed to act (but so that a person is not deemed a shadow director by reason only that the directors act on advice given by him in a professional capacity).

### Connected Person

A person is connected with a company if:

- they are a director or shadow director of the company or an associate of such a director or shadow director;

or

- they are an associate of the company.

### Associate – Insolvency Act 1986 (The Act) S435

For the purposes of this Act any question whether a person is an associate of another person is to be determined in accordance with the following provisions of this section (any provision that a person is an associate of another person being taken to mean that they are associates of each other).

1. A person is an associate of an individual if that person is the individual's husband or wife, or is a relative, or the husband or wife of a relative, of the individual or of the individual's husband or wife.
2. A person is an associate of any person with whom he is in partnership, and of the husband or wife or a relative of any individual with whom he is in partnership; and a Scottish firm is an associate of any person who is a member of the firm.
3. A person is an associate of any person whom he employs or by whom he is employed.
4. A person in his capacity as trustee of a trust other than:
  - (a) a trust arising under any of the second Group of Part of the Bankruptcy (Scotland) Act 1985,or
  - (b) a pension scheme or an employee's share scheme (within the meaning of the Companies Act).

is an associate of another person if the beneficiaries or the trust include, or the terms of the trust confirm a power that may be exercised for the benefit of, that other person or an associate of that other person.

5. A company is an associate of another company:

- (a) if the same person has control of both, or a person has control of one and person who are his associates, or he and persons who are his associates, have control of the other,  
*or*
- (b) if a group of two or more persons has control of each company, and the group either consists of the same persons or could be regarded as consisting of the same persons by treating (in one or more cases) a member of either group as replaced by a person of whom he is an associate.

6. A company is an associate of another person if that person has control of it or if that person and persons who are his associates together have control of it.

7. For the purposes of this section a person is a relative of an individual if he is that individual's brother, sister, uncle, aunt, nephew, niece, lineal descendant, treating:

- (a) any relationship of the half blood as a relationship of the whole blood and the stepchild or adopted child of any person as his child,

*and*

- (b) an illegitimate child as the legitimate child of his mother and reputed father;

and reference in this section to a husband or wife include a former husband or wife and a reputed husband or wife.

8. For the purposes of this section any director or other officer of a company is to be treated as an employee by that company.

9. For the purposes of this section a person is to be taken as having control of a company if:-

- (a) the director of the company or of another company which has control of it (or any of them) are accustomed to act in accordance with his directions or instructions,

*or*

- (b) he is entitled to exercise, or control the exercise of, one third or more of the voting power at any general meeting of the company or of another company which has control of it;

and where two or more persons together satisfy either of the above conditions, they are to be taken as having control of the company.

10. In this section "company" includes anybody corporate (whether incorporated in Great Britain or elsewhere); and references to directors and other officers of a company and to voting power at any general meeting of a company have effect with any necessary modifications.



Our ref: 23CVL055ABE

19 January 2024

Mrs P Kotecha  
15 Lynmouth Drive  
Wigston  
LE18 1BP

Dear Mrs Kotecha

**Aberdeen House Care Limited - ("the Company")  
(In Creditors' Voluntary Liquidation)**

As you are aware Gareth David Wilcox of Opus Restructuring LLP, and I were appointed as Joint Liquidators of the Company on Wednesday 17 January 2024. As Joint Liquidators of the Company we act both jointly and severally.

The effect of my appointment as Joint Liquidator is that your powers as a Director cease. This means that you have no authority to deal with the Company's affairs or assets, with the exception of such authority as I may from time to time delegate to you.

I would remind you that the Directors of the Company are required by the insolvency legislation to co-operate fully with the Liquidators, to provide such information concerning the Company and its formation, business dealings, affairs or property as we may at any time reasonably require. We may also require you to attend to meetings with us at such times as we may reasonably require.

I enclose a list of the Company's accounting records that you have already delivered to us and would ask you to sign and return that list to me to either confirm that that you have delivered up all of the Company's accounting records for the last 6 years, or to provide me with information about what other accounting records were maintained, and their current whereabouts.

I also enclose a Director's questionnaire in connection with the Liquidators statutory duties under the Company Directors Disqualification Act to report on the conduct of all those who have been Directors, or have otherwise been involved in the management of the Company, in the last 3 years. You should complete this to the best of your ability, returning it to me within the next twenty-one days.

Finally, I would also like to take this opportunity to draw your attention to the provisions of section 216 and 217 of the Insolvency Act 1986 which are briefly explained below.

As you are a Director of the Company, once the Company is placed into liquidation you will be prohibited from using any name by which the Company was known, including any trading names, or a name which is so similar as to suggest an association with that Company.

The restriction from using a prohibited name applies for the period of 5 years beginning with the day on which the Company is placed into liquidation and except with the permission of the court you cannot:

- a) be a Director of any other Company that is known by a prohibited name, or,
- b) in any way, whether directly or indirectly, be concerned or take part in the promotion, formation or management of any such Company, or,
- c) in any way, whether directly or indirectly, be concerned or take part in the carrying on of an unincorporated business under a prohibited name.

Your attention is also drawn to rules 22.1 to 22.7 of The Insolvency (England and Wales) Rules 2016 which provide three exceptions to the restriction imposed by section 216 of the Insolvency Act 1986. You should note that the interpretation of these rules has been subject to case law and you should seek independent legal advice to ensure that you do not contravene section 216.

You should note that it is a criminal offence to contravene section 216 of the Insolvency Act 1986 and if you act in contravention of this section you are liable on conviction to imprisonment and/or a fine.

Your attention is also drawn to section 217 of the Insolvency Act 1986, which provides, amongst other things, that a person who is involved in the management of a Company in contravention of section 216 of the Insolvency Act 1986 is personally liable for any debts of the Company incurred during the period of that involvement.

Copies of sections 216 and 217 of the Insolvency Act 1986 are attached, together with a copy of rules 22.1 to 22.7 of The Insolvency (England and Wales) Rules 2016.

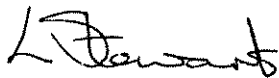
Business Helpline Group Limited and Opus Restructuring LLP uses personal information in order to fulfil the legal obligations of our Insolvency Practitioners under the Insolvency Act and other relevant legislation, and also to fulfil the legitimate interests of keeping creditors and others informed about the insolvency proceedings. You can find more information on how we use your personal information on our website at

Business Helpline Group Limited  
Opus Restructuring LLP

<https://businesshelpline.uk/privacy-policy/>.  
[www.opusllp.com/privacy-policy](http://www.opusllp.com/privacy-policy).

If you have any queries regarding this letter, please contact Kerry Marsh by email at [support@businesshelpline.uk](mailto:support@businesshelpline.uk), or by phone on 01282 502832.

Yours faithfully



Laura Stewart  
Joint Liquidator

## **Section 216    Restriction on re-use of Company names**

- (1) This section applies to a person where a Company ("the liquidating Company") has gone into insolvent liquidation on or after the appointed day and he was a Director or shadow Director of the Company at any time in the period of 12 months ending with the day before it went into liquidation.
- (2) For the purposes of this section, a name is a prohibited name in relation to such a person if-
  - (a) it is a name by which the liquidating Company was known at any time in that period of 12 months, or
  - (b) it is a name which is so similar to a name falling within paragraph (a) as to suggest an association with that Company.
- (3) Except with permission of the Court or in such circumstances as may be prescribed, a person to whom this section applies shall not at any time in the period of 5 years beginning with the day on which the liquidating Company went into liquidation-
  - (a) be a Director of any other Company that is known by a prohibited name, or
  - (b) in any way, whether directly or indirectly, be concerned or take part in the promotion, formation or management of any such Company, or
  - (c) in any way, whether directly or indirectly, be concerned or take part in the carrying on of a business carried on (otherwise than by a Company) under a prohibited name.
- (4) If a person acts in contravention of this section, he is liable to imprisonment or a fine, or both.
- (5) In subsection (3) "the Court" means any Court having jurisdiction to wind up companies; and on an application for permission under that subsection, the Secretary of State or the official receiver may appear and call the attention of the Court to any matters which seem to him to be relevant.
- (6) References in this section, in relation to any time, to a "name" by which a Company is known are to the name of the Company at that time or to any name under which the Company carries on business at that time.
- (7) For the purposes of this section a Company "goes into insolvent liquidation" if it goes into liquidation at a time when its assets are insufficient for the payment of its debts and other liabilities and the expenses of the winding up.



- (8) In this section "Company" includes a Company which may be wound up under Part V of this Act.

**Section 217 Personal liability for debts, following contravention of s 216**

- (1) A person is personally responsible for all the relevant debts of a Company if at any time-
- (a) in contravention of section 216, he is involved in the management of the Company, or
  - (b) as a person who is involved in the management of the Company, he acts or is willing to act on instructions given (without the permission of the Court) by a person whom he knows at that time to be in contravention in relation to the Company of section 216.
- (2) Where a person is personally responsible under this section for the relevant debts of a Company, he is jointly and severally liable in respect of those debts with the Company and any other person who, whether under this section or otherwise, is so liable.
- (3) For the purposes of this section the relevant debts of a Company are-
- (a) in relation to a person who is personally responsible under paragraph (a) of subsection (1), such debts and other liabilities of the Company as are incurred at a time when that person was involved in the management of the Company, and
  - (b) in relation to a person who is personally responsible under paragraph (b) of that subsection, such debts and other liabilities of the Company as are incurred at a time when that person was acting or was willing to act on instructions given as mentioned in that paragraph.
- (4) For the purposes of this section, a person is involved in the management of a Company if he is a Director of the Company or if he is concerned, whether directly or indirectly, or takes part, in the management of the Company.
- (5) For the purposes of this section a person who, as a person involved in the management of a Company, has at any time acted on instructions given (without the permission of the Court) by a person whom he knew at that time to be in contravention in relation to the Company of section 216 is presumed, unless the contrary is shown, to have been willing at any time thereafter to act on any instructions given by that person.
- (6) In this section "Company" includes a Company which may be wound up under Part V.

## **Insolvency Rule 22.1**

The Rules in this Chapter-

- (a) relate to the permission required under section 216 (restriction on re-use of name of Company in insolvent liquidation) for a person to act as mentioned in section 216(3) in relation to a Company with a prohibited name;
- (b) prescribe the cases excepted from that provision, that is to say, those in which a person to whom the section applies may so act without that permission; and
- (c) apply to all windings up to which section 216 applies, whether or not the winding up commenced before the coming into force of the Rules.

### **22.2 Application for permission under s 216(3)**

- (1) At least 14 days' notice of any application for permission to act in any of the circumstances which would otherwise be prohibited by section 216(3) must be given by the applicant to the Secretary of State, who may —
  - (a) appear at the hearing of the application; and
  - (b) whether or not appearing at the hearing, make representations.

### **22.4 First excepted case**

- (1) This Rule applies where—
  - (a) a person ("the person") was within the period mentioned in section 216(1) a Director, or shadow Director, of an insolvent Company that has gone into insolvent liquidation; and
  - (b) the person acts in all or any of the ways specified in section 216(3) in connection with, or for the purposes of, the carrying on (or proposed carrying on) of the whole or substantially the whole of the business of the insolvent Company where that business (or substantially the whole of it) is (or is to be) acquired from the insolvent Company under arrangements—
    - (i) made by its Liquidator; or
    - (ii) made before the insolvent Company entered into insolvent liquidation by an office-holder acting in relation to it as administrator, administrative receiver or supervisor of a CVA.

