

**ORDER under the Companies Act 2006**

**In the matter of application No 657**

**by Guardian Financial Services Holdings UK Limited**

**for a change of the company name of registration**

**No 08620176**

**DECISION**

The company name Guardian Claims Direct Ltd has been registered since 23 July 2013 under number 08620176.

By an application filed on 11 November 2013, Guardian Financial Services Holdings UK Limited applied for a change of name of this registration under the provisions of section 69(1)(b) of the Companies Act 2006 (the Act).

A copy of this application was sent to the primary respondent's registered office on 27 November 2013, in accordance with rule 3(2) of the Company Names Adjudicator Rules 2008. The copy of the application was sent by Royal Mail special delivery and the primary respondent was allowed until 27 December 2013 to file a defence. It was returned marked "address inaccessible" and "addressee unknown". It was re-sent by ordinary post on 11 December 2013. On 9 January 2014, the parties were advised that no defence had been received to the application and so the adjudicator may treat the application as not being opposed. The letter was returned with a covering letter from the Official Receiver's Office explaining that it received the letter and the respondent had not had sight of it. A further letter was sent stating that the parties were granted a period of 14 days to request a hearing in relation to this matter, if they so wished. This letter was also returned marked "return to sender, not at this address".

The primary respondent did not file a defence within the period specified by the adjudicator under rule 3(3). Rule 3(4) states

"The primary respondent, before the end of that period, shall file a counter-statement on the appropriate form, otherwise the adjudicator may treat it as not opposing the application and may make an order under section 73(1)."

Under the provisions of this rule, the adjudicator may exercise discretion so as to treat the respondent as opposing the application. In this case I can see no reason to exercise such discretion and, therefore, decline to do so.

As the primary respondent has not responded to the allegations made, it is treated as not opposing the application. Therefore, in accordance with section 73(1) of the Act I make the following order:

- (a) Guardian Claims Direct Ltd shall change its name **within one month** of the date of this order to one that is not an offending name<sup>i</sup>;
- (b) Guardian Claims Direct Ltd shall:
  - (i) take such steps as are within its power to make, or facilitate the making, of that change;
  - (ii) not cause or permit any steps to be taken calculated to result in another company being registered with a name that is an offending name.

If no such change is made within one month of the date of this order, I will determine a new company name as per section 73(4) of the Act and will give notice of that change under section 73(5) of the Act.

Guardian Financial Services Holdings UK Limited, having been successful, is entitled to a contribution towards its costs. I order Guardian Claims Direct Ltd to pay Guardian Financial Services Holdings UK Limited costs on the following basis:

Fee for application:	£400
Statement of case:	£300
Total:	£700

This sum is to be paid within seven days of the expiry of the appeal period or within seven days of the final determination of this case if any appeal against this decision is unsuccessful.

Any notice of appeal against this decision to order a change of name must be given within one month of the date of this order. Appeal is to the High Court in England, Wales and Northern Ireland and to the Court of Session in Scotland.

The company adjudicator must be advised if an appeal is lodged, so that implementation of the order is suspended.

Dated this 5<sup>th</sup> day of March 2014

Mark Bryant  
Company Names Adjudicator

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<sup>i</sup>An “offending name” means a name that, by reason of its similarity to the name associated with the applicant in which he claims goodwill, would be

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likely— to be the subject of a direction under section 67 (power of Secretary of State to direct change of name), or to give rise to a further application under section 69.