

**NOTICE TO ANY SCHEME CREDITOR NOT CONTACTED BY EMAIL**

**IN THE HIGH COURT OF JUSTICE**

**No. CR-2020-002816**

**BUSINESS AND PROPERTY COURTS  
OF ENGLAND AND WALES**

**INSOLVENCY AND COMPANIES LIST (ChD)**

**IN THE MATTER OF AFRICAN MINERALS LIMITED (IN ADMINISTRATION)**

**and**

**IN THE MATTER OF THE COMPANIES ACT 2006**

Ian Wormleighton and Nicholas Edwards of Deloitte LLP (the “**Administrators**”) in their capacity as the joint administrators of African Minerals Limited (in administration) (the “**Company**”) have been attempting to contact creditors of the Company (the “**Scheme Creditors**”) in relation to a scheme of arrangement (the “**Scheme**”) which has been proposed between the Company and the Scheme Creditors pursuant Part 26 of the Companies Act 2006. Defined terms used in this email have the meaning given to them in the Explanatory Statement dated 29 June 2020. Documents mentioned in this notice may be found on the Scheme Website and the Administration Website.

The procedural background and next steps to the Scheme is as follows:

- on 23 June 2020, the Administrators applied to Court for an order that the Company may, among other things, convene a meeting of Scheme Creditors to consider, and, if thought appropriate, approve the Scheme (the “**Convening Application**”);
- on 29 June 2020, the Convening Application was heard by Mr Justice Zacaroli who ordered, amongst other things, that the Company be granted permission to convene a meeting of its Scheme Creditors (the “**Scheme Meeting**”) for the purpose of considering and, if thought fit, approving the Scheme (the “**Convening Order**”);
- in accordance with paragraph 3(a)(i) of the Convening Order, GLAS Specialist Services Limited, which has been appointed by the Administrators to distribute and receive information regarding the Scheme (the “**Information Agent**”), sent the documents identified in paragraph 3(a) of the Convening Order (the “**Scheme Documents**”) to the email addresses for Scheme Creditors that the Administrators hold in their records;
- the Scheme Company also complied with the other provisions of the Convening Order;
- on 20 July 2020, the Scheme Meeting was held by video and telephone conference during which the Scheme was approved by Scheme Creditors holding approximately 86% of the total value of Admitted Claims and Undetermined Provable Claims (as defined in the Scheme);
- the next stage is for the Company to ask the Court to sanction the Scheme at a hearing (the “**Scheme Sanction Hearing**”). Please note that the Scheme Sanction Hearing is listed to be heard on 27 July 2020. The time of the listing will be shown in the Court’s Daily Cause List on 26 July 2020. The Daily Cause List can be accessed here: <https://www.justice.gov.uk/courts/court-lists/list-cause-rolls2>; and
- if the Scheme is sanctioned by the Court, it is currently expected that, subject to the satisfaction of certain other conditions, the Scheme Effective Date (as defined in the Scheme) will occur on or shortly after 27 July 2020.

The Administrators note that certain Scheme Creditors did not vote at the Scheme Meeting. It is not clear to the Administrators whether such Scheme Creditors became aware of the Scheme, and there is reason to believe that the email from the Information Agent may not have reached all Scheme Creditors.

Paragraph 5 of the Convening Order provides: "Unless the Court orders otherwise, the accidental omission to serve any Scheme Creditor with notice of the Scheme Meeting or any part of the Scheme Documentation, or the non-receipt of notice of the Scheme Meeting or the Scheme Documentation by a Scheme Creditor, shall not invalidate the proceedings at, or the outcome of, the Scheme Meeting".

The Administrators do not consider any failure to contact any Scheme Creditors to be a reason why the Court should not sanction the Scheme. As stated above, the Administrators will be asking the Court to sanction the Scheme at the Scheme Sanction Hearing. Scheme Creditors who have not previously done so are encouraged to read the Explanatory Statement, the Scheme Document and the Scheme Meeting Notice in full and consult with their professional advisers as necessary.

Any Scheme Creditor who wishes to attend the Scheme Sanction Hearing to make representations, or who has any comments, objections or questions in relation to the Scheme Meeting or the Scheme Sanction Hearing, should contact the Administrators as soon as possible, or their solicitors, Akin Gump LLP (by email, marked for the attention of Richard Hornshaw ([richard.hornshaw@akingump.com](mailto:richard.hornshaw@akingump.com)) Tom Laidler ([tom.laidler@akingump.com](mailto:tom.laidler@akingump.com)), or Srishti Kalro ([srishti.kalro@akingump.com](mailto:srishti.kalro@akingump.com)); or by telephone, requesting Richard Hornshaw, Tom Laidler, or Srishti Kalro, on 44 20.7012.9600).

**The Administrators, 21 July 2020**