- (2) The person, will not be taken to have contravened section 216 if prior to that person acting in the circumstances set out in paragraph (1) a notice is, in accordance with the requirements of paragraph (3),—
- (a) given by the person, to every creditor of the insolvent Company whose name and address—
    - (i) is known by him; or
    - (ii) is ascertainable by him on the making of such enquiries as are reasonable in the circumstances; and
  - (b) published in the Gazette.
- (3) The notice referred to in paragraph (2)—
- (a) may be given and published before the completion of the arrangements referred to in paragraph (1)(b) but must be given and published no later than 28 days after their completion;
  - (b) must contain—
    - (i) identification details for the Company;
    - (ii) the name and address of the person;
    - (iii) a statement that it is the person's intention to act (or, where the insolvent Company has not entered insolvent liquidation, to act or continue to act) in all or any of the ways specified in section 216(3) in connection with, or for the purposes of, the carrying on of the whole or substantially the whole of the business of the insolvent Company,
    - (iv) the prohibited name or, where the Company has not entered insolvent liquidation, the name under which the business is being, or is to be, carried on which would be a prohibited name in respect of the person in the event of the insolvent Company entering insolvent liquidation,
    - (v) a statement that the person would not otherwise be permitted to undertake those activities without the leave of court or the application of an exception created by Rules made under the Insolvency Act 1986,
    - (vi) a statement that breach of the prohibition created by section 216 is a criminal offence, and

- (vii) a statement as set out in rule 22.5 of the effect of issuing the notice under rule 22.4(2);
- (c) where the company is in administration, has an administrative receiver appointed or is subject to a CVA,—
  - (i) the date that the company entered administration, had an administrative receiver appointed or a CVA approved (whichever is the earliest)
  - (ii) a statement that the person was a director of the company on that date; and
- (d) where the company is in insolvent liquidation,—
  - (i) the date that the company entered insolvent liquidation, and
  - (ii) a statement that the person was a director of the company during the 12 months ending with that date.
- (4) Notice may in particular be given under this rule—
  - (a) prior to the insolvent company entering insolvent liquidation where the business (or substantially the whole of the business) is, or is to be, acquired by another company under arrangements made by an office-holder acting in relation to the insolvent company as administrator, administrative receiver or supervisor of a voluntary arrangement (whether or not at the time of the giving of the notice the Director is a Director of that other company); or
  - (b) at a time where the person is a Director of another Company where—
    - (i) the other company has acquired, or is to acquire, the whole, or substantially the whole, of the business of the insolvent company under arrangements made by its liquidator; and
    - (ii) it is proposed that after the giving of the notice a prohibited name should be adopted by the other company.
- (5) Notice may not be given under this rule by a person who has already acted in breach of section 216.

## **22.5 Statement as to the effect of the notice under rule 22.4(2)**

The statement as to the effect of the notice under rule 22.4(2) must be as set out below—

“Section 216(3) of the Insolvency Act 1986 lists the activities that a director of a company that has gone into insolvent liquidation may not undertake unless the court gives permission or there is an exception in the Insolvency Rules made under the Insolvency Act 1986. (This includes the exceptions in Part 22 of the Insolvency (England and Wales) Rules 2016.) These activities are—

- (a) acting as a director of another company that is known by a name which is either the same as a name used by the company in insolvent liquidation in the

- 12 months before it entered liquidation or is so similar as to suggest an association with that company;
- (b) directly or indirectly being concerned or taking part in the promotion, formation or management of any such company; or
- (c) directly or indirectly being concerned in the carrying on of a business otherwise than through a company under a name of the kind mentioned in (a) above.

This notice is given under rule 22.4 of the Insolvency (England and Wales) Rules 2016 where the business of a company which is in, or may go into, insolvent liquidation is, or is to be, carried on otherwise than by the company in liquidation with the involvement of a director of that company and under the same or a similar name to that of that company.

The purpose of giving this notice is to permit the director to act in these circumstances where the company enters (or has entered) insolvent liquidation without the director committing a criminal offence and in the case of the carrying on of the business through another company, being personally liable for that company's debts.

Notice may be given where the person giving the notice is already the director of a company which proposes to adopt a prohibited name."

#### **22.6 Second excepted case**

- (1) Where a person to whom section 216 applies as having been a Director or shadow Director of the liquidating Company applies for permission of the Court under that section not later than 7 business days from the date on which the Company went into liquidation, he may, during the period specified in paragraph (2) below, act in any of the ways mentioned in section 216(3), notwithstanding that he has not the permission of the Court under that section.
- (2) The period referred to in paragraph (1) begins with the day on which the Company goes into liquidation and ends either on the day falling six weeks after that date or on the day on which the Court disposes of the application for permission under section 216, whichever of those days occurs first.

#### **22.7 Third excepted case**

The Court's permission under section 216(3) is not required where the Company there referred to though known by a prohibited name within the meaning of the section-

- (a) has been known by that name for the whole of the period of 12 months ending with the day before the liquidating Company went into liquidation, and
- (b) has not at any time in those 12 months been dormant within the meaning of section 1169(1), (2) and (3)(a) of the Companies Act.

## LIST OF ACCOUNTING RECORDS

### Aberdeen House Care Limited - ("the Company") (In Creditors' Voluntary Liquidation)

#### DECLARATION:

I, Pragna Kotecha confirm that this is a true list of the Company's accounting records delivered up to the Liquidator of the Company, and that it is a complete schedule of all the accounting records maintained by the Company for the last 6 years

#### Already handed to Liquidator

Aberdeen House - All Interco Accounts at 31 March 22  
Aberdeen House - All Interco Accounts at 31 March 23 Draft  
Aberdeen House - Assets at 31 March 22  
Aberdeen House - Assets at 31 March 23  
Aberdeen House - Creditors Lead Schedule 31 March 23 Draft  
Aberdeen House - DLA at 31 March 22  
Aberdeen House - DLA at 31 March 23 Draft  
Aberdeen House - Nominal Ledger at 31 March 22  
Aberdeen House - Nominal Ledger at 31 March 23 Draft  
Aberdeen House - Remittance LA 31.12.2023  
Aberdeen House 19 & 20 Accounts  
Aberdeen House Care 2022 Accounts  
Aberdeen House Care 2022 Trial Balance  
Aberdeen House Care Draft 2023 Accounts  
Aberdeen House Care Draft 2023 Trial Balance  
Email from accountant - asset - liability

#### Additional Records (as applicable)

Signed \_\_\_\_\_ Dated \_\_\_\_\_

Name (*In capitals*) \_\_\_\_\_

## QUESTIONNAIRE FOR DIRECTORS

Name of Company: Aberdeen House Care Limited

Company Number: 07658860

Address of Registered Office: Office 007, Northlight Parade, Nelson, BB9 5EG

Nature of Business: Residential Care Home

Type of Insolvency: Creditors' Voluntary Liquidation

Relevant Date: Wednesday 17 January 2024

Please complete this questionnaire and return it as soon as possible, but no later than 21 days hence. The questionnaire should be completed for the period of 3 years up to the relevant date.

The relevant date is dependent on the type of insolvency as follows:-

- In a creditors' voluntary winding up, (where there has been no prior declaration of solvency) the date of the passing of the resolution for winding up.
- In members' voluntary winding up, the date on which the liquidator formed the opinion (where applicable) that, at the time when the company went into liquidation, its assets were insufficient for the payment of its debts and other liabilities and the expenses of winding up.
- In receivership, the date of the receiver's appointment.
- In administration, the date of the administration order.

Please sign and date each completed sheet.

If insufficient information is given it may be necessary for you to be interviewed by the office-holder. In addition, the office-holder may seek further particulars from you after review of the answers to this questionnaire.

The following terms are defined in the appendix attached to the questionnaire.

- Shadow Director
- Connected Person
- Associate

# **DIRECTOR'S PERSONAL DETAILS**

1	Full name:		Official Use Only
2	Have you ever been known by any other name or alias? If Yes, please give full details of the names used by you.		
3	Date of birth:		
4	National Insurance Number:		
5	Address and telephone number:		
6	Trade, profession or occupation: (e.g., engineer, chemist, accountant, etc)		
7	Professional/academic qualifications:		
8	Please list all directorships held by you/or companies within which you held 5% or more of the shares within the three years preceding the relevant date, (including the dates of appointments and, if applicable, resignation/removal together with details of the scale and nature of transactions between the company and those other companies).		
9	Has any of the following happened in relation to the companies: <ul style="list-style-type: none"> <li>• Insolvent liquidation</li> <li>• The making of an administration order</li> <li>• The appointment of an administrative receiver</li> </ul> If Yes, please give details		

Signed:..... Date:.....



10	Do you have any criminal convictions (e.g., health and safety or environmental) as a result of the company's failure to comply with relative legislation. If Yes, please give full details		
11	Has a disqualification order ever been made against you? If Yes, please give full details, including <ul style="list-style-type: none"> <li>• The court</li> <li>• Date on which the order was made</li> <li>• Period of disqualification</li> <li>• Name of relevant company</li> </ul>		
12	Have you ever been made bankrupt or personally been obliged to make arrangements with your own creditors? If Yes, please give details including: <ul style="list-style-type: none"> <li>• Date of the order and the court</li> <li>• Name and address of trustee</li> <li>• Date of discharge</li> </ul>		
13	When did you join the company?		
14	How many years of experience have you had in the type of business operated by the company?		
15	What date were you appointed a director?		
16	Were you a director of the company on the relevant date? If No, please give full details of when and in what circumstances you ceased to be a director.		

Signed:..... Date:.....

## DIRECTOR'S ROLES AND RESPONSIBILITIES

17	What position(s) did you hold in the company? (Please give dates where applicable)		
18	What were your duties and responsibilities and were these set out in writing?		
19	What were the responsibilities of your fellow directors or other managers of the business? Are there any comments you wish to make on the conduct of the other directors?		
20	Name any person whom you believe acted as a shadow director of the company at any time within the three-year period immediately before the relevant date, (include your reasons for this belief).		

## DIRECTOR'S REMUNERATION

21	How much capital did you introduce into the Company by way of: - Share Capital: Loans: Retained Profits: Other: Give details:		
----	--	--	--

Signed:.....

Date:.....

22	Please list the remuneration and other benefits you received from the company, or by reason of your employment by it, during each of the 3 years preceding the relevant date as follows:						
	Period	Received £	Remuneration Voted £	Salary £	Fees/ Dividends £	Expenses £	Benefits In Kind £
23	Was your remuneration voted by a resolution of the directors? If Yes, please give details.					Yes, by resolution of the directors on 15th March 2017.	
24	Did the company deduct PAYE and NIC from your remuneration? If No, please give reasons and details.					Yes, PAYE and NIC were deducted from my remuneration.	
25	Please give details of all benefits in kind and cash expenses received by you from the company.					I received no benefits in kind or cash expenses from the company.	
26	Was a P11D submitted to the Inland Revenue? Did it include all your benefits? If No, please give reasons.					Yes, a P11D was submitted to the Inland Revenue and it included all my benefits.	
27	Did you acquire any assets of the company within the last five years? If Yes, please give full details including the consideration given.					No, I did not acquire any assets of the company within the last five years.	
28	Have you at any time borrowed money in excess of £2,500 from the company? If Yes, was any of this money used to purchase shares in the company?					No, I have not borrowed money from the company.	
29	Are you a creditor or debtor of the company? If Yes, please provide full details of your account with the company.					No, I am not a creditor or debtor of the company.	

