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TongaatHulett®

- Delivered by Email To:**
- All known Affected Persons of Tongaat Hulett Sugar South Africa Proprietary 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 Tongaat and accessible to Affected Persons
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26 October 2023

NOTICE REGARDING SECTION 151 MEETING AND NOTICE OF EXTENSION OF THE DATE FOR THE PUBLICATION OF THE AMENDED BUSINESS RESCUE PLAN IN THE BUSINESS RESCUE PROCEEDINGS OF TONGAAT HULETT SUGAR SOUTH AFRICA PROPRIETARY LIMITED (IN BUSINESS RESCUE) ("Company")

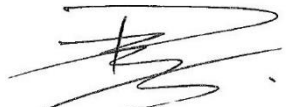
- 1 As previously advised, the Company's business rescue proceedings are inextricably linked with those of Tongaat Hulett Limited (in business rescue) ("**THL**"), the Company's parent and previously undisclosed legal "principal". This is due to the fact that the Company has operated as an undisclosed agent for THL. As a result, the business rescue proceedings of the Company are wholly dependent on the business rescue proceedings and business rescue plan of THL.
- 2 At a meeting of creditors held on 8 September 2023, ("**September Meeting**") the requisite majority of creditors agreed to an adjournment of the meeting ("**151 Meeting**") to be held in terms of section 151 of the Companies Act 71 of 2008 ("**Companies Act**"), to consider and, if appropriate, approve the Company's amended Business Rescue Plan ("**amended Plan**"), to no later than 30 November 2023 and that no less than 30 days' prior written notice of the intended date of the adjourned 151 Meeting must be provided to Creditors.
- 3 The Business Rescue Practitioners issued a notice on 6 October 2023 convening the 151 Meeting and for the 151 Meeting to be held on 7 November 2023. In light of the request below, to extend the publication date for the amended Plan, the 151 Meeting will not be held on 7 November 2023 and the prior notice is withdrawn. Instead, the 151 Meeting will be held no later than 30 November 2023, in accordance with the agreement of creditors at the September Meeting. An updated 151 Meeting date will be shared as soon as possible in the coming weeks.
- 4 At the September Meeting, the requisite majority of creditors agreed to an extension of the date for the publication of the Company's amended Plan to no later than 31 October 2023. The finalisation of the relevant transaction to be incorporated into THL's amended business rescue plan is taking longer than previously anticipated. As a result, creditors are requested to provide their consent to an extension of the date for publication of the amended Plan to no later than 24 November 2023 as it is necessary and expedient to do so.

- 5 As THL's post commencement funding facility is only available to the end of November 2023, it is imperative that the amended Plan be voted on and approved before the end of November 2023. Creditors are accordingly requested to provide their consent, to the extension of the publication date of the amended Plan and to the application of the notice periods as detailed in S151(1) and (2) of the Companies Act, by completing the attached proxy form (which is also available to download from the Company's website at: www.tongaat.com under the "Business Rescue" tab) and returning same to the Business Rescue Practitioners via email, to the Company's business rescue email address at: BR@tongaat.com by no later than Monday 30 October 2023.
- 6 Affected Persons 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 or will be published and made available to all Affected Persons on the Tongaat website at: <https://www.tongaat.com>, under the 'Business Rescue' tab.
- 7 If you have any queries, they may be directed to the business rescue email address at: BR@tongaat.com.

Yours faithfully,



TJ Murgatroyd



PF van den Steen



GC Albertyn

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