

Companies and Intellectual Property Commission
Republic of South Africa

Form CoR 123.2

About this Form

- This form is issued in terms of sections 129 and 131 of the Companies Act, 2008, and Regulation 123 of the Companies Regulations, 2011.
- This notice must be published to every affected person within:
 - (a) 2 business days after it has filed, if the company appointed the Practitioner; or
 - (b) 5 business days after the court order, in such a case.
- If this notice is issued following a company appointment, any affected person may apply to a court in terms of section 130 for an order setting aside the appointment, or requiring the practitioner to provide security.
- 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 Appointment of Business Rescue Practitioner

Date: 24 / 05 / 2017

Customer Code: BFHINC

Concerning

(Name and Registration Number of Company)

Name: ROCKWELL RESOURCES RSA (PTY) LTD

Registration No: 2005 / 023297 / 07

The above named company commenced business rescue proceedings on 18 MAY 2017.

The following person has been appointed as the business rescue practitioner:

TREVOR MURGATROYD ; PETER VAN DEN STEEN

By the company, in terms of section 129 (3)(b).

By the court, in terms of section 131 (5).

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

TJAART WILLEMSE (DIRECTOR)

Authorised Signature:



Falcon & Hume Inc.
2nd Floor, 8 Melville Road,
Illovo,
2196

BY EMAIL: pieter@fhinc.co.za;
leandri@fhinc.co.za

06 April 2017

Dear Pieter,

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 428
Pretoria
0001
Republic of South Africa
Tel: 086 100 2472

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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



Falcoo & Munnich
2nd Floor, 8 Melville Road
Bays
2194

BY EMAIL: info@falcoo.co.za
info@metisinc.co.za

06 April 2017

Dear Pieter:

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

1. 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. Levee Magotswadi.
2. Attached, kindly see my BRP licence and I submit that I am qualified to be appointed as a BRP as provided for in section 136 of the Companies Act, 2008.
3. Please do not hesitate to contact me should you require any additional information and/or documentation.

Yours faithfully

Pieter van den Steen



**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**

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

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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

Authorised Signature: _____





Companies and Intellectual
Property Commission

a member of the SAG 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**

5.1.3/2015