



**TONGAAT HULETT SUGAR SOUTH AFRICA PROPRIETARY LIMITED (in business rescue)**

**PROXY FORM**

For use by the Creditors of Tongaat Hulett Sugar South Africa Proprietary Limited (in business rescue) (“**Company**”), for the purposes of voting on the business rescue practitioners’ request for consent to the extension of the date for the publication of the amended Business Rescue Plan to a date no later than 31 October 2023, and the further adjournment of the reconvened meeting to be held in terms of section 151 of the Companies Act 71 of 2008 (“**Companies Act**”) to a date no later than 30 November 2023 (“**151 Meeting**”), at a virtual meeting of creditors of the Company, convened in terms of section 147(3) of the Companies Act, to be held virtually as a Microsoft Teams Live Event on **Friday 8 September 2023 at 11:00am** (“**Meeting of Creditors**”).

**NAME OF CREDITOR:**

I / We, being a Creditor of the Company, do hereby nominate, constitute and appoint:

- i. \_\_\_\_\_ or failing him / her;
- ii. \_\_\_\_\_ or failing him / her;
- iii. the business rescue practitioners (“**BRPs**”) who act as the Chairmen of the Meeting of Creditors, as my / our proxy to attend and act for me / us and on my / our behalf to vote:

- i. in favour and thus consenting to; or
- ii. against and thus not consenting to; or
- iii. abstaining from voting

when called to vote on the BRPs request for consent for an extension of the date for the publication of the amended Business Rescue Plan to a date no later than 31 October 2023, and the further adjournment of the 151 Meeting to a date no later than 30 November 2023, which vote will be held at the Meeting of Creditors and, if deemed fit, voting: (indicate with an X):

VOTE IN FAVOUR	VOTE AGAINST	ABSTAIN FROM VOTING

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 2023

\_\_\_\_\_  
**SIGNATURE/S**

\_\_\_\_\_  
**NAME/S**

Who warrants that he is/she is/they are duly authorised thereto

**NOTES ON THIS PROXY FORM:**

1. A Creditor may insert the name of a proxy or the names of two alternative proxies of his/her choice in the space provided, with or without deleting “the business rescue practitioners (“**BRPs**”) who act as the Chairmen of the Meeting of Creditors”. The person whose name stands first on the form of proxy and who is present and voting at the Meeting of Creditors will be entitled to act as proxy to the exclusion of those whose names follow.
2. The form of proxy must be:
  - 2.1 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 Thursday 7 September 2023**; or
  - 2.2 delivering it by hand, to the Company’s registered business address - located at: Amanzimnyama Hill, Tongaat, KwaZulu-Natal, 4400, South Africa - by no later than **17H00 on Wednesday 6 September 2023**.
3. The completion and lodging of this form of proxy will not preclude the relevant Creditor from virtually attending and participating in the Meeting and voting thereat, to the exclusion of the proxy appointed in terms thereof, should such Creditor wish to do so.
4. If this proxy is signed under power of attorney or by a representative on behalf of a company, close corporation or trust, it must be accompanied by an appropriate power of attorney (for an individual) or authorising resolution/letter (for a juristic person) - as is applicable - giving such representative the authority to act as proxy and vote at the First Meeting.