

Companies and Intellectual Property Commission
Republic of South Africa

Form CoR 123.1

About this Form

- This form is issued in terms of section 129 and 131 of the Companies Act, 2008, and Regulation 123 of the Companies Regulations, 2011.
- A company resolution to committee business rescue proceedings has no force or effect until it has been filed with this notice.
- This notice must be published to every affected person within 5 business days after -
 - (a) It has been filed, in the case of a resolution; or
 - (b) The date of the court order, in such a case.
- If this Notice is issued following a board resolution-
 - (a) The company must appoint a business rescue practitioner with 5 business days after filing this notice ; and
 - (b) Any affected person may apply to a court in terms of section 130 for an order setting aside the resolution.
- The fee for filing this notice is R0.

Contacting the Commission

The Companies and Intellectual Property Commission of South Africa

Postal Address
PO Box 429
Pretoria
0001
Republic of South Africa
Tel: 086 100 2472

www.cipc.co.za

Notice of Beginning of Business Rescue Proceedings

Date: 24 / 05 / 2017

Customer Code: BFHINC

Concerning

(Name and Registration Number of Company)

Name: HC VAN WYK DIAMONDS LTD

Registration No: 2001 / 006812 / 06

The above named company advises that business rescue proceedings have commenced in terms of Chapter 6 of the Companies Act, as a result of:

The Board of the company having adopted the attached resolution in terms section 129, on _____.

A Court having made the attached order in terms of section 131, on 18 MAY 2017.

In terms of section 132 (1)(a), the company's business rescue proceedings commenced on N/A, being the date on which:

This notice was filed with the Commission.

The court issued the attached order.

(Only in the case of a company resolution)

In support of this Notice, the company has attached a sworn statement of the relevant facts upon which the resolution was founded by a director representing the Board.

Name and Title of person signing on behalf of the Company:

TJAART WILLEMSE (DIRECTOR)

Authorised Signature:





Case no. 864/17

IN THE HIGH COURT OF SOUTH-AFRICA
(NORTHERN CAPE DIVISION)

At **KIMBERLEY** On the **18TH** Day of **MAY 2017**

BEFORE THE HONOURABLE MS ACTING JUSTICE ERASMUS

In the matter of:

BRENDA BARRETO Applicant
(ID no: 681012 0103 08 6)

AND

HC VAN WYK DIAMONDS LTD 1st Respondent
(IN PROVISIONAL LIQUIDATION
(Registration No: 2001/006812/06)
(Master's Ref: K5/2017)

DONOVAN THEODORE MAJIEDT N.O. 2nd Respondent

KC MONYELA N.O 3rd Respondent
(the second and third respondents are cited in their
capacity as joint provisional liquidators of the first
Respondent)

THE COMPANIES & INTELLECTUAL PROPERTY 4th Respondent
COMMISSION

THE MASTER OF THE HIGH COURT, KIMBERLEY 5th Respondent
(Master's ref: K5/2017)

C-ROCK MINING (PTY) LTD 6th Respondent

HAVING HEARD Advocate GILBERT for the Applicant and ADV SIEBERHAGEN
for the 6th Respondent and having read the documents filed of record:

**IT IS ORDERED THAT: (BY AGREEMENT BETWEEN THE APPLICANT AND
THE 6TH RESPONDENT**



1. The first Respondent is hereby placed under supervision and business rescue in terms of section 131(1) of the Companies Act, 2008;
2. Trevor Murgatroyd and Peter van den Steen are jointly appointed as the interim business rescue practitioners in respect of the first respondent;
3. The Applicant and the sixth Respondent bear their own cost.

BY THE COURT



**MS K MINNAAR
REGISTRAR**

(VDW)

(EM --- FAL2/0002/F ENGELBRECHT/E VAN WYK/CF)



24 May 2017

Companies and Intellectual Property Commission
Republic of South Africa

Dear Sir / Madam

RE: CONFIRMATION OF PI SCORE AND PRIMARY BUSINESS ACTIVITIES

Hereby confirmation that the PI score of HC van Wyk Diamonds Ltd is 639.

The primary business activities is alluvial diamond mining.

Regards

A handwritten signature in black ink that reads "Barreto".

Brenda Barreto
Mine Accountant

Mr. T. Murgatroyd
25 Ceres Street,
Brooklands Estate,
Dawn Drive,
Northcliff,
Randburg,
2115

BY EMAIL: trevor@metis.co.za

06 April 2017

Our ref: P Smit/N Harten/J Cloete/MAT1085

Dear Trevor,

Nomination of appointment of business rescue practitioner re Rockwell Resources RSA (Pty) Ltd, HC van Wyk Diamonds Ltd and Saxendrift Mine (Pty)

1. We refer to the above companies and the business rescue proceedings to be launched in terms of section 131 of the Companies Act, 2008, for each respective said company.
2. Based on our recent communications and meetings, you and Mr. Peter van den Steen are hereby nominated, to be appointed as joint business rescue practitioners in these proceedings.
3. Kindly indicate your capacity and whether you accept this nomination.

