



Est. 1892

# TongaatHulett®

- Delivered by Email To:**
- All known Creditors of Tongaat Hulett Sugar South Africa Limited (in business rescue)
  - Companies and Intellectual Property Commission
- Displayed:**
- Registered office and principal place of business of the Company
- Published:**
- On the website maintained by the Company and accessible to Affected Persons
- 

25 January 2023

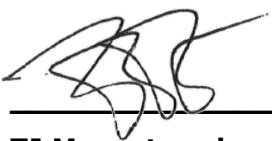
## **REQUEST FOR CREDITORS' CONSENT IN TERMS OF SECTION 150(5) OF THE COMPANIES ACT 71 OF 2008 FOR EXTENSION OF THE PUBLICATION OF THE BUSINESS RESCUE PLAN OF TONGAAT HULETT SUGAR SOUTH AFRICA LIMITED (in business rescue)**

1. Section 150(5) of the Companies Act 71 of 2008 ("the **Companies Act**") requires that the business rescue plan ("**Plan**") for Tongaat Hulett Sugar South Africa Limited ("the **Company**") must be published within 25 business days after the date on which Messrs. Murgatroyd, van den Steen and Albertyn ("the **Practitioners**") were appointed as the Company's joint business rescue practitioners, or such longer time as may be allowed by the holders of a majority of the creditors' voting interests.
2. In this regard, the publication date is currently 1 February 2023.
3. The Company is a wholly owned subsidiary of Tongaat Hulett Limited ("**THL**") and has historically acted as agent for THL, with THL constituting the undisclosed principal of THL. These agency arrangements are complex and require thorough investigation. The Company's affairs and business activities are wholly interlinked with those of THL.
4. The Practitioners have been engaged in securing post-commencement finance for THL (and by implication the Company and the other subsidiaries of THL), meeting with affected persons and other stakeholders and assessing the Company's business records and contractual and legislative obligations, which are very complex. All these activities, a number of which are ongoing (and in particular the investigation of the Company's affairs and the agency arrangements referred to

above) are very time consuming and were severely restricted during the immediately preceding holiday season.

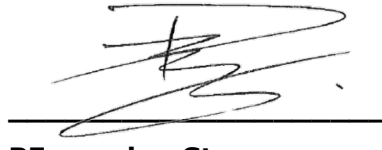
5. In light of the above, the Practitioners are requesting the creditors of the Company holding a majority of creditors' voting interests, to allow an extension of the Plan publication date in terms of section 150(5)(b) of the Companies Act to **28 February 2023**.
6. Creditors are requested to demonstrate their consent or objection to this request for extension of such publication date by notifying the Practitioners of such consent or objection in writing by **no later than noon on Friday, 27 January 2023, such notification to be sent to: [lauren.arnold@tongaat.com](mailto:lauren.arnold@tongaat.com)**.
7. Creditors are reminded that all notices and documents regarding the business rescue proceedings of the Company that have been and/or will be circulated to all known Affected Persons, are/will be published and made available to all Affected Persons, on the Tongaat website at: [www.tongaat.com](http://www.tongaat.com), under the 'Business Rescue' tab.

Yours faithfully,



---

**TJ Murgatroyd**



---

**PF van den Steen**



---

**GC Albertyn**

**The Joint Business Rescue Practitioners of Tongaat Hulett Sugar South Africa Limited (in business Rescue)**