

TO ALL KNOWN PREFERENTIAL AND
UNSECURED CREDITORS

3 November 2022

Ref: TRS/FLT/AR/LJ/D19.7

Direct line: 0141 226 9202
Lucy McWalters
ljones2@parthenon.ey.com

Dear Sirs

Richard Irvin & Sons Limited (in Administration) ('the Company')

As you may be aware, the Administration of the Company is due to end on 18 December 2022.

As my work is not yet complete, I am seeking the consent of all the Company's creditors to apply to Court for an extension of the Administration for a period of six months to 18 June 2023.

Why is an extension required?

The purpose of the extension is to allow the Administrators to:

- Realise the outstanding M&E debtor balances;
- Deal with outstanding VAT matters, which includes filing statutory returns and, at the appropriate time, obtaining the relevant clearances from HMRC;
- Make a final distribution to the secured creditor, Bank of Scotland plc, in connection with its fixed and floating charges over the Company's assets;
- Make a distribution to the Company's unsecured creditors via the Prescribed Part;
- Ensure all statutory reporting and compliance obligations are met;
- Finalise the Administration, including payment of all Administration liabilities; and
- Undertake any other actions the Administrators consider, in their reasonable opinion, are necessary and/or expedient to fulfil the purpose of the Administration.

I am seeking a decision from the secured, preferential and unsecured creditors on this matter by deemed consent and I enclose formal notice to this effect.

Establishment of a creditors' committee

The Insolvency (England and Wales) Rules 2016 require that whenever a decision is sought from creditors, they must also be invited to establish a creditors' committee if, as in this case, a committee is not already in existence. Accordingly, I enclose an invitation to form a creditors' committee. In order for a committee to be formed, at least 3 creditors must be willing to serve on the committee and they must give their consent in writing.

If you vote in favour of establishing a committee, please also complete the nomination section of the voting form and, unless you are nominating yourself, include the appropriate written consent(s) to act with your completed voting form. If there are fewer than 3 valid nominations, a committee will not be established. If there are at least 3 and no more than 5 valid nominations, a committee will be formed with the nominated creditors. In the event that there are more than 5 valid nominations, I shall put the nominations to a vote by the general body of creditors.

Further information and next steps

For the avoidance of doubt, you do not need to take any action in relation to this letter unless you wish to object to the Administrators seeking an extension from the Court. If you wish to object, you must confirm this in writing to liones2@parthenon.ey.com no later than 23 November 2022.

Further information on the quantum and timing of the Prescribed Part dividend to unsecured creditors (as noted above) will be provided separately in due course. Additionally, a progress report covering the six-month period to 18 December 2022 will be issued to all known creditors in January 2023.

Should you have any queries relating to the enclosed documents or any other aspect of the Administration, please do not hesitate to contact Lucy McWalters at this office.

Yours faithfully
for Richard Irvin & Sons Limited (in Administration)



Fiona Livingstone Taylor
Joint Administrator

Enc: Notice of deemed consent
Invitation to form a creditors' committee

F L Taylor is licensed in the United Kingdom to act as an Insolvency Practitioner by the Institute of Chartered Accountants in England & Wales and C P Dempster is licensed in the United Kingdom to act as an Insolvency Practitioner by the Institute of Chartered Accountants of Scotland.

The affairs, business and property of the Company are being managed by the Joint Administrators, F L Taylor and C P Dempster, who act as agents of the Company only and without personal liability.

The Joint Administrators may act as data controllers of personal data as defined by the UK General Data Protection Regulation (as incorporated in the Data Protection Act 2018), depending upon the specific processing activities undertaken. Ernst & Young LLP and/or the Company may act as a data processor on the instructions of the Joint Administrators. Personal data will be kept secure and processed only for matters relating to the Joint Administrators' appointment. The Office Holder Data Privacy Notice can be found at www.ey.com/uk/officeholderprivacy.

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Notice to creditors of deemed consent

Paragraph 78 of Schedule B1 to the Insolvency Act 1986 and Rule 15.7 of the Insolvency (England and Wales) Rules 2016

Richard Irvin & Sons Limited (In Administration) ('the Company')

Name of court:	High Court of Justice, Business and Property Courts of England & Wales
Case number:	CR-2018-010741
Registered name of the Company	Richard Irvin & Sons Limited
Other trading names or styles of the Company:	Richard Irvin Energy Solutions
Any other registered name in the 12 months prior to Administration:	N/A
Registered number:	00096281
Registered office address:	c/o Ernst & Young LLP, 2 St Peter's Square, Manchester, M2 3DF
Principal trading addresses (if different from above):	Irvin House, Hareness Road, Altens Industrial Estate, Aberdeen, AB12 3LE Suite 1, Kingfisher House, Barlow Park, West Pitkerro Industrial Estate, Dundee, DD5 3UB 3 Centura Court, Nasmyth Place, Hillington Park, Glasgow G52 4PR 4 Straiton View, Straiton Parc, Loanhead, EH20 9QZ 29a Harbour Road, Inverness, IV1 1SY
Date on which the Company entered Administration:	19 December 2018
Date of appointment of Joint Administrators:	19 December 2018

Details of the Joint Administrators

Fiona Livingstone Taylor and Colin Peter Dempster
Ernst & Young LLP
144 Morrison St, Edinburgh EH3 8EB

Office holder number:	8787 / 8908
Telephone number:	+44 141 226 9202
Name of alternative person to contact about the Administration:	Lucy McWalters

NOTICE IS HEREBY GIVEN that the Joint Administrators of the above-named Company are seeking the consent of creditors to apply to Court for an extension of the Administration for a period of six months to 18 June 2023.

