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CHFP021

COMPANIES FORM No. 466(Scot)

Particulars of an instrument of alteration to a floating charge created by a company registered in Scotland

466

A fee of £13 is payable to Companies House in respect of each register entry for a mortgage or charge.

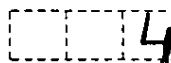
COMPANIES HOUSE
FEE PAID
EDINBURGH

Pursuant to section 410 and 466 of the Companies Act 1985

To the Registrar of Companies
(Address overleaf - Note 6)

For official use

Company number



SC036524

Name of company

* CAPABILITY SCOTLAND (THE "COMPANY")

Date of creation of the charge (note 1)

31 MARCH 2011

Description of the instrument creating or evidencing the charge or of any ancillary document which has been altered (note 1)

FLOATING CHARGE

Names of the persons entitled to the charge

SEE PAPER APART 1

Short particulars of all the property charged

ALL OF THE PROPERTY (INCLUDING UNCALLED CAPITAL) WHICH MAY FROM TIME TO TIME, WHILE THE FLOATING CHARGE IS IN FORCE, BE COMPRISED IN THE COMPANY'S PROPERTY AND UNDERTAKING.

Presenter's name address and reference (if any):

BIGGART BAILLIE LLP
NO.2 LOCHRIN SQUARE
96 FOUNTAINBRIDGE
EDINBURGH
EH3 9QA

For official use (02/06)

Charges Sec

FRIDAY



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08/04/2011

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COMPANIES HOUSE

Names, and addresses of the persons who have executed the instrument of alteration (note 2)

SEE PAPER APART 2

*Please do not
write in
this margin*

*Please complete
legibly, preferably
in black type, or
bold block lettering*

Date(s) of execution of the instrument of alteration

30TH AND 31ST ALL DAYS MARCH 2011

A statement of the provisions, if any, imposed by the instrument of alteration prohibiting or restricting the creation by the company of any fixed security or any other floating charge having, priority over, or ranking pari passu with the floating charge

N/A

Short particulars of any property released from the floating charge

N/A

The amount, if any, by which the amount secured by the floating charge has been increased

N/A

A statement of the provisions, if any, imposed by the instrument of alteration varying or otherwise regulating the order of the ranking of the floating charge in relation to fixed securities or to other floating charges

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write in
this margin*

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legibly, preferably
in black type, or
bold block lettering*

THE SUMS SECURED OR TO BE SECURED BY THE SECURITIES SHALL RANK IN THE FOLLOWING ORDER OF PRIORITY:

FIRST. THE PENSION TRUSTEES STANDARD SECURITY IN RESPECT OF ALL SUMS SECURED THEREBY;

SECOND. THE BANK'S FLOATING CHARGE TO THE EXTENT OF THE BANK'S PRIORITY LIMIT;

THIRD. THE PENSION TRUSTEES FLOATING CHARGE IN RESPECT OF ALL SUMS SECURED THEREBY;

FOURTH. THE BANK'S FLOATING CHARGE TO THE EXTENT OF THE BALANCE (IF ANY) OF THE BANK'S DEBT.

THE RANKING AND PRIORITIES SET OUT ABOVE SHALL TAKE EFFECT NOTWITHSTANDING ANY PRESENT OR FUTURE MORTGAGE OR CHARGE GRANTED BY THE COMPANY TO EITHER THE BANK OR PENSION TRUSTEES (OTHER THAN THE SECURITIES) (UNLESS OTHERWISE AGREED IN WRITING BY THE BANK OR THE PENSION TRUSTEES).

IN THE ABOVE THE FOLLOWING TERMS HAVE THE FOLLOWING MEANINGS:

"ASSETS" MEANS THE WHOLE OF THE PROPERTY WHICH IS OR MAY FROM TIME TO TIME BE COMPRISED IN THE PROPERTY AND UNDERTAKING OF THE COMPANY.

"THE BANK" MEANS THE ROYAL BANK OF SCOTLAND PLC.

"THE BANK'S DEBT" MEANS ALL SUMS OF MONEY WHICH NOW ARE AND WHICH MAY AT ANY TIME OR FROM TIME TO TIME BE OR BECOME DUE TO THE BANK BY THE COMPANY AND OR FOR WHICH THE COMPANY IS NOW OR MAY AT ANY TIME OR FROM TIME TO TIME BE OR BECOME LIABLE OR RESPONSIBLE TO THE BANK IN ANY MANNER OF WAY OR IN ANY RESPECT WHETHER ALONE OR JOINTLY WITH ANY OTHER PERSON OR PERSONS AND WHETHER AS PRINCIPAL DEBTORS OR GUARANTORS OR SURETIES.

