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# TongaatHulett®

- Delivered by Email To:**
- All known Affected Persons of Tongaat Hulett 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
  - Availability recorded in an announcement to shareholders on the Stock Exchange News Service (SENS), released after distribution.
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09 June 2023

**NOTICE TO ALL KNOWN AFFECTED PERSONS OF TONGAAT HULETT LIMITED (in business rescue) ("Company") IN TERMS OF SECTION 151(3) OF THE COMPANIES ACT 71 OF 2008, AS AMENDED ("Companies Act"), AND SECTIONS 144(3)(B), 145(1)(A) AND 146(A) OF THE COMPANIES ACT**

1. Affected Persons were notified on 31 May 2023 that a meeting of Affected Persons in terms of section 151 of the Companies Act has been convened and scheduled to take place on Wednesday, 14 June 2023 at 13:00 ("the Meeting").
2. However, Trevor Murgatroyd, Peter van den Steen and Gerhard Albertyn (collectively "BRPs"), will seek an adjournment of the Meeting to no later than 30 September 2023 in terms of section 151(3) of the Companies Act, on the basis that it is necessary and expedient to do and/or to revise the Business Rescue Plan insofar necessary. The reason for the requested adjournment being certain pending litigation currently underway, including but not limited to the proceedings in the KwaZulu Natal Divisions of the High Court of South Africa under case numbers D4472/2023 and 8478/2023P<sup>1</sup>.
3. In this regard, this notice also serves as a notice to Affected Persons of these cases in terms of sections 144(3)(b), 145(1)(a) and 146(a) of the Companies Act. Electronic copies of the court papers filed in these cases may be requested via [sugar@werksmans.com](mailto:sugar@werksmans.com).

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<sup>1</sup> RCL Foods Sugar & Milling (Pty) Ltd & 3 Others v Tongaat Hulett Limited (in business rescue) & 12 Others, issued and served on 8 June 2023

4. The adjournment of the Meeting will be decided by creditors virtually at a Microsoft Teams Live Event. Please see the details of the virtual Meeting, below:

Date: Wednesday 14th June 2023

Time: 13:00

Meeting Type: Virtual Microsoft Teams Live Event

To join the virtual Microsoft Teams Live Event, please click the link below:

[https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_YTI2MmJjMWQ0YjA2NC00MTYyLThmZWEtODA1MzhiYjk3ZDc1%40thread.v2/0?context=%7B%22Tid%22%3A%22b7d38a71-93f8-44d1-adfa-3667a718fc4c%22%2C%22Oid%22%3A%221e7c695b-05e7-46c2-91ea-d6b77c66236d%22%2C%22IsBroadcastMeeting%22%3Atrue%22%2C%22role%22%3A%22a%22%7D&btype=a&role=a](https://teams.microsoft.com/l/meetup-join/19%3ameeting_YTI2MmJjMWQ0YjA2NC00MTYyLThmZWEtODA1MzhiYjk3ZDc1%40thread.v2/0?context=%7B%22Tid%22%3A%22b7d38a71-93f8-44d1-adfa-3667a718fc4c%22%2C%22Oid%22%3A%221e7c695b-05e7-46c2-91ea-d6b77c66236d%22%2C%22IsBroadcastMeeting%22%3Atrue%22%2C%22role%22%3A%22a%22%7D&btype=a&role=a)

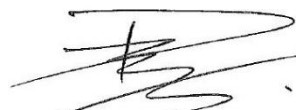
5. Voting by proxy:
- 5.1 Voting by proxy is permitted. We have included a proxy form, for the purpose of nominating a person to vote on your behalf at the Meeting.
- 5.2 In addition to this, the proxy form is further available to download from the Company's website at: [www.tongaat.com](http://www.tongaat.com) under the "Business Rescue" tab.
- 5.3 Creditors who are voting by proxy are required to lodge their duly completed proxy form either by:
- 5.3.1 submitting it via email, to the Company's business rescue email address at: [BR@tongaat.com](mailto:BR@tongaat.com) by no later than 17H00 on Monday 12<sup>th</sup> of June 2023;
- 5.3.2 delivering it by hand, to the Company's registered business address - located at: Amanzimnyama Hill, Tongaat, Kwa-Zulu Natal, 4400, South Africa - by no later than 17H00 on Monday 12<sup>th</sup> of June 2023.
6. Affected Persons are reminded that all documentation, information, and notifications relevant to the business rescue proceedings of the Company, are available for review and to download on the Company's website at: [www.tongaat.com](http://www.tongaat.com) under the "Business Rescue" tab.

7. If you have any requests or queries, they may be directed to the Company's business rescue team at: [BR@tongaat.com](mailto:BR@tongaat.com).

Yours faithfully,



**TJ Murgatroyd**



**PF van den Steen**



**GC Albertyn**

The Joint Business Rescue Practitioners of Tongaat Hulett Limited (in business Rescue)