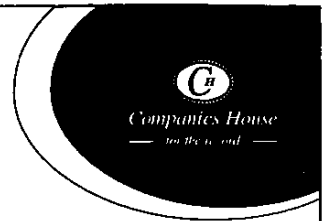


MG04

Statement that part [or the whole] of the property
charged (a) has been released from the charge;
(b) no longer forms part of the company's property



☒ **What this form is for**
You may use this form to
register a statement that part
or the whole of the property
has a) been released from
the charge or b) ceased to
form part of the property

☐ **What this form is NOT for**
You cannot use this form to
register a statement that
the whole of the property
has been released from the
charge or b) no longer forms
part of the company's property
company registered in
To do this, please use form

SATURDAY



A10 09/07/2011 246
COMPANIES HOUSE

For further information please

1 Company details

Company number 06087986
Company name in full Powerfuel Mining Limited (now in administration) (the "Company")

For official use
4
Filing in this form
Please complete in typescript or in
bold black capitals
All fields are mandatory unless
specified or indicated by *

2 Creation of charge

Date charge created 05/01/2011
Description 1 Debenture as defined in Schedule 2
Date of registration 2 12/01/2011

1 You should give a description of
the instrument (if any) creating or
evidencing the charge,
e.g. 'Legal charge'
2 The date of registration may be
confirmed from the certificate

3 Name and address of chargee(s), or trustee(s) for the debenture holders

Please give the name and address of the chargee(s), or trustee(s) for the
debenture holders

Name Powerfuel Plc (in administration) (the "Chargee")
Address c/o KPMG, 1 The Embankment, Neville Street,
Leeds, West Yorkshire,
Postcode LS14DW

Name
Address
Postcode
Name
Address
Postcode

Continuation page
Please use a continuation page if
you need to enter more details

MG04

Statement that part [or the whole] of the property charged (a) has been released from the charge, (b) no longer forms part of the company's property

4 Short particulars of the property or undertaking which has been released from the charge or ceased to belong to the company

Please give the short particulars of the property or undertaking which has been released from the charge or ceased to belong to the company

Continuation page
Please use a continuation page if you need to enter more details.

Short particulars

See Schedules 1 and 2

5 Property released or ceased to belong to the company

I confirm that with respect to the charge described above that ❶

- ☒ part of the property
☐ the whole of the property

has ❶

- ☐ been released from the charge
☐ ceased to form part of the company's property or undertaking
☒ been released from the charge and ceased to form part of the company's property

❶ Please tick one box only

6 Signature

Please sign the form here

Signature

Signature

X White and Case LLP X

This form must be signed by a person with an interest in the registration of the charge

MG04

Statement that part [or the whole] of the property charged (a) has been released from the charge, (b) no longer forms part of the company's property



Presenter information

You do not have to give any contact information, but if you do it will help Companies House if there is a query on the form. The contact information you give will be visible to searchers of the public record

Contact name Henry Ryder

Company name White & Case LLP,

Address 5 Old Broad Street,

Post town London

County/Region

Postcode E C 2 N 1 D W

Country United Kingdom

DX

Telephone 02075321355



Checklist

We may return forms completed incorrectly or with information missing

Please make sure you have remembered the following

- ☐ The company name and number match the information held on the public Register
- ☐ You have correctly completed the charge details in Section 2
- ☐ You have given the name and address of the chargee, or trustee for the debenture holders
- ☐ You have completed the details of the short particulars of the property charged
- ☐ You have completed both parts of Section 5
- ☐ You have signed the form



Important information

Please note that all information on this form will appear on the public record



Where to send

You may return this form to any Companies House address, however for expediency we advise you to return it to the appropriate address below

For companies registered in England and Wales.
The Registrar of Companies, Companies House,
Crown Way, Cardiff, Wales, CF14 3UZ
DX 33050 Cardiff

For companies registered in Scotland
The Registrar of Companies, Companies House,
Fourth floor, Edinburgh Quay 2,
139 Fountainbridge, Edinburgh, Scotland, EH3 9FF
DX ED235 Edinburgh 1
or LP - 4 Edinburgh 2 (Legal Post)