Signed:.....

Date:.....

30	Have you or any other person or company become liable in respect of the company's obligations? If Yes, please give full details.		
31	Have you or any connected person received any payment (other than remuneration) which reduced the company's capital? If Yes, please give full details.		
32	Has the company given any guarantees or indemnities in respect of the liabilities of any third party? If Yes, please give full details of: (a) the third party and the quantum of the company's liability. (b) the relationship of the company and yourself to the third party. (c) whether this was noted in the last audited accounts		
33	Has the company at any time acquired any assets from you (including the acquisition of a business from a sole trader or partnership) or from any connected party? If Yes, please give full details.		
34	Are you aware of any instances in which money or other property of the company has been retained or misapplied in either: (a) an obligation to account which has not been fulfilled. (b) a trading, capital or other loss. If Yes, please give full details.		

Signed:.....

Date:.....

35	Are you satisfied that all the assets of the company are listed on the statement of affairs? If No, please give full details.		
36	Has the company transferred any of its assets (including customer details) to yourself or any third party other than in the ordinary course of business or at an undervalue or as a gift? If Yes, please give full details.		

#### BOOKS AND RECORDS

37	Have proper accounting and statutory records been kept? If No, please give reasons.		
38	To what date were the company's accounting and statutory records written up?		
39	Who was responsible for the maintenance of the company's accounting and statutory records?		
40	Have any of the company's accounting and statutory records been destroyed within the last six years? If Yes, please give details of the date(s) the records were destroyed and the circumstances in which this occurred.		
41	At what address were the company's accounting records available for inspection prior to the relevant date? If the accounting records were kept at a place outside GB were accounts and returns prepared and submitted in GB?		

Signed:..... Date:.....

42	Were all appointments and resignations of officers and alterations in registered offices notified to the Registrar of Companies? If No, please give details.		
43	What steps did you take to ensure that annual audited accounts were prepared?		
44	What audited accounts were prepared within three years before the relevant date?		
45	What steps did you take to ensure that audited accounts and annual returns were filed with the Registrar of Companies within the relevant time scale?		
46	If the company's auditors qualified their report to any of the audited accounts within three years before the relevant date, what steps did you take to remedy the situation? (Please include details of the nature of the qualification).		
47	Did the company hold board meetings? If so, did you attend? To your knowledge were minutes of board meetings ever kept?		

Signed:..... Date:.....

48	<p>How did you monitor the company's financial position/how did you assess on a regular basis that the Company was operating profitably:</p> <p>(a) what management information did you receive. Were you ever denied access to the financial information you requested?</p> <p>(b) when did you first see the last audited accounts of the company?</p> <p>(c) when did you first see the last set of management and/or draft accounts produced?</p> <p>(d) If no such figures were compiled, how did you know the Company's financial position at any time?</p>		
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#### INDICATIONS OF INSOLVENCY

49	<p>Were any writs issued against the company?</p> <p>If Yes, please give full details including the approximate date of the first writ and list all writs outstanding at the relevant date.</p>		
50	<p>Did any creditor obtain judgement against the company?</p> <p>If Yes, give full details including a list of all judgements unsatisfied at the relevant date.</p>		
51	<p>Were any of the company's assets taken in execution?</p> <p>Has distress (including walking possession) been levied against the company in the 12 months prior to the date of commencement of liquidation?</p> <p>If Yes, please give full details including the dates, names of the creditors and the amounts of execution.</p>		

Signed:..... Date:.....

52	Has a winding-up petition been issued against the company or has it received any statutory demands within the three years prior to the relevant date? If Yes, please give full details.		
53	When and how did you first become aware that the company was unable to pay its debts as they became due (i.e., insolvent)?		
54	What did you do/what steps did you take as a result? Were new funds introduced?		
55	If trading was continued, who was responsible for this decision and what were the reasons for so doing? What steps were taken to minimise the potential loss to creditors?		
56	Who did you consult when you became aware/formed the view that the company was insolvent (i.e., fellow directors, the company's auditors, other professional persons etc)? Please give details of the dates and nature of the advice received.		
57	Did the company incur any debt after you became aware/formed the view that it was insolvent?		
58	Were such creditors informed of the company's position? If so, when and how and by whom?		
59	Are any amounts due in respect of PAYE, NIC and VAT? If Yes, please provide full details including the dates and amounts due.		

Signed:..... Date:.....



60	Were any agreements reached by the company with the government departments to pay debts outstanding by instalments? Did the company enter into a Time-to Pay arrangement with HMRC and did the company comply with the terms of the agreement? If Yes, please give full details.		
61	To what causes do you attribute the company's failure?		
62	To your knowledge, in the three years prior to the relevant date, did the company have any of its cheques returned by its bankers because of insufficient funds?		
63	Were any of the company's liabilities the result of non-supply of goods or services, which had been paid for in advance? If Yes, please give full details.		
64	Are there any connected companies and/or subsidiaries? If Yes, give full details including the name, registered office etc., and the scale and nature of transactions between the company and those other companies.		
65	Are any of the amounts owed to creditors less than at any time within the six months before the relevant date? If Yes, please give full details. (If the creditor is a connected person or an associate this information must be provided for the two years prior to the relevant date).		
66	If the creditor is a connected person or an associate please give details of the relationship between yourself and the creditor, and between the creditors and the company.		

Signed:.....

Date:.....

67	Have any creditors been paid in full at any time during the last six months (if the creditor is a connected person or an associate this information must be provided for the two years prior to the relevant date).		
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#### OTHER BACKGROUND INFORMATION

68	Do you, or does anyone else to your knowledge, hold any assets belonging to the company? If Yes, please give full details.		
69	Are you aware of any other assets of any kind at any location of which the liquidator/receiver/administrator has not taken control? If Yes, please give full details.		
70	To your knowledge, have any of the company's assets been overvalued in the accounts for the purpose of obtaining loans, or to mislead creditors. If Yes, please give full details.		
71	Are you aware of any civil or criminal proceeding in relation to the company taken or likely to be taken against yourself, or other directors or any other person? If Yes, please give full details.		
72	Please list the name of any company of which you have been appointed director, or acted in a manner which might be construed as a director, since the date of this insolvency.		
73	Are you suffering any serious ill-health issues, or were you whilst the company was trading?		

Signed:.....

Date:.....

74	Please give any further information you think the liquidator/receiver/administrator should take into account when preparing their report or interim return to the Secretary of State for Trade & Industry.		
75	Please confirm that you have provided an original utilities bill, together with copies of your passport and driving licence in order to comply with the Money Laundering Regulations.		

I confirm the information given above is correct to the best of my knowledge and belief.

Signed:..... Date:.....

## APPENDIX

### Shadow Director

A person in accordance with whose directions or instructions the directors of the company are accustomed to act (but so that a person is not deemed a shadow director by reason only that the directors act on advice given by him in a professional capacity).

### Connected Person

A person is connected with a company if:

- they are a director or shadow director of the company or an associate of such a director or shadow director;

*or*

- they are an associate of the company.

### Associate – Insolvency Act 1986 (The Act) S435

For the purposes of this Act any question whether a person is an associate of another person is to be determined in accordance with the following provisions of this section (any provision that a person is an associate of another person being taken to mean that they are associates of each other).

1. A person is an associate of an individual if that person is the individual's husband or wife, or is a relative, or the husband or wife of a relative, of the individual or of the individual's husband or wife.
2. A person is an associate of any person with whom he is in partnership, and of the husband or wife or a relative of any individual with whom he is in partnership; and a Scottish firm is an associate of any person who is a member of the firm.
3. A person is an associate of any person whom he employs or by whom he is employed.
4. A person in his capacity as trustee of a trust other than:
  - (a) a trust arising under any of the second Group of Part of the Bankruptcy (Scotland) Act 1985,

*or*

  - (b) a pension scheme or an employee's share scheme (within the meaning of the Companies Act).

is an associate of another person if the beneficiaries or the trust include, or the terms of the trust confirm a power that may be exercised for the benefit of, that other person or an associate of that other person.

5. A company is an associate of another company:

- (a) if the same person has control of both, or a person has control of one and person who are his associates, or he and persons who are his associates, have control of the other,  
*or*
- (b) if a group of two or more persons has control of each company, and the group either consists of the same persons or could be regarded as consisting of the same persons by treating (in one or more cases) a member of either group as replaced by a person of whom he is an associate.

6. A company is an associate of another person if that person has control of it or if that person and persons who are his associates together have control of it.

7. For the purposes of this section a person is a relative of an individual if he is that individual's brother, sister, uncle, aunt, nephew, niece, lineal descendant, treating:

- (a) any relationship of the half blood as a relationship of the whole blood and the stepchild or adopted child of any person as his child,  
*and*

- (b) an illegitimate child as the legitimate child of his mother and reputed father;

and reference in this section to a husband or wife include a former husband or wife and a reputed husband or wife.

8. For the purposes of this section any director or other officer of a company is to be treated as an employee by that company.

9. For the purposes of this section a person is to be taken as having control of a company if:-

- (a) the director of the company or of another company which has control of it (or any of them) are accustomed to act in accordance with his directions or instructions,  
*or*
- (b) he is entitled to exercise, or control the exercise of, one third or more of the voting power at any general meeting of the company or of another company which has control of it;

and where two or more persons together satisfy either of the above conditions, they are to be taken as having control of the company.

10. In this section "company" includes anybody corporate (whether incorporated in Great Britain or elsewhere); and references to directors and other officers of a company and to voting power at any general meeting of a company have effect with any necessary modifications.



Our ref: 23CVL055ABE

19 January 2024

Mr R Kotecha  
4 Hampton Gate  
4 Friday Lane  
Barston  
Solihull  
B92 0HY

Dear Mr Kotecha

**Aberdeen House Care Limited - ("the Company")  
(In Creditors' Voluntary Liquidation)**

As you are aware Gareth David Wilcox of Opus Restructuring LLP, and I were appointed as Joint Liquidators of the Company on Wednesday 17 January 2024. As Joint Liquidators of the Company we act both jointly and severally.

The effect of my appointment as Joint Liquidator is that your powers as a Director cease. This means that you have no authority to deal with the Company's affairs or assets, with the exception of such authority as I may from time to time delegate to you.

I would remind you that the Directors of the Company are required by the insolvency legislation to co-operate fully with the Liquidators, to provide such information concerning the Company and its formation, business dealings, affairs or property as we may at any time reasonably require. We may also require you to attend to meetings with us at such times as we may reasonably require.

I enclose a list of the Company's accounting records that you have already delivered to us and would ask you to sign and return that list to me to either confirm that that you have delivered up all of the Company's accounting records for the last 6 years, or to provide me with information about what other accounting records were maintained, and their current whereabouts.

I also enclose a Director's questionnaire in connection with the Liquidators statutory duties under the Company Directors Disqualification Act to report on the conduct of all those who have been Directors, or have otherwise been involved in the management of the Company, in the last 3 years. You should complete this to the best of your ability, returning it to me within the next twenty-one days.

Finally, I would also like to take this opportunity to draw your attention to the provisions of section 216 and 217 of the Insolvency Act 1986 which are briefly explained below.