Creditors will be deemed to have consented to the extension unless by the end of 23 November 2022 at least 10% in value of creditors who would be entitled to vote in a qualifying decision procedure have objected to approval and their objections have been made in accordance with the procedure set out below.

Objections

Any creditor wishing to object to the proposed decision to extend the Administration including any creditor who has opted out from receiving notices about the Administration must deliver to me, at the above address, a notice stating that the creditor so objects. The notice must be delivered to me at the above address not later than the end of 23 November 2022 together with a proof in respect of the creditor's claim which complies with the requirements of Rules 15.28 to 15.35 of the Insolvency (England and Wales) Rules 2016 failing which the objection will be disregarded.

Please note that creditors whose debts may be treated as small debts in accordance with Rule 14.31(1) of the Insolvency (England and Wales) Rules 2016 must still deliver a proof of claim if they wish to object.


It is my responsibility, as Joint Administrator convening the deemed consent procedure, to aggregate any objections to see if the threshold is met for the decision to be taken as not having been made.

If the threshold is met the deemed consent procedure will terminate without a decision being made on the request for an extension and if a decision is sought again on the same matter, it will be sought by a decision procedure.

Requests for a physical meeting to be held

Creditors who meet the thresholds in s.246ZE(7) of the Insolvency Act 1986, namely 10% in value of creditors, 10% in number of creditors or 10 creditors, may, within five business days from the date of delivery of this notice, make a request to me in writing for a physical meeting of creditors to be held to consider the request for an extension of the administration.

Signed
Fiona L Taylor
Joint Administrator



Date

3 November 2022

Notice to creditors – invitation to form a creditors' committee

Rule 3.39, Insolvency (England and Wales) Rules 2016

Richard Irvin & Sons Limited (In Administration) ('the Company')

Name of court:	High Court of Justice, Business and Property Courts of England & Wales
Case number:	CR-2018-010741
Registered name of the Company	Richard Irvin & Sons Limited
Other trading name(s) or style(s) of the company:	Richard Irvin Energy Solutions Limited
Any other registered name in the 12 months prior to Administration:	N/A
Registered number:	00096281
Registered office address:	c/o Ernst & Young LLP, 2 St Peter's Square, Manchester, M2 3DF
Principal trading addresses:	Irvin House, Hareness Road, Altens Industrial Estate, Aberdeen, AB12 3LE Suite 1, Kingfisher House, Barlow Park, West Pitkerro Industrial Estate, Dundee, DD5 3UB 3 Centura Court, Nasmyth Place, Hillington Park, Glasgow G52 4PR 4 Straiton View, Straiton Parc, Loanhead, EH20 9QZ 29a Harbour Road, Inverness, IV1 1SY
Date on which the Company entered Administration:	19 December 2018
Date of appointment of Joint Administrators:	19 December 2018

Details of the Joint Administrators

Fiona Livingstone Taylor and Colin Peter Dempster
Ernst & Young LLP
Atria One, 144 Morrison Street, Edinburgh, EH3 8EX

Office holder numbers:	8787 / 8908
Telephone number:	0141 226 9202
Name of alternative person to contact about the Administration:	Lucy McWalters

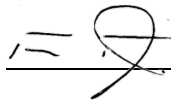
Invitation to form a creditors' committee

Creditors are invited to decide whether a creditors' committee should be formed if sufficient creditors are willing to be members of the committee. Information on the role of committees can be found at <https://www.r3.org.uk/media/documents/publications/professional/R3-Guide-to-Creditors-Committees.pdf>

To be validly established, a committee must have at least three and not more than five members, who must have agreed to act.

Should you wish to form a committee, please follow the instructions in the nomination form attached to this notice and return the completed nomination form, with written agreements to act where appropriate to me at the above address to arrive no later than 23 November 2022. Nominations can only be accepted if I am satisfied as to the creditor's eligibility under Rule 17.4 of the Insolvency (England and Wales) Rules 2016.

Signed
F L Taylor
Joint Administrator



Date

3 November 2022

Richard Irvin & Sons Limited (In Administration) ('the Company')

Nominations for creditors' committee

You may nominate up to five creditors of the company. Please note that before a person can act as a member of a creditors' committee that person must agree to do so.

In the event that more than five valid nominations are received, the five receiving the most votes will be appointed.

When you have completed this form, please return it with the creditor's written agreement to act (unless you are nominating yourself or your own organisation) to Fiona Livingstone Taylor at Ernst & Young LLP, Atria One, 144 Morrison Street, Edinburgh, EH3 8EX to arrive no later than the closing date stated on the notice of invitation to form a committee.

I nominate:

(Name of creditor) _____ of

(Address) _____

(Name of creditor) _____ of

(Address) _____

(Name of creditor) _____ of

(Address) _____

(Name of creditor)_____ of

(Address)_____

(Name of creditor)_____ of

(Address)_____

to be appointed as (a) member(s) of the creditors' committee.

Signature _____

Name of signatory _____

On behalf of
(name of creditor) _____

Date _____