THE "BANK'S FLOATING CHARGE" MEANS THE BOND AND FLOATING CHARGE GRANTED BY THE COMPANY IN FAVOUR OF THE BANK DATED 18 NOVEMBER 1975 AND REGISTERED WITH THE REGISTRAR OF COMPANIES AT EDINBURGH ON 1 DECEMBER 1975 OVER THE ASSETS.

"THE BANK'S PRIORITY LIMIT" MEANS THE SUM OF £550,000 TOGETHER WITH INTEREST ON THE AMOUNT AND ALL COMMISSION, CHARGES, FEES, COSTS AND EXPENSES INCURRED IN CONNECTION WITH IT.

(CONTINUED)

"THE PENSION TRUSTEES" MEANS ALAN DAVID JAMES DICKSON RESIDING AT 11 ROSEBURN DRIVE, EDINBURGH EH12 5NR, GEORGE FINNIGAN RESIDING AT THISTLEDENE, NIDDRY ROAD, WINCHBURGH, WEST LOTHIAN, EH52 6PP, ROSEMARY ANNE BRAEKKAN RESIDING AT 10 CRAWFURDS VIEW, LOCHWINNOCH, RENFREWSHIRE, PA12 4EJ, MARY DUFF RESIDING AT 38 RUSSELL STREET, JOHNSTONE, PA5 8EZ AND MCGRIGORS PENSION TRUSTEES LIMITED INCORPORATED IN SCOTLAND UNDER THE COMPANIES ACTS (REGISTERED NUMBER SC102952) AND HAVING ITS REGISTERED OFFICE AT 141 BOWELL STREET, GLASGOW G2 7EQ AS THE PRESENT TRUSTEES OF THE CAPABILITY SCOTLAND PENSION SCHEME AND THEIR SUCCESSORS IN OFFICE AS SUCH TRUSTEES.

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in black type, or
bold block lettering

"PENSION TRUSTEES DEBT" MEANS ALL SUMS OF MONEY WHICH NOW ARE AND WHICH MAY FROM TIME TO TIME BE OR BECOME DUE TO THE PENSION TRUSTEES BY THE COMPANY AND OR FOR WHICH THE COMPANY IS NOW OR MAY AT ANY TIME OR FROM TIME TO TIME BE OR BECOME LIABLE OR RESPONSIBLE TO THE PENSION TRUSTEES IN ANY MANNER OF WAY OR IN RESPECT WHETHER ALONE OR JOINTLY WITH ANY OTHER PERSON OR PERSONS AND WHETHER AS PRINCIPAL DEBTORS OR GUARANTORS OR SURETIES

"THE PENSION TRUSTEES FLOATING CHARGE" MEANS THE FLOATING CHARGE GRANTED BY THE COMPANY OVER THE ASSETS FOR ALL SUMS DUE IN TERMS OF THE PENSION TRUSTEES DEBT.

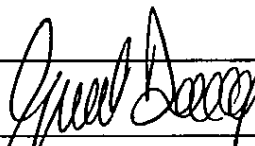
"THE PENSION TRUSTEES STANDARD SECURITY" MEANS THE STANDARD SECURITY GRANTED BY THE COMPANY IN FAVOUR OF PENSION TRUSTEES OVER THE PROPERTY DATED 5 FEBRUARY 2008 AND RECORDED IN THE DIVISION OF THE GENERAL REGISTER OF SASINES APPLICABLE TO THE COUNTY OF MIDLOTHIAN ON 20 MARCH 2008 AND REGISTERED AT COMPANIES HOUSE ON 28 MARCH 2008 AS VARIED BY A DEED OF VARIATION DATED ON OR AROUND THE DATE OF THE RANKING AGREEMENT.

"PROPERTY" MEANS ALL AND WHOLE THE SUBJECTS KNOWN AS WESTERLEA, 5-11 ELLERSLEY ROAD, EDINBURGH BEING THE SUBJECTS PARTICULARLY DESCRIBED IN AND DISPOSED BY FEU CHARTER GRANTED BY SIR GEORGE CAMPBELL IN FAVOUR OF CHARLES COWAN DATED THE EIGHTH AND RECORDED IN THE DIVISION OF THE GENERAL REGISTER OF SASINES APPLICABLE TO THE COUNTY OF EDINBURGH ON THE TWENTY SEVENTH BOTH DAYS OF JULY EIGHTEEN HUNDRED AND SIXTY NINE AND MORE PARTICULARLY DESCRIBED IN THE PENSION TRUSTEE STANDARD SECURITY.