As you are a Director of the Company, once the Company is placed into liquidation you will be prohibited from using any name by which the Company was known, including any trading names, or a name which is so similar as to suggest an association with that Company.

The restriction from using a prohibited name applies for the period of 5 years beginning with the day on which the Company is placed into liquidation and except with the permission of the court you cannot:

- a) be a Director of any other Company that is known by a prohibited name, or,
- b) in any way, whether directly or indirectly, be concerned or take part in the promotion, formation or management of any such Company, or,
- c) in any way, whether directly or indirectly, be concerned or take part in the carrying on of an unincorporated business under a prohibited name.

Your attention is also drawn to rules 22.1 to 22.7 of The Insolvency (England and Wales) Rules 2016 which provide three exceptions to the restriction imposed by section 216 of the Insolvency Act 1986. You should note that the interpretation of these rules has been subject to case law and you should seek independent legal advice to ensure that you do not contravene section 216.

You should note that it is a criminal offence to contravene section 216 of the Insolvency Act 1986 and if you act in contravention of this section you are liable on conviction to imprisonment and/or a fine.

Your attention is also drawn to section 217 of the Insolvency Act 1986, which provides, amongst other things, that a person who is involved in the management of a Company in contravention of section 216 of the Insolvency Act 1986 is personally liable for any debts of the Company incurred during the period of that involvement.

Copies of sections 216 and 217 of the Insolvency Act 1986 are attached, together with a copy of rules 22.1 to 22.7 of The Insolvency (England and Wales) Rules 2016.

Business Helpline Group Limited and Opus Restructuring LLP uses personal information in order to fulfil the legal obligations of our Insolvency Practitioners under the Insolvency Act and other relevant legislation, and also to fulfil the legitimate interests of keeping creditors and others informed about the insolvency proceedings. You can find more information on how we use your personal information on our website at

Business Helpline Group Limited  
Opus Restructuring LLP

<https://businesshelpline.uk/privacy-policy/>.  
[www.opusllp.com/privacy-policy](http://www.opusllp.com/privacy-policy).

If you have any queries regarding this letter, please contact Kerry Marsh by email at [support@businesshelpline.uk](mailto:support@businesshelpline.uk), or by phone on 01282 502832.



Yours faithfully



Laura Stewart  
Joint Liquidator

## **Section 216    Restriction on re-use of Company names**

- (1) This section applies to a person where a Company ("the liquidating Company") has gone into insolvent liquidation on or after the appointed day and he was a Director or shadow Director of the Company at any time in the period of 12 months ending with the day before it went into liquidation.
- (2) For the purposes of this section, a name is a prohibited name in relation to such a person if-
  - (a) it is a name by which the liquidating Company was known at any time in that period of 12 months, or
  - (b) it is a name which is so similar to a name falling within paragraph (a) as to suggest an association with that Company.
- (3) Except with permission of the Court or in such circumstances as may be prescribed, a person to whom this section applies shall not at any time in the period of 5 years beginning with the day on which the liquidating Company went into liquidation-
  - (a) be a Director of any other Company that is known by a prohibited name, or
  - (b) in any way, whether directly or indirectly, be concerned or take part in the promotion, formation or management of any such Company, or
  - (c) in any way, whether directly or indirectly, be concerned or take part in the carrying on of a business carried on (otherwise than by a Company) under a prohibited name.
- (4) If a person acts in contravention of this section, he is liable to imprisonment or a fine, or both.
- (5) In subsection (3) "the Court" means any Court having jurisdiction to wind up companies; and on an application for permission under that subsection, the Secretary of State or the official receiver may appear and call the attention of the Court to any matters which seem to him to be relevant.
- (6) References in this section, in relation to any time, to a "name" by which a Company is known are to the name of the Company at that time or to any name under which the Company carries on business at that time.
- (7) For the purposes of this section a Company "goes into insolvent liquidation" if it goes into liquidation at a time when its assets are insufficient for the payment of its debts and other liabilities and the expenses of the winding up.

- (8) In this section "Company" includes a Company which may be wound up under Part V of this Act.

**Section 217 Personal liability for debts, following contravention of s 216**

- (1) A person is personally responsible for all the relevant debts of a Company if at any time-
- (a) in contravention of section 216, he is involved in the management of the Company, or
  - (b) as a person who is involved in the management of the Company, he acts or is willing to act on instructions given (without the permission of the Court) by a person whom he knows at that time to be in contravention in relation to the Company of section 216.
- (2) Where a person is personally responsible under this section for the relevant debts of a Company, he is jointly and severally liable in respect of those debts with the Company and any other person who, whether under this section or otherwise, is so liable.
- (3) For the purposes of this section the relevant debts of a Company are-
- (a) in relation to a person who is personally responsible under paragraph (a) of subsection (1), such debts and other liabilities of the Company as are incurred at a time when that person was involved in the management of the Company, and
  - (b) in relation to a person who is personally responsible under paragraph (b) of that subsection, such debts and other liabilities of the Company as are incurred at a time when that person was acting or was willing to act on instructions given as mentioned in that paragraph.
- (4) For the purposes of this section, a person is involved in the management of a Company if he is a Director of the Company or if he is concerned, whether directly or indirectly, or takes part, in the management of the Company.
- (5) For the purposes of this section a person who, as a person involved in the management of a Company, has at any time acted on instructions given (without the permission of the Court) by a person whom he knew at that time to be in contravention in relation to the Company of section 216 is presumed, unless the contrary is shown, to have been willing at any time thereafter to act on any instructions given by that person.
- (6) In this section "Company" includes a Company which may be wound up under Part V.

## **Insolvency Rule 22.1**

The Rules in this Chapter-

- (a) relate to the permission required under section 216 (restriction on re-use of name of Company in insolvent liquidation) for a person to act as mentioned in section 216(3) in relation to a Company with a prohibited name;
- (b) prescribe the cases excepted from that provision, that is to say, those in which a person to whom the section applies may so act without that permission; and
- (c) apply to all windings up to which section 216 applies, whether or not the winding up commenced before the coming into force of the Rules.

## **22.2 Application for permission under s 216(3)**

- (1) At least 14 days' notice of any application for permission to act in any of the circumstances which would otherwise be prohibited by section 216(3) must be given by the applicant to the Secretary of State, who may —
  - (a) appear at the hearing of the application; and
  - (b) whether or not appearing at the hearing, make representations.

## **22.4 First excepted case**

- (1) This Rule applies where—
  - (a) a person ("the person") was within the period mentioned in section 216(1) a Director, or shadow Director, of an insolvent Company that has gone into insolvent liquidation; and
  - (b) the person acts in all or any of the ways specified in section 216(3) in connection with, or for the purposes of, the carrying on (or proposed carrying on) of the whole or substantially the whole of the business of the insolvent Company where that business (or substantially the whole of it) is (or is to be) acquired from the insolvent Company under arrangements—
    - (i) made by its Liquidator; or
    - (ii) made before the insolvent Company entered into insolvent liquidation by an office-holder acting in relation to it as administrator, administrative receiver or supervisor of a CVA.

- (2) The person, will not be taken to have contravened section 216 if prior to that person acting in the circumstances set out in paragraph (1) a notice is, in accordance with the requirements of paragraph (3),—
- (a) given by the person, to every creditor of the insolvent Company whose name and address—
    - (i) is known by him; or
    - (ii) is ascertainable by him on the making of such enquiries as are reasonable in the circumstances; and
  - (b) published in the Gazette.
- (3) The notice referred to in paragraph (2)—
- (a) may be given and published before the completion of the arrangements referred to in paragraph (1)(b) but must be given and published no later than 28 days after their completion;
  - (b) must contain—
    - (i) identification details for the Company;
    - (ii) the name and address of the person;
    - (iii) a statement that it is the person's intention to act (or, where the insolvent Company has not entered insolvent liquidation, to act or continue to act) in all or any of the ways specified in section 216(3) in connection with, or for the purposes of, the carrying on of the whole or substantially the whole of the business of the insolvent Company,
    - (iv) the prohibited name or, where the Company has not entered insolvent liquidation, the name under which the business is being, or is to be, carried on which would be a prohibited name in respect of the person in the event of the insolvent Company entering insolvent liquidation,
    - (v) a statement that the person would not otherwise be permitted to undertake those activities without the leave of court or the application of an exception created by Rules made under the Insolvency Act 1986,
    - (vi) a statement that breach of the prohibition created by section 216 is a criminal offence, and

- (vii) a statement as set out in rule 22.5 of the effect of issuing the notice under rule 22.4(2);
- (c) where the company is in administration, has an administrative receiver appointed or is subject to a CVA,—
  - (i) the date that the company entered administration, had an administrative receiver appointed or a CVA approved (whichever is the earliest)
  - (ii) a statement that the person was a director of the company on that date; and
- (d) where the company is in insolvent liquidation,—
  - (i) the date that the company entered insolvent liquidation, and
  - (ii) a statement that the person was a director of the company during the 12 months ending with that date.
- (4) Notice may in particular be given under this rule—
  - (a) prior to the insolvent company entering insolvent liquidation where the business (or substantially the whole of the business) is, or is to be, acquired by another company under arrangements made by an office-holder acting in relation to the insolvent company as administrator, administrative receiver or supervisor of a voluntary arrangement (whether or not at the time of the giving of the notice the Director is a Director of that other company); or
  - (b) at a time where the person is a Director of another Company where—
    - (i) the other company has acquired, or is to acquire, the whole, or substantially the whole, of the business of the insolvent company under arrangements made by its liquidator; and
    - (ii) it is proposed that after the giving of the notice a prohibited name should be adopted by the other company.
- (5) Notice may not be given under this rule by a person who has already acted in breach of section 216.

## **22.5 Statement as to the effect of the notice under rule 22.4(2)**

The statement as to the effect of the notice under rule 22.4(2) must be as set out below—

“Section 216(3) of the Insolvency Act 1986 lists the activities that a director of a company that has gone into insolvent liquidation may not undertake unless the court gives permission or there is an exception in the Insolvency Rules made under the Insolvency Act 1986. (This includes the exceptions in Part 22 of the Insolvency (England and Wales) Rules 2016.) These activities are—

- (a) acting as a director of another company that is known by a name which is either the same as a name used by the company in insolvent liquidation in the

12 months before it entered liquidation or is so similar as to suggest an association with that company;

(b) directly or indirectly being concerned or taking part in the promotion, formation or management of any such company; or

(c) directly or indirectly being concerned in the carrying on of a business otherwise than through a company under a name of the kind mentioned in (a) above.

This notice is given under rule 22.4 of the Insolvency (England and Wales) Rules 2016 where the business of a company which is in, or may go into, insolvent liquidation is, or is to be, carried on otherwise than by the company in liquidation with the involvement of a director of that company and under the same or a similar name to that of that company.

The purpose of giving this notice is to permit the director to act in these circumstances where the company enters (or has entered) insolvent liquidation without the director committing a criminal offence and in the case of the carrying on of the business through another company, being personally liable for that company's debts.

Notice may be given where the person giving the notice is already the director of a company which proposes to adopt a prohibited name."

#### **22.6 Second excepted case**

- (1) Where a person to whom section 216 applies as having been a Director or shadow Director of the liquidating Company applies for permission of the Court under that section not later than 7 business days from the date on which the Company went into liquidation, he may, during the period specified in paragraph (2) below, act in any of the ways mentioned in section 216(3), notwithstanding that he has not the permission of the Court under that section.
- (2) The period referred to in paragraph (1) begins with the day on which the Company goes into liquidation and ends either on the day falling six weeks after that date or on the day on which the Court disposes of the application for permission under section 216, whichever of those days occurs first.

