

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"> • Insolvent liquidation • The making of an administration order • The appointment of an administrative receiver 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"> • The court • Date on which the order was made • Period of disqualification • Name of relevant company 		
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"> • Date of the order and the court • Name and address of trustee • Date of discharge 		
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.