"SECURITIES" MEANS TOGETHER THE PENSION TRUSTEES FLOATING CHARGE, THE PENSION TRUSTEES STANDARD SECURITY AND THE BANK'S FLOATING CHARGE.

A fee is payable to
Companies House
in respect of each
register entry for a
mortgage or
charge.
(See Note 5)

Signed

 GRANT DOHERTY
BIGGANS BAILLIE LLP

Date

7 April 2011

On behalf of ~~[company]~~ [chargee]

Notes

1. A description of the instrument e.g. "Instrument of Charge" "Debenture" etc as the case may be, should be given. For the date of creation of a charge see section 410(5) of the Companies Act. ☐ delete as appropriate
2. In accordance with section 466(1) the instrument of alteration should be executed by the company, the holder of the charge and the holder of any other charge (including a fixed security) which would be adversely affected by the alteration.
3. A certified copy of the instrument of alteration, together with this form with the prescribed particulars correctly completed must be delivered to the Registrar of Companies within 21 days after the date of execution of that instrument.
4. A certified copy must be signed by or on behalf of the person giving the certification and where this is a body corporate it must be signed by an officer of that body.
5. A fee of £13 is payable to Companies House in respect of each register entry for a mortgage or charge. Cheques and Postal Orders are to be made payable to **Companies House**.
6. The address of the Registrar of Companies is: Companies Registration Office, 139 Fountainbridge, Edinburgh EH3 9FF DX 235 Edinburgh or LP - 4 Edinburgh 2

FORM 466

PAPER APART 1

CAPABILITY SCOTLAND (SC036524)

NAMES OF THE PERSONS ENTITLED TO THE CHARGE

1. ALAN DAVID JAMES DICKSON, 11 ROSEBURN DRIVE, EDINBURGH EH12 5NR;
2. GEORGE FINNIGAN, THISTLEDENE, NIDDRY ROAD, WINCHBURGH, WEST LoTHIAN, EH52 6PP;
3. ROSEMARY ANNE BRAEKKAN, 10 CRAWFURDS VIEW, LOCHWINNOCH, RENFREWSHIRE, PA12 4EJ;
4. MARY DUFF, 38 RUSSELL STREET, JOHNSTONE, PA5 8EZ;
5. MCGRIGORS PENSION TRUSTEES LIMITED (COMPANY NUMBER SC102952), 141 BOTHWELL STREET, GLASGOW G2 7EQ;

FORM 466

PAPER APART 2

CAPABILITY SCOTLAND (SC036524)

NAMES AND ADDRESSES OF THE PERSONS WHO HAVE EXECUTED THE INSTRUMENT OF ALTERATION

1. ALAN DAVID JAMES DICKSON, 11 ROSEBURN DRIVE, EDINBURGH EH12 5NR;
2. GEORGE FINNIGAN, THISTLEDENE, NIDDRY ROAD, WINCHBURGH, WEST LOTHIAN, EH52 6PP;
3. ROSEMARY ANNE BRAEKKAN, 10 CRAWFURDS VIEW, LOCHWINNOCH, RENFREWSHIRE, PA12 4EJ;
4. MARY DUFF, 38 RUSSELL STREET, JOHNSTONE, PA5 8EZ;
5. MCGRIGORS PENSION TRUSTEES LIMITED (COMPANY NUMBER SC102952), 141 BOTHWELL STREET, GLASGOW G2 7EQ;
6. CAPABILITY SCOTLAND (COMPANY NUMBER SC036524), 11 ELLERSLEY ROAD, EDINBURGH EH12 6HY;
7. THE ROYAL BANK OF SCOTLAND PLC (COMPANY NUMBER SC090312), 36 ST ANDREW SQUARE, EDINBURGH, EH2 2YB;



FILE COPY

**CERTIFICATE OF THE REGISTRATION
OF AN ALTERATION TO A FLOATING CHARGE**

COMPANY NO. 36524
CHARGE NO. 4

I HEREBY CERTIFY THAT PARTICULARS OF AN INSTRUMENT
OF ALTERATION DATED 31 MARCH 2011

WERE DELIVERED PURSUANT TO SECTION 878 OF THE
COMPANIES ACT 2006
ON 8 APRIL 2011

THE INSTRUMENT RELATES TO A CHARGE CREATED ON 31
MARCH 2011

BY CAPABILITY SCOTLAND

IN FAVOUR OF
ALAN DAVID JAMES DICKSON, GEORGE FINNIGAN & OTHERS

FOR SECURING ALL SUMS DUE OR TO BECOME DUE

GIVEN AT COMPANIES HOUSE, EDINBURGH 11 APRIL 2011

