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CHWP000

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

6

SC193995

Name of company

\* BRAEHEAD FOODS LIMITED

Date of creation of the charge (note 1)

18th December 2007

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

The West of Scotland Loan Fund Limited,  
c/o East Ayrshire Council,  
Council Headquarters,  
London Road,  
Kilmarnock, KA3 7BU

Short particulars of all the property charged

The whole of the property of the company (including uncalled capital) which is or which may be from time to time comprised in their property and undertaking.

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

East Ayrshire Council, Council  
Headquarters, London Road,  
Kilmarnock, KA3 7BU  
CONT/ECD/113/NM

For official  
Charges Sec

SATURDAY



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05/09/2009

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

The Royal Bank of Scotland plc, 36 St. Andrew Square, Edinburgh, The West of Scotland Loan Fund Limited, care of East Ayrshire Council, Council Headquarters, London Road, Kilmarnock, KA3 7BU; Braehead Foods Limited of Block 4, Bonnyton Industrial Estate, Kilmarnock, KA1 2NP

*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

28th July, 14th August and 20th August 2009

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

not applicable

Short particulars of any property released from the floating charge

not applicable

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

not applicable

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bold block lettering***

Braehead Foods Limited ("the company") has granted the following Standard Securities in respect of the subjects known as plot 7 Moorfield North Industrial park, Kilmarnock:-

(a) Standard Security in favour of the Royal Bank of Scotland plc ("the Bank") dated 25th September 2007 and registered or to be registered in the Land Register of Scotland ("the Bank Fixed Security")

(b) Standard Security in favour of The West of Scotland Loan Fund Limited ("Fund") dated 18th December 2007 and registered or to be registered in the Land Register of Scotland ("the Fund Fixed Security")

The Company has also granted the following Bonds and Floating Charges over their whole assets and undertaking as follows:-

(a) Bond and Floating Charge by the Company in favour of the Bank dated 22nd and registered with the Registrar of Companies on 29th both days of February 2002 ("The Bank Floating Charge").

(b) Bond and Floating Charge by the Company in favour of the Fund dated 18th December 2007 and registered with the Registrar of Companies on 24th December 2007 ("the Fund Floating Charge").

the foregoing Standard Securities and Floating Charges are ranked as follows:-

1. The Bank Fixed Security and the Bank Floating Charge to the extent of £1,040,000 plus one year's interest and expenses ("the Bank priority debt"); then
2. The Fund Fixed Security and the Fund Floating Charge to the extent of £50,000 plus one year's interest and expenses ("the Fund Priority Debt") shall rank equally *pari passu pro rata* to the the Bank Fixed Security and the Bank Floating Charge to the extent of £200,000 plus one year's interest and expenses ("the Additional Bank Debt"); then
3. The Bank Fixed Security and the Bank Floating Charge to the extent of the balance (if any) of the Bank Debt and the Fund Fixed Security and the Fund Bond and Floating Charge to the extent of the balance (if any) of the Fund Debt shall rank equally *pari passu pro rata*; then
4. The surplus (if any) shall be paid to the Company or other person or persons entitled to it.

Please complete  
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bold block lettering

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

Signed  Date 4th September 2009  
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



**FILE COPY**

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

**COMPANY NO. 193995  
CHARGE NO. 6**

**I HEREBY CERTIFY THAT PARTICULARS OF AN INSTRUMENT  
OF ALTERATION DATED 20 AUGUST 2009**

**WERE DELIVERED PURSUANT TO SECTION 410 OF THE  
COMPANIES ACT 1985  
ON 5 SEPTEMBER 2009**

**THE INSTRUMENT RELATES TO A CHARGE CREATED ON 17  
DECEMBER 2007**

**BY BRAEHEAD FOODS LIMITED**

**IN FAVOUR OF  
WEST OF SCOTLAND LOAN FUND LIMITED**

**FOR SECURING ALL SUMS DUE OR TO BECOME DUE**

**GIVEN AT COMPANIES HOUSE, EDINBURGH 10 SEPTEMBER  
2009**



*Companies House*  
— for the record —



**THE OFFICIAL SEAL OF THE  
REGISTRAR OF COMPANIES**