#### **22.7 Third excepted case**

The Court's permission under section 216(3) is not required where the Company there referred to though known by a prohibited name within the meaning of the section-

- (a) has been known by that name for the whole of the period of 12 months ending with the day before the liquidating Company went into liquidation, and
- (b) has not at any time in those 12 months been dormant within the meaning of section 1169(1), (2) and (3)(a) of the Companies Act.

## LIST OF ACCOUNTING RECORDS

### Aberdeen House Care Limited - ("the Company") (In Creditors' Voluntary Liquidation)

#### DECLARATION:

I, Rakesh Kotecha confirm that this is a true list of the Company's accounting records delivered up to the Liquidator of the Company, and that it is a complete schedule of all the accounting records maintained by the Company for the last 6 years

#### Already handed to Liquidator

Aberdeen House - All Interco Accounts at 31 March 22  
Aberdeen House - All Interco Accounts at 31 March 23 Draft  
Aberdeen House - Assets at 31 March 22  
Aberdeen House - Assets at 31 March 23  
Aberdeen House - Creditors Lead Schedule 31 March 23 Draft  
Aberdeen House - DLA at 31 March 22  
Aberdeen House - DLA at 31 March 23 Draft  
Aberdeen House - Nominal Ledger at 31 March 22  
Aberdeen House - Nominal Ledger at 31 March 23 Draft  
Aberdeen House - Remittance LA 31.12.2023  
Aberdeen House 19 & 20 Accounts  
Aberdeen House Care 2022 Accounts  
Aberdeen House Care 2022 Trial Balance  
Aberdeen House Care Draft 2023 Accounts  
Aberdeen House Care Draft 2023 Trial Balance  
Email from accountant - asset - liability

#### Additional Records (as applicable)

Signed \_\_\_\_\_ Dated \_\_\_\_\_

Name (*In capitals*) \_\_\_\_\_



## QUESTIONNAIRE FOR DIRECTORS

Name of Company: Aberdeen House Care Limited

Company Number: 07658860

Address of Registered Office: Office 007, Northlight Parade, Nelson, BB9 5EG

Nature of Business: Residential Care Home

Type of Insolvency: Creditors' Voluntary Liquidation

Relevant Date: Wednesday 17 January 2024

Please complete this questionnaire and return it as soon as possible, but no later than 21 days hence. The questionnaire should be completed for the period of 3 years up to the relevant date.

The relevant date is dependent on the type of insolvency as follows:-

- In a creditors' voluntary winding up, (where there has been no prior declaration of solvency) the date of the passing of the resolution for winding up.
- In members' voluntary winding up, the date on which the liquidator formed the opinion (where applicable) that, at the time when the company went into liquidation, its assets were insufficient for the payment of its debts and other liabilities and the expenses of winding up.
- In receivership, the date of the receiver's appointment.
- In administration, the date of the administration order.

Please sign and date each completed sheet.

If insufficient information is given it may be necessary for you to be interviewed by the office-holder. In addition, the office-holder may seek further particulars from you after review of the answers to this questionnaire.

The following terms are defined in the appendix attached to the questionnaire.

- Shadow Director
- Connected Person
- Associate

## DIRECTOR'S PERSONAL DETAILS

1	Full name:		Official Use Only
2	Have you ever been known by any other name or alias? If Yes, please give full details of the names used by you.		
3	Date of birth:		
4	National Insurance Number:		
5	Address and telephone number:		
6	Trade, profession or occupation: (e.g., engineer, chemist, accountant, etc)		
7	Professional/academic qualifications:		
8	Please list all directorships held by you/or companies within which you held 5% or more of the shares within the three years preceding the relevant date, (including the dates of appointments and, if applicable, resignation/removal together with details of the scale and nature of transactions between the company and those other companies).		
9	Has any of the following happened in relation to the companies: <ul style="list-style-type: none"> <li>• Insolvent liquidation</li> <li>• The making of an administration order</li> <li>• The appointment of an administrative receiver</li> </ul> If Yes, please give details		

Signed:..... Date:.....

10	Do you have any criminal convictions (e.g., health and safety or environmental) as a result of the company's failure to comply with relative legislation. If Yes, please give full details		
11	Has a disqualification order ever been made against you? If Yes, please give full details, including <ul style="list-style-type: none"> <li>• The court</li> <li>• Date on which the order was made</li> <li>• Period of disqualification</li> <li>• Name of relevant company</li> </ul>		
12	Have you ever been made bankrupt or personally been obliged to make arrangements with your own creditors? If Yes, please give details including: <ul style="list-style-type: none"> <li>• Date of the order and the court</li> <li>• Name and address of trustee</li> <li>• Date of discharge</li> </ul>		
13	When did you join the company?		
14	How many years of experience have you had in the type of business operated by the company?		
15	What date were you appointed a director?		
16	Were you a director of the company on the relevant date? If No, please give full details of when and in what circumstances you ceased to be a director.		

Signed:..... Date:.....

## DIRECTOR'S ROLES AND RESPONSIBILITIES

17	What position(s) did you hold in the company? (Please give dates where applicable)		
18	What were your duties and responsibilities and were these set out in writing?		
19	What were the responsibilities of your fellow directors or other managers of the business? Are there any comments you wish to make on the conduct of the other directors?		
20	Name any person whom you believe acted as a shadow director of the company at any time within the three-year period immediately before the relevant date, (include your reasons for this belief).		

## DIRECTOR'S REMUNERATION

21	How much capital did you introduce into the Company by way of: - Share Capital: Loans: Retained Profits: Other: Give details:		
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Signed:.....

Date:.....

22	Please list the remuneration and other benefits you received from the company, or by reason of your employment by it, during each of the 3 years preceding the relevant date as follows:						
	Period	Received £	Remuneration Voted £	Salary £	Fees/ Dividends £	Expenses £	Benefits In Kind £

23	Was your remuneration voted by a resolution of the directors? If Yes, please give details.		
24	Did the company deduct PAYE and NIC from your remuneration? If No, please give reasons and details.		
25	Please give details of all benefits in kind and cash expenses received by you from the company.		
26	Was a P11D submitted to the Inland Revenue? Did it include all your benefits? If No, please give reasons.		
27	Did you acquire any assets of the company within the last five years? If Yes, please give full details including the consideration given.		
28	Have you at any time borrowed money in excess of £2,500 from the company? If Yes, was any of this money used to purchase shares in the company?		
29	Are you a creditor or debtor of the company? If Yes, please provide full details of your account with the company.		

Signed:.....

Date:.....

30	Have you or any other person or company become liable in respect of the company's obligations? If Yes, please give full details.		
31	Have you or any connected person received any payment (other than remuneration) which reduced the company's capital? If Yes, please give full details.		
32	Has the company given any guarantees or indemnities in respect of the liabilities of any third party? If Yes, please give full details of: (a) the third party and the quantum of the company's liability. (b) the relationship of the company and yourself to the third party. (c) whether this was noted in the last audited accounts		
33	Has the company at any time acquired any assets from you (including the acquisition of a business from a sole trader or partnership) or from any connected party? If Yes, please give full details.		
34	Are you aware of any instances in which money or other property of the company has been retained or misapplied in either: (a) an obligation to account which has not been fulfilled. (b) a trading, capital or other loss. If Yes, please give full details.		

Signed:.....

Date:.....

35	Are you satisfied that all the assets of the company are listed on the statement of affairs? If No, please give full details.		
36	Has the company transferred any of its assets (including customer details) to yourself or any third party other than in the ordinary course of business or at an undervalue or as a gift? If Yes, please give full details.		

#### BOOKS AND RECORDS

37	Have proper accounting and statutory records been kept? If No, please give reasons.		
38	To what date were the company's accounting and statutory records written up?		
39	Who was responsible for the maintenance of the company's accounting and statutory records?		
40	Have any of the company's accounting and statutory records been destroyed within the last six years? If Yes, please give details of the date(s) the records were destroyed and the circumstances in which this occurred.		
41	At what address were the company's accounting records available for inspection prior to the relevant date? If the accounting records were kept at a place outside GB were accounts and returns prepared and submitted in GB?		

Signed:..... Date:.....

42	Were all appointments and resignations of officers and alterations in registered offices notified to the Registrar of Companies? If No, please give details.		
43	What steps did you take to ensure that annual audited accounts were prepared?		
44	What audited accounts were prepared within three years before the relevant date?		
45	What steps did you take to ensure that audited accounts and annual returns were filed with the Registrar of Companies within the relevant time scale?		
46	If the company's auditors qualified their report to any of the audited accounts within three years before the relevant date, what steps did you take to remedy the situation? (Please include details of the nature of the qualification).		
47	Did the company hold board meetings? If so, did you attend? To your knowledge were minutes of board meetings ever kept?		

Signed:..... Date:.....



48	<p>How did you monitor the company's financial position/how did you assess on a regular basis that the Company was operating profitably:</p> <p>(a) what management information did you receive. Were you ever denied access to the financial information you requested?</p> <p>(b) when did you first see the last audited accounts of the company?</p> <p>(c) when did you first see the last set of management and/or draft accounts produced?</p> <p>(d) If no such figures were compiled, how did you know the Company's financial position at any time?</p>		
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#### INDICATIONS OF INSOLVENCY

49	<p>Were any writs issued against the company?</p> <p>If Yes, please give full details including the approximate date of the first writ and list all writs outstanding at the relevant date.</p>		
50	<p>Did any creditor obtain judgement against the company?</p> <p>If Yes, give full details including a list of all judgements unsatisfied at the relevant date.</p>		
51	<p>Were any of the company's assets taken in execution?</p> <p>Has distress (including walking possession) been levied against the company in the 12 months prior to the date of commencement of liquidation?</p> <p>If Yes, please give full details including the dates, names of the creditors and the amounts of execution.</p>		

Signed:..... Date:.....

52	Has a winding-up petition been issued against the company or has it received any statutory demands within the three years prior to the relevant date? If Yes, please give full details.		
53	When and how did you first become aware that the company was unable to pay its debts as they became due (i.e., insolvent)?		
54	What did you do/what steps did you take as a result? Were new funds introduced?		
55	If trading was continued, who was responsible for this decision and what were the reasons for so doing? What steps were taken to minimise the potential loss to creditors?		
56	Who did you consult when you became aware/formed the view that the company was insolvent (i.e., fellow directors, the company's auditors, other professional persons etc)? Please give details of the dates and nature of the advice received.		
57	Did the company incur any debt after you became aware/formed the view that it was insolvent?		
58	Were such creditors informed of the company's position? If so, when and how and by whom?		
59	Are any amounts due in respect of PAYE, NIC and VAT? If Yes, please provide full details including the dates and amounts due.		

Signed:..... Date:.....

