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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.

05 December 2023

URGENT NOTICE TO ALL KNOWN AFFECTED PERSONS OF TONGAAT HULETT LIMITED (IN BUSINESS RESCUE) ("Company") IN TERMS OF SECTION 128 OF THE COMPANIES ACT 71 OF 2008 ("the Act") READ TOGETHER WITH SECTIONS 144, 145 AND 146 OF THE COMPANIES ACT

1. In accordance with section 128 of the Act, as amended, ("the **Act**"), read together with sections 144(3)(a), 145(1)(a) and 146(a) of the Companies Act, Affected Persons are hereby advised to consider the attached Notice ("the **Notice**").

2. The Notice pertains to:

2.1. the judgment of Honourable Judge Vahed dated 4 December 2023, under case number D4472/2023, in the matter between: the Company, Tongaat Hulett Sugar South Africa (Proprietary) Limited and the joint business rescue practitioners of the Company ("the **Practitioners**"); and

2.2. an urgent application launched on 5 December 2023 in the High Court Of South Africa, KwaZulu Natal Local Division, Durban, under case number D13763/2023, by RCL Foods Sugar & Milling (Proprietary) Limited against, *inter alios*, the Company and the Practitioners. The Affected Persons of the Company are cited as the fifth respondent in the aforesaid application; and

2.3. a further urgent application launched on 5 December 2023 in the High Court Of South Africa,

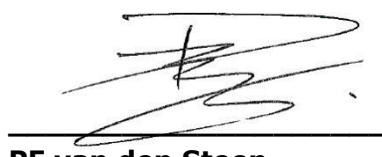
KwaZulu Natal Local Division, Durban, by the South African Sugar Association against, *inter alios*, the Company and the Practitioners. A case number has not yet been allocated by the Court. The Affected Persons of the Company are not cited a respondent in the aforesaid application.

3. 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/will be published and made available to all Affected Persons, on the Tongaat website at: www.tongaat.com, under the 'Business Rescue' tab.

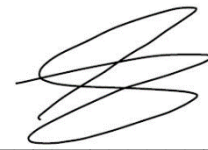
Yours faithfully,



TJ Murgatroyd



PF van den Steen



GC Albertyn

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

NOTICE IN TERMS OF SECTION 128 OF THE COMPANIES ACT 71 OF 2008 ("the Act"), READ TOGETHER WITH SECTION 144, 145 AND 146 OF THE ACT:

This notice is addressed to all Affected Persons in the business rescue proceedings of THL.

A JUDGMENT HANDED DOWN BY THE HONOURABLE JUDGE VAHED ON 4 DECEMBER 2023

1. Affected Persons are referred to the notification of the declaratory proceedings launched by THL and the Business Rescue Practitioners of THL ("**the BRPs**"), dated 5 May 2023 ("**the Declaratory Proceedings**").
2. On 29 November 2023, the Honourable Justice Vahed ("**Vahed J**") delivered his order in the Declaratory Proceedings, having dismissed the application with costs. Vahed J's written judgment was delivered on 4 December 2023.

B URGENT APPLICATION LAUNCHED BY RCL FOODS SUGAR & MILLING (PROPRIETARY) LIMITED

1. You are hereby notified that an urgent application was launched on 5 December 2023 in the High Court of South Africa, KwaZulu Natal Local Division, Durban ("**the Court**"), under case number D13763/2023, by RCL Foods Sugar & Milling (Proprietary) Limited ("**RCL**") against, *inter alios*, the Company and the BRPs ("**RCL's application**").
2. The Affected Persons of the THL are cited as the fifth respondent in the aforesaid application.
3. The relief sought in RCL's application is as follows -
 - a. in Part A, RCL seeks that the meeting of creditors called by the BRPs for Friday, 8 December 2023 be interdicted pending the final determination of the relief sought in Part B below. **RCL seeks that Part A be set down and heard on Thursday 7 December 2023 at 09h30**; and
 - b. in Part B, RCL seeks that the Court declares as unlawful and sets aside the proposed business rescue plans published by the BRPs on 29 November 2023. RCL seeks that Part B be set down on a future date to be allocated by the Registrar of the Court.
4. RCL has cited the Affected Persons of THL as the fifth respondent in the RCL application. You are therefore entitled to (i) receive a copy of the application, (ii) take independent legal advice and (iii) participate in the RCL application.

C URGENT APPLICATION LAUNCHED BY THE SOUTH AFRICAN SUGAR ASSOCIATION

1. You are hereby notified that an urgent application was launched on 5 December 2023 in the Court by the South African Sugar Association ("**SASA**") against, *inter alios*, the Company and the BRPs ("**SASA's application**"). The case number has not yet been allocated.
2. The Affected Persons of the THL are **not** cited as respondents in SASA's application, however the Affected Persons are notified of SASA's application *ex abundanti cautela*.
3. In SASA's application, SASA seeks, on a rule *nisi* (interim) basis that -
 - a. the BRPs are interdicted and restrained from proceeding with the meeting of creditors called by the BRPs scheduled for Friday, 8 December 2023; and

- b. the proposed business rescue plans published by the BRPs on 29 November 2023 are declared unlawful.
4. **SASA has similarly sought that its application be set down and heard on Thursday 7 December 2023 at 09h30.**

Copies of the Notices of Motion and Founding Affidavits in each of the above urgent applications are available on THL's website at <https://www.tongaat.com/business-rescue/>