Yours faithfully



FALCON AND HUME INC.
Per: **Pieter Smit**
pieter@fhinc.co.za





Falcon & Hume Inc.

2nd Floor, 8 Melville Road,

Illovo,

2196

BY EMAIL: pleter@fhinc.co.za;

leandri@fhinc.co.za

06 April 2017

Dear Pleter,

Acceptance of appointment of business rescue practitioner re Rockwell Resources RSA (Pty) Ltd, HC van Wyk Diamonds Ltd and Saxendrift Mine (Pty)

- 1. I refer to the above companies and based on our recent meetings and discussions, I hereby confirm my willingness and capacity to accept an appointment as the nominated joint business rescue practitioner ("BRP") of the companies, subject to a joint appointment with Mr. Peter van den Steen.**
- 2. Attached, kindly see my BRP licence and I submit that I am a qualified to be appointed as a BRP as provided for in section 138 of the Companies Act, 2008.**
- 3. Please do not hesitate to contact me should you require any additional information and/or documentation.**

Yours faithfully



Trevor Murgatroyd

**Companies and Intellectual Property Commission
Republic of South Africa**



Companies and Intellectual
Property Commission
a member of  group

**Conditional License
About this Certificate**

- This Certificate is issued in terms of section 138 of the Companies Act, 2008, and Regulation 127(2) of the Companies Regulations, 2011.

Conditional License for Business Rescue Practitioners

Date: 04 MARCH 2015

Concerning:

Name: TREVOR JOHN MURGATROYD

Identity No: 6211115087089

The above named person has been conditionally licensed by the Commission in terms of section 138 of the Companies Act, 2008, to serve as a business rescue practitioner, effective from the date of this License.

The licensee has –

satisfied the Commission that he or she has engaged in business turnaround practice, as defined in Regulation 127 (2), for a period of **AT LEAST 10 years**; and is for purpose of Regulation 127 classified as –

A Senior Business Rescue Practitioner

Name and Title of person signing on behalf of the Commission:

ASTRID LUDIN – COMMISSIONER

Authorised Signature: 

**Contacting the
Commission**

The Companies and Intellectual
Property Commission of South
Africa
Postal Address
PO Box 429
Pretoria
0001
Republic of South Africa
Tel: 086 100 2472

www.cipc.co.za





Companies and Intellectual
Property Commission

a member of the  group

CONDITIONS OF THE CONDITIONAL LICENSE

The Licensed Practitioner must comply with the conditions below for all Business Rescue Proceedings he or she is engaged in:

- In terms of Section 132(3) of the Companies Act (Act 71 of 2008) as amended, if a company's business rescue proceedings have not ended within three months after the start of those proceedings, or such longer time as the court, on application by the practitioner, may allow, the practitioner must –
 - (a) Prepare a report on the progress the of the rescue proceedings, and update it at the end of each subsequent month until the end of those proceedings; and
 - (b) Deliver a report and each update in the prescribed manner to each affected person, and to the Commission.
- In terms of Sections 147(1)(2) & 148 (1)(2), the practitioner must convene a meeting of creditors and employees respectively and must give due notice of the meeting within 10 business days after being appointed.
- In terms of Section 150(1) and (5); the practitioner must prepare a business rescue plan for consideration and possible adoption and the plan must be published within 25 business days after the date on which the practitioner was appointed.
- In terms of Section 151(1) and (2); Within 10 business days after publishing the business rescue plan, the practitioner must convene and preside over a meeting of creditors and other holders of voting interest to consider the plan.
- The practitioner must at least 5 business days before the meeting, deliver a notice to all affected persons, setting out the date, time, place, agenda and rights of affected persons.
- In terms of Section 153(1) & (5), If a rescue plan has been rejected and no further action was taken by a person, the practitioner must promptly file a notice of termination of business rescue proceedings.
- The practitioner must keep a proper record of the processes and all correspondence.
- The practitioner must ensure that he/she has sufficient capacity at all times to accept the appointment.

Failure to comply with these conditions will be regarded as reasonable grounds for the Commission to suspend or withdraw the license of the Practitioner in terms of Regulation 126(7)(b) for a particular rescue proceeding or on good cause, for all business rescue proceedings.



