

# 15 - 06 - 95

# M

COMPANIES FORM No. 466(Scot)

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

# 466

Please do not  
write in  
this margin

Pursuant to section 410 and 465 of the Companies Act 1985

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

To the Registrar of Companies

For official use

Company number

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107209

Name of company

\* AQUASCOT MARKETING LIMITED

\* Insert full name  
of company

Date of creation of the charge (note 1)

3 June 1988

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

BOND and FLOATING CHARGE

Names of the persons entitled to the charge

Governor and Company of the Bank of Scotland having its Head Office  
at The Mound, Edinburgh (The Bank)

Short particulars of all the property charged

The whole assets of the Company

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

MUNRO & NOBLE  
26 Church Street,  
INVERNESS.  
DE/B.637/10

For official Use  
Charges Section

Post room



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

Please do not  
write in  
this margin

1. Aquascot Marketing Limited - 27 Huntly Street, Inverness.
2. The Bank - The Mound, Edinburgh.
3. Highlands & Islands Enterprise (HIE)-Bridge Street, Inverness, IV1 1QR.
4. Ross & Cromarty Enterprise (RACE)? ' High Street, Invergordon, Ross-shire.
5. Kellock Limited (Kellock)-Abbey Gardens, 4 Abbey Street, Reading, Berkshire.

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

Date(s) of execution of the instrument of alteration

1. 9 May 1995.
2. 23 May 1995.
3. 4 May 1995.
4. 28 April 1995.
5. 12 April 1995.

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

None

Short particulars of any property released from the floating charge

none

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

None

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Please do not  
write in  
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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

Please complete  
legibly, preferably  
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bold block lettering

The Securities of the following Secured Creditors shall rank in the following order of priority:-

- (FIRST) the Bank Standard Security but so that the amount recoverable by the Bank under such priority shall not exceed the Bank's First Priority Debt (as hereinafter defined);
- (SECOND) Kellock's Floating Charge in respect of Book Debts only for all sums due to Kellock (other than any monies due and owing by Kellock to the Company).
- (THIRD) THE Bank's Floating Charge, the HIE Floating Charge and RACE's Floating charge pari passu, provided
- (i) that if less than the whole amount secured by the Bank's Floating Charge, the whole amount secured by the HIE Floating Charge and the whole amount secured by RACE's Floating Charge are repaid, repayment shall be made to the Bank pro rata according to the proportion which the Bank's Second Priority Debt (as hereinafter defined) bears to the aggregate of the Bank's Second Priority Debt, RACE's Priority Debt and the HIE Priority Debt, repayment shall be made to HIE pro rata according to the proportion which the HIE Priority Debt (as hereinafter defined) bears to the aggregate of the Bank's Second Priority Debt and RACE's Priority and the HIE Priority Debt and repayment shall be made to RACE pro rata according to the proportion which RACE's Priority Debt (as hereinafter defined) bears to the aggregate of the Bank's Second Priority Debt, RACE's Priority Debt and the HIE Priority Debt; and
- (ii) that in respect of such priority the aggregate amount recoverable by the Bank under the terms of the Bank's Floating Charge shall not exceed the Bank's Second Priority Debt, the aggregate amount recoverable by HIE under the terms of the HIE Floating Charge shall not exceed the HIE Priority Debt and the aggregate amount recoverable by RACE under the terms of RACE's Floating Charge shall not exceed RACE's Priority Debt;
- (FOURTH) the Bank's Floating Charge in respect of all sums secured thereby;
- (FIFTH) Kellock's Floating Charge in respect of all sums secured thereby (other than with regard to Book Debts);

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Continuation of the 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

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

Signed [Signature] Agents for The Bank Date 9 June 1995.

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

† delete as appropriate

## 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.
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.

# 15 - 06 - 95

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

Company number 107209

I hereby certify that particulars of an instrument of alteration dated  
23 MAY 1995

was delivered pursuant to section 410 of the Companies Act, 1985,  
on 12 JUNE 1995.

