

**THE INSOLVENCY ACT AND RULES 1986  
COMPANY DIRECTORS' DISQUALIFICATION ACT 1986**

**QUESTIONNAIRE FOR DIRECTORS**

**NAME OF COMPANY:** \_\_\_\_\_

Section 235 of the Insolvency Act 1986 places a duty on directors, officers and employees of an insolvent company to give to the office holder such information in relation to the company's affairs as he may reasonably require and to attend on the office holder at such times as he may reasonably require. This form is designed to assist you in discharging that duty.

If insufficient information is given it may be necessary for each individual director, shadow director, officer or employee to be examined privately by the office holder or his representative.

This questionnaire must be completed and returned within 21 days and must cover the three year period prior to the date of winding up.

Please answer in the space provided under the question.

Please sign the declaration at the end and initial each sheet.

**1. Contact Information**

What is your full name? \_\_\_\_\_

What is your date of birth? (dd/mm/yyyy) \_\_\_\_\_

What is your contact phone number? \_\_\_\_\_

What is your current residential address?

What is your current postal address? (Leave blank if same as residential address)

What is your current occupation? (e.g. Solicitor, Accountant, Engineer, Bricklayer, etc.)

Please provide the name, address and telephone number of a contact person who does not reside with you.

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## **2. Management of the Company**

What office did you hold in the company and what were your duties?

Who was responsible for the day to day management of the company?

Name any person who was a "shadow" director in the last 3 years, i.e. a person in accordance with whose instructions the directors were accustomed to act.

Did you take part in the formation of the company?

How often were directors' meetings held in the three years prior to liquidation?

Where were these meetings held? Who attended?

Were minutes of these meetings kept? If so, where is the minute book?

How did you assess on a regular basis that the company was operating profitably? Please explain the matters taken into account in determining this.

What figures were compiled by you or presented to you (weekly, monthly or for any other period) to show you the position of the company?

If no such figures were compiled, how did you know the company's financial position at any time?

When did you first become aware that the company was insolvent, i.e. unable to pay its debts as and when they became due? What did you do once you became aware the company was insolvent?

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### 3. Financial Information

How much capital did you introduce into the company by way of: -

- a) Share Capital: .....
- b) Loans: .....
- c) Retained Profits: .....
- d) Other: .....

Give details:

What remuneration have you and other directors received from the company during the three (3) years prior to liquidation by way of:-

- a) Salary: .....
- b) Allowances: .....
- c) Accommodation: .....
- d) Dividends (If so, how were they paid): .....
- e) Other: .....

(Give details for each director)

Has the company become liable by way of guarantee, indemnity or otherwise in respect of obligations of third parties and in particular any subsidiary, associated or holding companies, or on behalf of any officer or employee? If yes, give details.

Were any of the company's debts the result of non-supply of goods or services which had been paid in advance? If so, give particulars.

### 4. Books and Records

What books and records were kept by the company?

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Were the Accounts audited at any time? (Give details of auditors and periods involved.)

Did the auditor or accountant draw your attention to the company's financial position?

Do you at present have any of the books and records in your possession? If so, give details.

Do you know of any books or records which were in use by the company which are not now in your possession or the possession of the liquidator? If yes, please state the types of records and who is in possession of them.

Have any of the books and records been lost or destroyed? If so, which books, when and in what circumstances?

## **5. Assets and Liabilities**

Please list all company assets as at the date of liquidation that the liquidator has not yet been made aware of. You may attach a computer printout.

Please list all company liabilities as at the date of liquidation that the liquidator has not yet been made aware of. You may attach a computer printout.

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Has any of the company's property, assets or undertaking been transferred or otherwise disposed of as a gift or at an undervalue? If yes, for each item, give date of purchase, name of supplier, price and whether paid for in cash or the method of financing the asset, date of disposal if applicable.

During the three years prior to liquidation, what items of the following nature were purchased or leased by the company?

- a) Motor Vehicles
- b) Plant and Machinery
- c) Fixtures and Fittings
- d) Land and Buildings
- e) Other

Other than the assets detailed above, were there any assets used in the business not owned by the business?

How often were stocktakes carried out?

Who was responsible for stocktaking?

Where are the stocktake sheets for the three years prior to liquidation?

Are there any floating charges over the company's assets presently in existence, or in existence over the last two years?

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Please provide a list of contingent liabilities, including debts or preference actions.

Please provide a list of contingent assets, including legal or preference actions.

**6. Related Entities**

Have you been associated either as a director, secretary or shareholder of any other company, which has failed or made arrangements with its creditors under the Insolvency Act? If yes, state name(s) of company(ies) type of failure, your situation in the company.

Has any person to your knowledge been convicted or accused of any offence in relation to the company? If so, whom?

Have you ever been bankrupt, or personally been obliged to make arrangements with your own creditors? If so please explain.

State particulars of any guarantees given by directors to past or present creditors or to solicitors or agents acting for creditors.

I confirm that the answers I have given above are correct to the best of my knowledge and belief.

Signed \_\_\_\_\_

Name \_\_\_\_\_

Date \_\_\_\_\_