60	Were any agreements reached by the company with the government departments to pay debts outstanding by instalments? Did the company enter into a Time-to Pay arrangement with HMRC and did the company comply with the terms of the agreement? If Yes, please give full details.		
61	To what causes do you attribute the company's failure?		
62	To your knowledge, in the three years prior to the relevant date, did the company have any of its cheques returned by its bankers because of insufficient funds?		
63	Were any of the company's liabilities the result of non-supply of goods or services, which had been paid for in advance? If Yes, please give full details.		
64	Are there any connected companies and/or subsidiaries? If Yes, give full details including the name, registered office etc., and the scale and nature of transactions between the company and those other companies.		
65	Are any of the amounts owed to creditors less than at any time within the six months before the relevant date? If Yes, please give full details. (If the creditor is a connected person or an associate this information must be provided for the two years prior to the relevant date).		
66	If the creditor is a connected person or an associate please give details of the relationship between yourself and the creditor, and between the creditors and the company.		

Signed:.....

Date:.....

67	Have any creditors been paid in full at any time during the last six months (if the creditor is a connected person or an associate this information must be provided for the two years prior to the relevant date).		
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#### OTHER BACKGROUND INFORMATION

68	Do you, or does anyone else to your knowledge, hold any assets belonging to the company? If Yes, please give full details.		
69	Are you aware of any other assets of any kind at any location of which the liquidator/receiver/administrator has not taken control? If Yes, please give full details.		
70	To your knowledge, have any of the company's assets been overvalued in the accounts for the purpose of obtaining loans, or to mislead creditors. If Yes, please give full details.		
71	Are you aware of any civil or criminal proceeding in relation to the company taken or likely to be taken against yourself, or other directors or any other person? If Yes, please give full details.		
72	Please list the name of any company of which you have been appointed director, or acted in a manner which might be construed as a director, since the date of this insolvency.		
73	Are you suffering any serious ill-health issues, or were you whilst the company was trading?		

Signed:.....

Date:.....

74	Please give any further information you think the liquidator/receiver/administrator should take into account when preparing their report or interim return to the Secretary of State for Trade & Industry.		
75	Please confirm that you have provided an original utilities bill, together with copies of your passport and driving licence in order to comply with the Money Laundering Regulations.		

I confirm the information given above is correct to the best of my knowledge and belief.

Signed:..... Date:.....

## APPENDIX

### Shadow Director

A person in accordance with whose directions or instructions the directors of the company are accustomed to act (but so that a person is not deemed a shadow director by reason only that the directors act on advice given by him in a professional capacity).

### Connected Person

A person is connected with a company if:

- they are a director or shadow director of the company or an associate of such a director or shadow director;

or

- they are an associate of the company.

### Associate – Insolvency Act 1986 (The Act) S435

For the purposes of this Act any question whether a person is an associate of another person is to be determined in accordance with the following provisions of this section (any provision that a person is an associate of another person being taken to mean that they are associates of each other).

1. A person is an associate of an individual if that person is the individual's husband or wife, or is a relative, or the husband or wife of a relative, of the individual or of the individual's husband or wife.
2. A person is an associate of any person with whom he is in partnership, and of the husband or wife or a relative of any individual with whom he is in partnership; and a Scottish firm is an associate of any person who is a member of the firm.
3. A person is an associate of any person whom he employs or by whom he is employed.
4. A person in his capacity as trustee of a trust other than:
  - (a) a trust arising under any of the second Group of Part of the Bankruptcy (Scotland) Act 1985,or
  - (b) a pension scheme or an employee's share scheme (within the meaning of the Companies Act).

is an associate of another person if the beneficiaries or the trust include, or the terms of the trust confirm a power that may be exercised for the benefit of, that other person or an associate of that other person.

5. A company is an associate of another company:

- (a) if the same person has control of both, or a person has control of one and person who are his associates, or he and persons who are his associates, have control of the other,  
*or*
  - (b) if a group of two or more persons has control of each company, and the group either consists of the same persons or could be regarded as consisting of the same persons by treating (in one or more cases) a member of either group as replaced by a person of whom he is an associate.
- 6. A company is an associate of another person if that person has control of it or if that person and persons who are his associates together have control of it.
- 7. For the purposes of this section a person is a relative of an individual if he is that individual's brother, sister, uncle, aunt, nephew, niece, lineal descendant, treating:
  - (a) any relationship of the half blood as a relationship of the whole blood and the stepchild or adopted child of any person as his child,  
*and*
  - (b) an illegitimate child as the legitimate child of his mother and reputed father;and reference in this section to a husband or wife include a former husband or wife and a reputed husband or wife.
- 8. For the purposes of this section any director or other officer of a company is to be treated as an employee by that company.
- 9. For the purposes of this section a person is to be taken as having control of a company if:-
  - (a) the director of the company or of another company which has control of it (or any of them) are accustomed to act in accordance with his directions or instructions,  
*or*
  - (b) he is entitled to exercise, or control the exercise of, one third or more of the voting power at any general meeting of the company or of another company which has control of it;and where two or more persons together satisfy either of the above conditions, they are to be taken as having control of the company.
- 10. In this section "company" includes anybody corporate (whether incorporated in Great Britain or elsewhere); and references to directors and other officers of a company and to voting power at any general meeting of a company have effect with any necessary modifications.





Our ref: 23CVL055ABE

19 January 2024

Mrs T Kotecha  
4 Hampton Gate  
4 Friday Lane  
Barston  
Solihull  
B92 0HY

Dear Mrs Kotecha

**Aberdeen House Care Limited - ("the Company")  
(In Creditors' Voluntary Liquidation)**

As you are aware Gareth David Wilcox of Opus Restructuring LLP, and I were appointed as Joint Liquidators of the Company on Wednesday 17 January 2024. As Joint Liquidators of the Company we act both jointly and severally.

The effect of my appointment as Joint Liquidator is that your powers as a Director cease. This means that you have no authority to deal with the Company's affairs or assets, with the exception of such authority as I may from time to time delegate to you.

I would remind you that the Directors of the Company are required by the insolvency legislation to co-operate fully with the Liquidators, to provide such information concerning the Company and its formation, business dealings, affairs or property as we may at any time reasonably require. We may also require you to attend to meetings with us at such times as we may reasonably require.

I enclose a list of the Company's accounting records that you have already delivered to us and would ask you to sign and return that list to me to either confirm that that you have delivered up all of the Company's accounting records for the last 6 years, or to provide me with information about what other accounting records were maintained, and their current whereabouts.

I also enclose a Director's questionnaire in connection with the Liquidators statutory duties under the Company Directors Disqualification Act to report on the conduct of all those who have been Directors, or have otherwise been involved in the management of the Company, in the last 3 years. You should complete this to the best of your ability, returning it to me within the next twenty-one days.

Finally, I would also like to take this opportunity to draw your attention to the provisions of section 216 and 217 of the Insolvency Act 1986 which are briefly explained below.

As you are a Director of the Company, once the Company is placed into liquidation you will be prohibited from using any name by which the Company was known, including any trading names, or a name which is so similar as to suggest an association with that Company.

The restriction from using a prohibited name applies for the period of 5 years beginning with the day on which the Company is placed into liquidation and except with the permission of the court you cannot:

- a) be a Director of any other Company that is known by a prohibited name, or,
- b) in any way, whether directly or indirectly, be concerned or take part in the promotion, formation or management of any such Company, or,
- c) in any way, whether directly or indirectly, be concerned or take part in the carrying on of an unincorporated business under a prohibited name.

Your attention is also drawn to rules 22.1 to 22.7 of The Insolvency (England and Wales) Rules 2016 which provide three exceptions to the restriction imposed by section 216 of the Insolvency Act 1986. You should note that the interpretation of these rules has been subject to case law and you should seek independent legal advice to ensure that you do not contravene section 216.

You should note that it is a criminal offence to contravene section 216 of the Insolvency Act 1986 and if you act in contravention of this section you are liable on conviction to imprisonment and/or a fine.

Your attention is also drawn to section 217 of the Insolvency Act 1986, which provides, amongst other things, that a person who is involved in the management of a Company in contravention of section 216 of the Insolvency Act 1986 is personally liable for any debts of the Company incurred during the period of that involvement.

Copies of sections 216 and 217 of the Insolvency Act 1986 are attached, together with a copy of rules 22.1 to 22.7 of The Insolvency (England and Wales) Rules 2016.

Business Helpline Group Limited and Opus Restructuring LLP uses personal information in order to fulfil the legal obligations of our Insolvency Practitioners under the Insolvency Act and other relevant legislation, and also to fulfil the legitimate interests of keeping creditors and others informed about the insolvency proceedings. You can find more information on how we use your personal information on our website at

Business Helpline Group Limited  
Opus Restructuring LLP

<https://businesshelpline.uk/privacy-policy/>.  
[www.opusllp.com/privacy-policy](http://www.opusllp.com/privacy-policy).

If you have any queries regarding this letter, please contact Kerry Marsh by email at [support@businesshelpline.uk](mailto:support@businesshelpline.uk), or by phone on 01282 502832.

Yours faithfully



Laura Stewart  
Joint Liquidator

## **Section 216    Restriction on re-use of Company names**

- (1) This section applies to a person where a Company ("the liquidating Company") has gone into insolvent liquidation on or after the appointed day and he was a Director or shadow Director of the Company at any time in the period of 12 months ending with the day before it went into liquidation.
- (2) For the purposes of this section, a name is a prohibited name in relation to such a person if-
  - (a) it is a name by which the liquidating Company was known at any time in that period of 12 months, or
  - (b) it is a name which is so similar to a name falling within paragraph (a) as to suggest an association with that Company.
- (3) Except with permission of the Court or in such circumstances as may be prescribed, a person to whom this section applies shall not at any time in the period of 5 years beginning with the day on which the liquidating Company went into liquidation-
  - (a) be a Director of any other Company that is known by a prohibited name, or
  - (b) in any way, whether directly or indirectly, be concerned or take part in the promotion, formation or management of any such Company, or
  - (c) in any way, whether directly or indirectly, be concerned or take part in the carrying on of a business carried on (otherwise than by a Company) under a prohibited name.
- (4) If a person acts in contravention of this section, he is liable to imprisonment or a fine, or both.
- (5) In subsection (3) "the Court" means any Court having jurisdiction to wind up companies; and on an application for permission under that subsection, the Secretary of State or the official receiver may appear and call the attention of the Court to any matters which seem to him to be relevant.
- (6) References in this section, in relation to any time, to a "name" by which a Company is known are to the name of the Company at that time or to any name under which the Company carries on business at that time.
- (7) For the purposes of this section a Company "goes into insolvent liquidation" if it goes into liquidation at a time when its assets are insufficient for the payment of its debts and other liabilities and the expenses of the winding up.

- (8) In this section "Company" includes a Company which may be wound up under Part V of this Act.

**Section 217' Personal liability for debts, following contravention of s 216**

- (1) A person is personally responsible for all the relevant debts of a Company if at any time-
- (a) in contravention of section 216, he is involved in the management of the Company, or
  - (b) as a person who is involved in the management of the Company, he acts or is willing to act on instructions given (without the permission of the Court) by a person whom he knows at that time to be in contravention in relation to the Company of section 216.
- (2) Where a person is personally responsible under this section for the relevant debts of a Company, he is jointly and severally liable in respect of those debts with the Company and any other person who, whether under this section or otherwise, is so liable.
- (3) For the purposes of this section the relevant debts of a Company are-
- (a) in relation to a person who is personally responsible under paragraph (a) of subsection (1), such debts and other liabilities of the Company as are incurred at a time when that person was involved in the management of the Company, and
  - (b) in relation to a person who is personally responsible under paragraph (b) of that subsection, such debts and other liabilities of the Company as are incurred at a time when that person was acting or was willing to act on instructions given as mentioned in that paragraph.
- (4) For the purposes of this section, a person is involved in the management of a Company if he is a Director of the Company or if he is concerned, whether directly or indirectly, or takes part, in the management of the Company.
- (5) For the purposes of this section a person who, as a person involved in the management of a Company, has at any time acted on instructions given (without the permission of the Court) by a person whom he knew at that time to be in contravention in relation to the Company of section 216 is presumed, unless the contrary is shown, to have been willing at any time thereafter to act on any instructions given by that person.
- (6) In this section "Company" includes a Company which may be wound up under Part V.