Ms. A Ludin
CIPC: Commissioner

...5...3.../ 2015

Mr. P van den Steen
1755 Monterey Drive
Sawgrass Village
Dalferm Country and Residential Estate
Fourways

BY EMAIL: peter@metis.co.za

06 April 2017

Our ref: P Smit/N Harten/J Cloete/MAT1065

Dear Peter,

Nomination of appointment of business rescue practitioner re Rockwell Resources RSA (Pty) Ltd, HC van Wyk Diamonds Ltd and Saxendrift Mine (Pty)

1. We refer to the above companies and the business rescue proceedings to be launched in terms of section 131 of the Companies Act, 2008, for each respective said company.
2. Based on our recent communications and meetings, you and Mr. Trevor Murgatroyd are hereby nominated, to be appointed as joint business rescue practitioners in these proceedings.
3. Kindly indicate your capacity and whether you accept this nomination.

Yours faithfully



FALCON AND HUME INC.
Per: **Pieter Smit**
pieter@fhinc.co.za





Falcon & Horne Inc
2nd Floor, 8 Melville Road,
Braam,
2196

BY EMAIL: peter@fhinc.co.za;
jean@fhinc.co.za

06 April 2017

Dear Peter,

**Acceptance of appointment of business rescue practitioner re Rockwell Resources RSA (Pty)
Ltd, HC vbn Wyk Diamonds Ltd and Sasendrift Mine (Pty)**

1. I refer to the above companies and based on our recent meetings and discussions, I hereby confirm my willingness and capacity to accept an appointment as the nominated joint business rescue practitioner ("BRP") of the companies, subject to a joint appointment with Mr. Trevor Murgaloyd.
2. Attached, kindly see my BRP licence and I submit that I am a qualified to be appointed as a BRP as provided for in section 138 of the Companies Act, 2008.
3. Please do not hesitate to contact me should you require any additional information and/or documentation.

Yours faithfully

Peter van den Steen

Companies and Intellectual Property Commission Republic of South Africa



Companies and Intellectual
Property Commission

a member of the

Conditional License About this Certificate

- This Certificate is issued in terms of section 138 of the Companies Act, 2008, and Regulation 127(2) of the Companies Regulations, 2011.

Contacting the Commission

The Companies and Intellectual
Property Commission of South
Africa

Postal Address

PO Box 429

Pretoria

0001

Republic of South Africa

Tel: 086 100 2472

www.cipc.co.za

Conditional License for Business Rescue Practitioners

Date: 04 MARCH 2015

Concerning:

Name: **PETRUS FRANCOIS VAN DEN STEEN**

Identity No: **6811075024087**

The above named person has been conditionally licensed by the Commission in terms of section 138 of the Companies Act, 2008, to serve as a business rescue practitioner effective from the date of this License.

The licensee has –

satisfied the Commission that he or she has engaged in business turnaround practice as defined in Regulation 127 (2), for a period of **AT LEAST 10 years**; and is for purpose of Regulation 127 classified as –

A Senior Business Rescue Practitioner

Name and Title of person signing on behalf of the Commission:

ASTRID LUDIN – COMMISSIONER

Authorized Signature: _____





Companies and Intellectual
Property Commission

a member of the ipa group

CONDITIONS OF THE CONDITIONAL LICENSE

The Licensed Practitioner must comply with the conditions below for all Business Rescue Proceedings he or she is engaged in:

- In terms of Section 132(3) of the Companies Act (Act 71 of 2008) as amended, if a company's business rescue proceedings have not ended within three months after the start of those proceedings, or such longer time as the court on application by the practitioner, may allow, the practitioner must –
 - (a) Prepare a report on the progress of the rescue proceedings, and update it at the end of each subsequent month until the end of those proceedings; and
 - (b) Deliver a report and each update in the prescribed manner to each affected person, and to the Commission.
- In terms of Sections 147(1)(2) & 148 (1)(2), the practitioner must convene a meeting of creditors and employees respectively and must give due notice of the meeting within 10 business days after being appointed.
- In terms of Section 150(1) and (5); the practitioner must prepare a business rescue plan for consideration and possible adoption and the plan must be published within 25 business days after the date on which the practitioner was appointed.
- In terms of Section 151(1) and (2); Within 10 business days after publishing the business rescue plan, the practitioner must convene and preside over a meeting of creditors and other holders of voting interest to consider the plan.
- The practitioner must at least 5 business days before the meeting, deliver a notice to all affected persons, setting out the date, time, place, agenda and rights of affected persons.
- In terms of Section 153(1) & (5), if a rescue plan has been rejected and no further action was taken by a person, the practitioner must promptly file a notice of termination of business rescue proceedings.
- The practitioner must keep a proper record of the processes and all correspondence.
- The practitioner must ensure that he/she has sufficient capacity at all times to accept the appointment.

Failure to comply with these conditions will be regarded as reasonable grounds for the Commission to suspend or withdraw the license of the Practitioner in terms of Regulation 126(7)(b) for a particular rescue proceeding or on good cause, for all business rescue proceedings.

Ms. A Ludin
CIPC: Commissioner

5/3/2015