For companies registered in Northern Ireland
The Registrar of Companies, Companies House,
Second Floor, The Linenhall, 32-38 Linenhall Street,
Belfast, Northern Ireland, BT2 8BG
DX 481 N R Belfast 1



Further information

For further information, please see the guidance notes on the website at www.companieshouse.gov.uk or email enquiries@companieshouse.gov.uk

This form is available in an alternative format. Please visit the forms page on the website at www.companieshouse.gov.uk

MG04 - continuation page

Statement that part [or the whole] of the property charged (a) has been released from the charge, (b) no longer forms part of the company's property

4

Short particulars of the property or undertaking which has been released from the charge or ceased to belong to the company

Please give the short particulars of the property or undertaking which has been released from the charge or ceased to belong to the company.

Short particulars

*Continuation sheet 1 of 2 - Powerfuel Mining Limited
(Company Number 06087986)*

SCHEDULE 1

Release and Discharge

- 1 Pursuant to Clause 2 1 (*Release and Discharge*) of a deed of release dated 27 April 2011 between the Chargee, the Company and the joint administrators of the Company and the Chargee (the "**Joint Administrators**") on the terms and conditions set out therein, the Chargee irrevocably and unconditionally
 - (a) released and reassigned to the Company its respective right, title and interest in and to the Transferred Assets and the HCL Shares as at the date of the deed of release; and
 - (b) discharged and released the Company from all its obligations to the Chargee under the Debenture in respect of the Transferred Assets and the HCL Shares
2. Pursuant to Clause 2 1 (*Release and Discharge*) of a deed of release dated 6 May 2011 between the Chargee, the Company and the Joint Administrators, on the terms and conditions set out therein, the Chargee irrevocably and unconditionally.
 - (a) released and discharged all security created, evidenced or conferred by or pursuant to the Debenture over the PPL Shares,
 - (b) released and reassigned to the Company its respective right, title and interest in and to the PPL Shares as at the date of the deed of release, and
 - (c) discharged and released the Company from any and all of its present and future obligations and liabilities (whether actual, accrued, contingent or otherwise) to the Chargee under the Debenture in respect of the PPL Shares.

MG04 - continuation page

Statement that part [or the whole] of the property charged (a) has been released from the charge, (b) no longer forms part of the company's property

4

Short particulars of the property or undertaking which has been released from the charge or ceased to belong to the company

Please give the short particulars of the property or undertaking which has been released from the charge or ceased to belong to the company

Short particulars

*Continuation sheet 2 of 2 - Powerfuel Mining Limited
(Company Number 06087986)*

Retention of Rights

- 3 Notwithstanding paragraphs 1 and 2 above, Clause 2.2 (*Retention of Rights*) of each of the deeds of release above states that nothing contained therein shall prejudice or affect the continuing nature of the security constituted by the Debenture as regards all property charged by the Debenture, other than the Transferred Assets, the HCL Shares and the PPL Shares, or the obligations of the Company or the rights of the Chargee under the Debenture. For the avoidance of doubt, the Debenture shall remain in full force and effect with respect to any property other than the Transferred Assets, the HCL Shares and the PPL Shares.

SCHEDULE 2

"Business Sale and Purchase Agreement" means the business sale and purchase agreement dated 15 April 2011 between the Chargee as seller, the Company as seller and Richard Dixon Fleming and Brian Green as Joint Administrators (as such term is defined therein) and Hatfield Colliery Ltd as purchaser

"Debenture" means the debenture dated 5 January 2011 entered into between the Company and the Chargee

"HCL Shares" means all the shares that the Company holds in Hatfield Colliery Ltd, a company incorporated in Jersey and (registered number 107932 in Jersey) having its registered office at 1st Floor, 37 Broad Street, St Helier, Jersey, Channel Islands, JE2 3RR (and registered as an Overseas Company registered number FC030174).

"PPL Shares" means all the shares that the Company holds in Powerfuel Power Limited, a company incorporated under the laws of England and Wales with registered number 06087981, having its registered office at Hatfield Colliery, Waggons Way, Stainforth, Doncaster, South Yorkshire, DN7 5TZ

"Transferred Assets" means certain Assets (as such term is defined in the Business Sale and Purchase Agreement) of the Company