## **Insolvency Rule 22.1**

The Rules in this Chapter-

- (a) relate to the permission required under section 216 (restriction on re-use of name of Company in insolvent liquidation) for a person to act as mentioned in section 216(3) in relation to a Company with a prohibited name;
- (b) prescribe the cases excepted from that provision, that is to say, those in which a person to whom the section applies may so act without that permission; and
- (c) apply to all windings up to which section 216 applies, whether or not the winding up commenced before the coming into force of the Rules.

### **22.2 Application for permission under s 216(3)**

- (1) At least 14 days' notice of any application for permission to act in any of the circumstances which would otherwise be prohibited by section 216(3) must be given by the applicant to the Secretary of State, who may —
  - (a) appear at the hearing of the application; and
  - (b) whether or not appearing at the hearing, make representations.

### **22.4 First excepted case**

- (1) This Rule applies where—
  - (a) a person ("the person") was within the period mentioned in section 216(1) a Director, or shadow Director, of an insolvent Company that has gone into insolvent liquidation; and
  - (b) the person acts in all or any of the ways specified in section 216(3) in connection with, or for the purposes of, the carrying on (or proposed carrying on) of the whole or substantially the whole of the business of the insolvent Company where that business (or substantially the whole of it) is (or is to be) acquired from the insolvent Company under arrangements—
    - (i) made by its Liquidator; or
    - (ii) made before the insolvent Company entered into insolvent liquidation by an office-holder acting in relation to it as administrator, administrative receiver or supervisor of a CVA.

- (2) The person, will not be taken to have contravened section 216 if prior to that person acting in the circumstances set out in paragraph (1) a notice is, in accordance with the requirements of paragraph (3),—
- (a) given by the person, to every creditor of the insolvent Company whose name and address—
    - (i) is known by him; or
    - (ii) is ascertainable by him on the making of such enquiries as are reasonable in the circumstances; and
  - (b) published in the Gazette.
- (3) The notice referred to in paragraph (2)—
- (a) may be given and published before the completion of the arrangements referred to in paragraph (1)(b) but must be given and published no later than 28 days after their completion;
  - (b) must contain—
    - (i) identification details for the Company;
    - (ii) the name and address of the person;
    - (iii) a statement that it is the person's intention to act (or, where the insolvent Company has not entered insolvent liquidation, to act or continue to act) in all or any of the ways specified in section 216(3) in connection with, or for the purposes of, the carrying on of the whole or substantially the whole of the business of the insolvent Company,
    - (iv) the prohibited name or, where the Company has not entered insolvent liquidation, the name under which the business is being, or is to be, carried on which would be a prohibited name in respect of the person in the event of the insolvent Company entering insolvent liquidation,
    - (v) a statement that the person would not otherwise be permitted to undertake those activities without the leave of court or the application of an exception created by Rules made under the Insolvency Act 1986,
    - (vi) a statement that breach of the prohibition created by section 216 is a criminal offence, and

- (vii) a statement as set out in rule 22.5 of the effect of issuing the notice under rule 22.4(2);
- (c) where the company is in administration, has an administrative receiver appointed or is subject to a CVA,—
  - (i) the date that the company entered administration, had an administrative receiver appointed or a CVA approved (whichever is the earliest)
  - (ii) a statement that the person was a director of the company on that date; and
- (d) where the company is in insolvent liquidation,—
  - (i) the date that the company entered insolvent liquidation, and
  - (ii) a statement that the person was a director of the company during the 12 months ending with that date.
- (4) Notice may in particular be given under this rule—
  - (a) prior to the insolvent company entering insolvent liquidation where the business (or substantially the whole of the business) is, or is to be, acquired by another company under arrangements made by an office-holder acting in relation to the insolvent company as administrator, administrative receiver or supervisor of a voluntary arrangement (whether or not at the time of the giving of the notice the Director is a Director of that other company); or
  - (b) at a time where the person is a Director of another Company where—
    - (i) the other company has acquired, or is to acquire, the whole, or substantially the whole, of the business of the insolvent company under arrangements made by its liquidator; and
    - (ii) it is proposed that after the giving of the notice a prohibited name should be adopted by the other company.
- (5) Notice may not be given under this rule by a person who has already acted in breach of section 216.

## **22.5 Statement as to the effect of the notice under rule 22.4(2)**

The statement as to the effect of the notice under rule 22.4(2) must be as set out below—

“Section 216(3) of the Insolvency Act 1986 lists the activities that a director of a company that has gone into insolvent liquidation may not undertake unless the court gives permission or there is an exception in the Insolvency Rules made under the Insolvency Act 1986. (This includes the exceptions in Part 22 of the Insolvency (England and Wales) Rules 2016.) These activities are—

- (a) acting as a director of another company that is known by a name which is either the same as a name used by the company in insolvent liquidation in the



- 12 months before it entered liquidation or is so similar as to suggest an association with that company;
- (b) directly or indirectly being concerned or taking part in the promotion, formation or management of any such company; or
- (c) directly or indirectly being concerned in the carrying on of a business otherwise than through a company under a name of the kind mentioned in (a) above.

This notice is given under rule 22.4 of the Insolvency (England and Wales) Rules 2016 where the business of a company which is in, or may go into, insolvent liquidation is, or is to be, carried on otherwise than by the company in liquidation with the involvement of a director of that company and under the same or a similar name to that of that company.

The purpose of giving this notice is to permit the director to act in these circumstances where the company enters (or has entered) insolvent liquidation without the director committing a criminal offence and in the case of the carrying on of the business through another company, being personally liable for that company's debts.

Notice may be given where the person giving the notice is already the director of a company which proposes to adopt a prohibited name."

#### **22.6 Second excepted case**

- (1) Where a person to whom section 216 applies as having been a Director or shadow Director of the liquidating Company applies for permission of the Court under that section not later than 7 business days from the date on which the Company went into liquidation, he may, during the period specified in paragraph (2) below, act in any of the ways mentioned in section 216(3), notwithstanding that he has not the permission of the Court under that section.
- (2) The period referred to in paragraph (1) begins with the day on which the Company goes into liquidation and ends either on the day falling six weeks after that date or on the day on which the Court disposes of the application for permission under section 216, whichever of those days occurs first.

#### **22.7 Third excepted case**

The Court's permission under section 216(3) is not required where the Company there referred to though known by a prohibited name within the meaning of the section-

- (a) has been known by that name for the whole of the period of 12 months ending with the day before the liquidating Company went into liquidation, and
- (b) has not at any time in those 12 months been dormant within the meaning of section 1169(1), (2) and (3)(a) of the Companies Act.

## LIST OF ACCOUNTING RECORDS

### Aberdeen House Care Limited - ("the Company") (In Creditors' Voluntary Liquidation)

#### DECLARATION:

I, Trushali Kotecha confirm that this is a true list of the Company's accounting records delivered up to the Liquidator of the Company, and that it is a complete schedule of all the accounting records maintained by the Company for the last 6 years

#### Already handed to Liquidator

Aberdeen House - All Interco Accounts at 31 March 22  
Aberdeen House - All Interco Accounts at 31 March 23 Draft  
Aberdeen House - Assets at 31 March 22  
Aberdeen House - Assets at 31 March 23  
Aberdeen House - Creditors Lead Schedule 31 March 23 Draft  
Aberdeen House - DLA at 31 March 22  
Aberdeen House - DLA at 31 March 23 Draft  
Aberdeen House - Nominal Ledger at 31 March 22  
Aberdeen House - Nominal Ledger at 31 March 23 Draft  
Aberdeen House - Remittance LA 31.12.2023  
Aberdeen House 19 & 20 Accounts  
Aberdeen House Care 2022 Accounts  
Aberdeen House Care 2022 Trial Balance  
Aberdeen House Care Draft 2023 Accounts  
Aberdeen House Care Draft 2023 Trial Balance  
Email from accountant - asset - liability

#### Additional Records (as applicable)

Signed \_\_\_\_\_ Dated \_\_\_\_\_

Name (*In capitals*) \_\_\_\_\_

## QUESTIONNAIRE FOR DIRECTORS

Name of Company: Aberdeen House Care Limited

Company Number: 07658860

Address of Registered Office: Office 007, Northlight Parade, Nelson, BB9 5EG

Nature of Business: Residential Care Home

Type of Insolvency: Creditors' Voluntary Liquidation

Relevant Date: Wednesday 17 January 2024

Please complete this questionnaire and return it as soon as possible, but no later than 21 days hence. The questionnaire should be completed for the period of 3 years up to the relevant date.

The relevant date is dependent on the type of insolvency as follows:-

- In a creditors' voluntary winding up, (where there has been no prior declaration of solvency) the date of the passing of the resolution for winding up.
- In members' voluntary winding up, the date on which the liquidator formed the opinion (where applicable) that, at the time when the company went into liquidation, its assets were insufficient for the payment of its debts and other liabilities and the expenses of winding up.
- In receivership, the date of the receiver's appointment.
- In administration, the date of the administration order.

Please sign and date each completed sheet.

If insufficient information is given it may be necessary for you to be interviewed by the office-holder. In addition, the office-holder may seek further particulars from you after review of the answers to this questionnaire.

The following terms are defined in the appendix attached to the questionnaire.

- Shadow Director
- Connected Person
- Associate

# **DIRECTOR'S PERSONAL DETAILS**

1	Full name:		Official Use Only
2	Have you ever been known by any other name or alias? If Yes, please give full details of the names used by you.		
3	Date of birth:		
4	National Insurance Number:		
5	Address and telephone number:		
6	Trade, profession or occupation: (e.g., engineer, chemist, accountant, etc)		
7	Professional/academic qualifications:		
8	Please list all directorships held by you/or companies within which you held 5% or more of the shares within the three years preceding the relevant date, (including the dates of appointments and, if applicable, resignation/removal together with details of the scale and nature of transactions between the company and those other companies).		
9	Has any of the following happened in relation to the companies: <ul style="list-style-type: none"> <li>• Insolvent liquidation</li> <li>• The making of an administration order</li> <li>• The appointment of an administrative receiver</li> </ul> If Yes, please give details		

Signed:..... Date:.....

10	Do you have any criminal convictions (e.g., health and safety or environmental) as a result of the company's failure to comply with relative legislation. If Yes, please give full details		
11	Has a disqualification order ever been made against you? If Yes, please give full details, including <ul style="list-style-type: none"> <li>• The court</li> <li>• Date on which the order was made</li> <li>• Period of disqualification</li> <li>• Name of relevant company</li> </ul>		
12	Have you ever been made bankrupt or personally been obliged to make arrangements with your own creditors? If Yes, please give details including: <ul style="list-style-type: none"> <li>• Date of the order and the court</li> <li>• Name and address of trustee</li> <li>• Date of discharge</li> </ul>		
13	When did you join the company?		
14	How many years of experience have you had in the type of business operated by the company?		
15	What date were you appointed a director?		
16	Were you a director of the company on the relevant date? If No, please give full details of when and in what circumstances you ceased to be a director.		