The instrument relates to a charge created on 3 JUNE 1988

by AQUASCOT MARKETING LIMITED

in favour of  
the GOVERNOR AND COMPANY OF THE BANK OF SCOTLAND

for securing ALL SUMS DUE, OR TO BECOME DUE

Signed at Edinburgh  
14 JUNE 1995

A. MOFFATT  
For Registrar of Companies



C O M P A N I E S H O U S E

30-06-95

**M**

COMPANIES FORM No. 466(Scot)

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

**466**

*Please do not  
write in  
this margin*

Pursuant to section 410 and 466 of the Companies Act 1985

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

To the Registrar of Companies  
(Address overleaf - Note 5)

For official use

Company number



107209

Name of company

*\* Insert full name  
of company*

**Aquascot Marketing Limited**

Date of creation of the charge (note 1)

**28 February 1994**

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

**Ross and Cromarty Enterprise Limited**

Short particulars of all the property charged

**The whole property and undertaking of the Company**

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

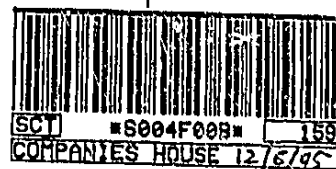
**Ledingham Chalmers  
6 Fraser Street  
INVERNESS  
IV1 1DW**

Ref: JASM/2HAQU002

For official use  
Charges Section

Post room

*U*



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

1. Aquascot Marketing Limited, Artafallie, North Kessock, Inverness.
2. The Governor and Company of the Bank of Scotland, The Mound, Edinburgh.
3. Highlands and Islands Enterprise, Bridge House, 20 Bridge Street, Inverness.
4. Ross and Cromarty Enterprise Limited, 68 High Street, Invergordon.
5. Kellock Limited, 4 Abbey Street, Reading.

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

Date(s) of execution of the instrument of alteration

12 and 28 April, 4, 9 and 23 May all 1995

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

None

Short particulars of any property released from the floating charge

None

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

None

# 30 - 06 - 95

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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**The charges shall rank as follows:-**

- 1st    The Standard Security in favour of the Bank and recorded in the Division of the General Register of Sasines for the County of Argyll on 7 February 1995 to the extent of £1,050,000 plus 12 months interest and expenses.
- 2nd    A Floating Charge in favour of Kellock Limited in respect of Book Debts for all sums due.
- 3rd    The Floating Charge in favour of the Bank dated 3 June 1988, the Floating Charge charges in favour of Highlands and Islands Enterprise and Ross & Cromarty Enterprise Limited ranking *pari passu* to the extent of £300,000, £90,000 and £10,000 respectively together with 12 months interest thereon and expenses.
- 4th    The Floating Charge in favour of the Bank for all sums secured thereby.
- 5th    The Floating Charge in favour of Kellock Limited in respect of all sums secured thereby.



# 30-06-95

Continuation of the 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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bold block lettering

Signed Leah All Date 9-6-95  
On behalf of [company] [chargee]†

† delete as  
appropriate

#### 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.

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.

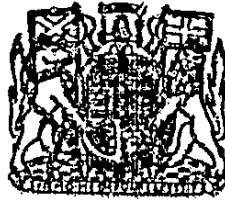
3. A certified copy of the instrument of alteration, together with this form with the prescribed particulars correctly completed must be delivered to the Registrar of Companies within 21 days after the date of execution of that instrument.

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. The address of the Registrar of Companies is:-  
Companies Registration Office, 102 George Street, Edinburgh EH2 3DJ

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

Company number 107209

I hereby certify that particulars of an instrument of alteration dated  
23 MAY 1995

was delivered pursuant to section 410 of the Companies Act, 1985,  
on 12 JUNE 1995.

The Instrument relates to a charge created on 28 FEBRUARY 1994  
by AQUASCOT GROUP LIMITED

in favour of ROSS & CROMARTY ENTERPRISE LIMITED

for securing ALL SUMS DUE, OR TO BECOME DUE

Signed at Edinburgh  
30 JUNE 1995

Stuart S. Smith  
For Registrar of Companies



C O M P A N I E S   H O U S E