

## STATEMENT PUBLISHED BY TONGAAT HULETT LIMITED (UNDER BUSINESS RESCUE) REGARDING PROCEEDINGS IN BOTSWANA

- 1 On 25 February 2026, Bowwood and Main No 296 (RF) Proprietary Limited ("**Bowwood**"), an entity related to Vision Investments 155 (Pty) Limited, instituted proceedings out of the High Court of Botswana under case number UAHGB 000065 -26 in which proceedings Bowwood obtained an order, on an *ex parte* basis, and without prior notice to the business rescue practitioners ("**the BRPs**") of Tongaat Hulett Limited (under business rescue) ("**Tongaat**"), Tongaat itself or Tongaat Hulett Botswana (Pty) Ltd ("**THB**"), to, *inter alia*, recognise a general notarial bond in favour of Bowwood registered over the assets of Tongaat with particular reference to the shares of Tongaat held in THB ("**the ex parte order**").
- 2 The *ex parte* order was granted by the High Court of Botswana on 26 February 2026.
- 3 On 8 May 2026, an application ("**the rescission application**") was instituted by the BRPs, Tongaat and THB against Bowwood for *inter alia* the rescission of the *ex parte* order.
- 4 On 13 May 2026, and notwithstanding opposition by Bowwood to the rescission application, the High Court of Botswana granted an order, interdicting Bowwood from taking any steps to enforce, execute upon, implement or otherwise give effect to the *ex parte* order pending the final determination of the BRP's, Tongaat and THB's entitlement to a final order in, *inter alia*, the following terms :
  - 4.1 that the *ex parte* order be rescinded and set aside in its entirety, in terms of Order 48 Rule 1(a) of the Rules of the High Court of Botswana, alternatively in terms of the common law;
  - 4.2 that any and all writs, warrants, notices of attachment, instructions, registrations, endorsements, transfers, notations, or other steps taken pursuant to, in reliance upon, or in purported execution of the *ex parte* order be declared to be of no force or effect and set aside;
  - 4.3 that the Deputy Sheriff of Botswana be directed to reverse, cancel, or otherwise undo any steps taken pursuant to the *ex parte* order, including without limitation any

attachment, transfer, registration, endorsement, or notation effected in respect of the shares held by Tongaat in THB; and

4.4 that the *status quo* as it existed immediately prior to the granting of the ex parte order be restored in all respects.

5 The rescission application will be argued on 22 June 2026.