Signed:..... Date:.....

## DIRECTOR'S ROLES AND RESPONSIBILITIES

17	What position(s) did you hold in the company? (Please give dates where applicable)		
18	What were your duties and responsibilities and were these set out in writing?		
19	What were the responsibilities of your fellow directors or other managers of the business? Are there any comments you wish to make on the conduct of the other directors?		
20	Name any person whom you believe acted as a shadow director of the company at any time within the three-year period immediately before the relevant date, (include your reasons for this belief).		

## DIRECTOR'S REMUNERATION

21	How much capital did you introduce into the Company by way of: - Share Capital: Loans: Retained Profits: Other: Give details:		
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Signed:.....

Date:.....

22	Please list the remuneration and other benefits you received from the company, or by reason of your employment by it, during each of the 3 years preceding the relevant date as follows:						
	Period	Received £	Remuneration Voted £	Salary £	Fees/ Dividends £	Expenses £	Benefits In Kind £
23	Was your remuneration voted by a resolution of the directors? If Yes, please give details.						
24	Did the company deduct PAYE and NIC from your remuneration? If No, please give reasons and details.						
25	Please give details of all benefits in kind and cash expenses received by you from the company.						
26	Was a P11D submitted to the Inland Revenue? Did it include all your benefits? If No, please give reasons.						
27	Did you acquire any assets of the company within the last five years? If Yes, please give full details including the consideration given.						
28	Have you at any time borrowed money in excess of £2,500 from the company? If Yes, was any of this money used to purchase shares in the company?						
29	Are you a creditor or debtor of the company? If Yes, please provide full details of your account with the company.						

Signed:.....

Date:.....

30	Have you or any other person or company become liable in respect of the company's obligations? If Yes, please give full details.		
31	Have you or any connected person received any payment (other than remuneration) which reduced the company's capital? If Yes, please give full details.		
32	Has the company given any guarantees or indemnities in respect of the liabilities of any third party? If Yes, please give full details of: (a) the third party and the quantum of the company's liability. (b) the relationship of the company and yourself to the third party. (c) whether this was noted in the last audited accounts		
33	Has the company at any time acquired any assets from you (including the acquisition of a business from a sole trader or partnership) or from any connected party? If Yes, please give full details.		
34	Are you aware of any instances in which money or other property of the company has been retained or misapplied in either: (a) an obligation to account which has not been fulfilled. (b) a trading, capital or other loss. If Yes, please give full details.		

Signed:.....

Date:.....



35	Are you satisfied that all the assets of the company are listed on the statement of affairs? If No, please give full details.		
36	Has the company transferred any of its assets (including customer details) to yourself or any third party other than in the ordinary course of business or at an undervalue or as a gift? If Yes, please give full details.		

#### BOOKS AND RECORDS

37	Have proper accounting and statutory records been kept? If No, please give reasons.		
38	To what date were the company's accounting and statutory records written up?		
39	Who was responsible for the maintenance of the company's accounting and statutory records?		
40	Have any of the company's accounting and statutory records been destroyed within the last six years? If Yes, please give details of the date(s) the records were destroyed and the circumstances in which this occurred.		
41	At what address were the company's accounting records available for inspection prior to the relevant date? If the accounting records were kept at a place outside GB were accounts and returns prepared and submitted in GB?		

Signed:..... Date:.....

42	Were all appointments and resignations of officers and alterations in registered offices notified to the Registrar of Companies? If No, please give details.		
43	What steps did you take to ensure that annual audited accounts were prepared?		
44	What audited accounts were prepared within three years before the relevant date?		
45	What steps did you take to ensure that audited accounts and annual returns were filed with the Registrar of Companies within the relevant time scale?		
46	If the company's auditors qualified their report to any of the audited accounts within three years before the relevant date, what steps did you take to remedy the situation? (Please include details of the nature of the qualification).		
47	Did the company hold board meetings? If so, did you attend? To your knowledge were minutes of board meetings ever kept?		

Signed:..... Date:.....

48	<p>How did you monitor the company's financial position/how did you assess on a regular basis that the Company was operating profitably:</p> <p>(a) what management information did you receive. Were you ever denied access to the financial information you requested?</p> <p>(b) when did you first see the last audited accounts of the company?</p> <p>(c) when did you first see the last set of management and/or draft accounts produced?</p> <p>(d) If no such figures were compiled, how did you know the Company's financial position at any time?</p>		
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#### INDICATIONS OF INSOLVENCY

49	<p>Were any writs issued against the company?</p> <p>If Yes, please give full details including the approximate date of the first writ and list all writs outstanding at the relevant date.</p>		
50	<p>Did any creditor obtain judgement against the company?</p> <p>If Yes, give full details including a list of all judgements unsatisfied at the relevant date.</p>		
51	<p>Were any of the company's assets taken in execution?</p> <p>Has distress (including walking possession) been levied against the company in the 12 months prior to the date of commencement of liquidation?</p> <p>If Yes, please give full details including the dates, names of the creditors and the amounts of execution.</p>		

Signed:..... Date:.....

52	Has a winding-up petition been issued against the company or has it received any statutory demands within the three years prior to the relevant date? If Yes, please give full details.		
53	When and how did you first become aware that the company was unable to pay its debts as they became due (i.e., insolvent)?		
54	What did you do/what steps did you take as a result? Were new funds introduced?		
55	If trading was continued, who was responsible for this decision and what were the reasons for so doing? What steps were taken to minimise the potential loss to creditors?		
56	Who did you consult when you became aware/formed the view that the company was insolvent (i.e., fellow directors, the company's auditors, other professional persons etc)? Please give details of the dates and nature of the advice received.		
57	Did the company incur any debt after you became aware/formed the view that it was insolvent?		
58	Were such creditors informed of the company's position? If so, when and how and by whom?		
59	Are any amounts due in respect of PAYE, NIC and VAT? If Yes, please provide full details including the dates and amounts due.		

Signed:..... Date:.....

60	Were any agreements reached by the company with the government departments to pay debts outstanding by instalments? Did the company enter into a Time-to Pay arrangement with HMRC and did the company comply with the terms of the agreement? If Yes, please give full details.		
61	To what causes do you attribute the company's failure?		
62	To your knowledge, in the three years prior to the relevant date, did the company have any of its cheques returned by its bankers because of insufficient funds?		
63	Were any of the company's liabilities the result of non-supply of goods or services, which had been paid for in advance? If Yes, please give full details.		
64	Are there any connected companies and/or subsidiaries? If Yes, give full details including the name, registered office etc., and the scale and nature of transactions between the company and those other companies.		
65	Are any of the amounts owed to creditors less than at any time within the six months before the relevant date? If Yes, please give full details. (If the creditor is a connected person or an associate this information must be provided for the two years prior to the relevant date).		
66	If the creditor is a connected person or an associate please give details of the relationship between yourself and the creditor, and between the creditors and the company.		

Signed:.....

Date:.....

67	Have any creditors been paid in full at any time during the last six months (if the creditor is a connected person or an associate this information must be provided for the two years prior to the relevant date).		
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#### OTHER BACKGROUND INFORMATION

68	Do you, or does anyone else to your knowledge, hold any assets belonging to the company? If Yes, please give full details.		
69	Are you aware of any other assets of any kind at any location of which the liquidator/receiver/administrator has not taken control? If Yes, please give full details.		
70	To your knowledge, have any of the company's assets been overvalued in the accounts for the purpose of obtaining loans, or to mislead creditors. If Yes, please give full details.		
71	Are you aware of any civil or criminal proceeding in relation to the company taken or likely to be taken against yourself, or other directors or any other person? If Yes, please give full details.		
72	Please list the name of any company of which you have been appointed director, or acted in a manner which might be construed as a director, since the date of this insolvency.		
73	Are you suffering any serious ill-health issues, or were you whilst the company was trading?		

Signed:.....

Date:.....

74	Please give any further information you think the liquidator/receiver/administrator should take into account when preparing their report or interim return to the Secretary of State for Trade & Industry.		
75	Please confirm that you have provided an original utilities bill, together with copies of your passport and driving licence in order to comply with the Money Laundering Regulations.		

I confirm the information given above is correct to the best of my knowledge and belief.

Signed:..... Date:.....

## APPENDIX

### Shadow Director

A person in accordance with whose directions or instructions the directors of the company are accustomed to act (but so that a person is not deemed a shadow director by reason only that the directors act on advice given by him in a professional capacity).

### Connected Person

A person is connected with a company if:

- they are a director or shadow director of the company or an associate of such a director or shadow director;

*or*

- they are an associate of the company.

### Associate – Insolvency Act 1986 (The Act) S435

For the purposes of this Act any question whether a person is an associate of another person is to be determined in accordance with the following provisions of this section (any provision that a person is an associate of another person being taken to mean that they are associates of each other).

1. A person is an associate of an individual if that person is the individual's husband or wife, or is a relative, or the husband or wife of a relative, of the individual or of the individual's husband or wife.
2. A person is an associate of any person with whom he is in partnership, and of the husband or wife or a relative of any individual with whom he is in partnership; and a Scottish firm is an associate of any person who is a member of the firm.
3. A person is an associate of any person whom he employs or by whom he is employed.
4. A person in his capacity as trustee of a trust other than:
  - (a) a trust arising under any of the second Group of Part of the Bankruptcy (Scotland) Act 1985,  
*or*
  - (b) a pension scheme or an employee's share scheme (within the meaning of the Companies Act).

is an associate of another person if the beneficiaries or the trust include, or the terms of the trust confirm a power that may be exercised for the benefit of, that other person or an associate of that other person.

5. A company is an associate of another company:



- (a) if the same person has control of both, or a person has control of one and person who are his associates, or he and persons who are his associates, have control of the other,  
*or*
  - (b) if a group of two or more persons has control of each company, and the group either consists of the same persons or could be regarded as consisting of the same persons by treating (in one or more cases) a member of either group as replaced by a person of whom he is an associate.
- 6. A company is an associate of another person if that person has control of it or if that person and persons who are his associates together have control of it.
- 7. For the purposes of this section a person is a relative of an individual if he is that individual's brother, sister, uncle, aunt, nephew, niece, lineal descendant, treating:
  - (a) any relationship of the half blood as a relationship of the whole blood and the stepchild or adopted child of any person as his child,  
*and*
  - (b) an illegitimate child as the legitimate child of his mother and reputed father;

and reference in this section to a husband or wife include a former husband or wife and a reputed husband or wife.
- 8. For the purposes of this section any director or other officer of a company is to be treated as an employee by that company.
- 9. For the purposes of this section a person is to be taken as having control of a company if:-
  - (a) the director of the company or of another company which has control of it (or any of them) are accustomed to act in accordance with his directions or instructions,  
*or*
  - (b) he is entitled to exercise, or control the exercise of, one third or more of the voting power at any general meeting of the company or of another company which has control of it;

and where two or more persons together satisfy either of the above conditions, they are to be taken as having control of the company.
- 10. In this section "company" includes anybody corporate (whether incorporated in Great Britain or elsewhere); and references to directors and other officers of a company and to voting power at any general meeting of a company have effect with any necessary modifications.

