

GEN – General – enX Corporation Limited

Censure imposed by the Johannesburg Stock Exchange (“JSE”) on enX Corporation Limited (“enX”)

The JSE wishes to inform stakeholders of the following findings in respect of enX:

1. enX amended the terms and conditions relating to redemption periods of the following notes: ENX01; ENX01S; ENX02; ENX04; ENX06; EQS06; and EQS10. The provisions of the Debt Listings Requirements requires issuers to obtain conditional formal approval of the amendments from the JSE prior to distributing such amendments to noteholders for approval. Instead, enX made a conscious decision to directly email a notice to each noteholder on 17 March 2020, seeking approval of the amendments by extraordinary written resolution without JSE approval and in doing so, omitted to release a SENS announcement with details of the proposed written resolutions within 24 hours after the notification of the proposed written resolutions was distributed to noteholders. In addition hereto, so as not to ethically compromise their debt sponsor, enX chose not to consult with their debt sponsor nor make them aware of this decision prior to execution.
2. The noteholders written approval of the amendment resolutions was received by enX on 19 March 2020. enX subsequently published several SENS announcements on 26 March 2020 regarding the amendments and the voting results of the amendment resolutions, which announcements were required to be released within 48 hours of enX receiving written responses from noteholders on the amendment resolutions, and enX failed to do so.
3. Accordingly, the JSE found enX to be in breach of the following paragraphs of the JSE’s Debt Listings Requirements:
 - (a) paragraph 7.26(b)(i) which requires an issuer to first obtain conditional formal approval on amendments made to an issuer’s process document;
 - (b) paragraph 7.26(b)(vi) which requires an issuer, in the case of written resolutions, to announce on SENS the proposed written resolutions, within 24 hours after the notice of the written resolutions has been distributed to the relevant holders of debt securities; and
 - (c) paragraph 7.26(b)(viii) which requires an issuer to announce on SENS the details of the voting results in respect of the proposed written resolutions, within 48 hours of receipt of the responses on the written resolutions from the relevant holders of the debt securities.
4. Interest rate issuers have a duty to comply with the Debt Listings Requirements at all times. Compliance with the Debt Listings Requirements is aimed at ensuring investors and potential investors receive relevant and important information timeously to allow investors to make informed decisions; and is simultaneously aimed at investor protection and investor confidence. Debt sponsors play a critical role in assisting and guiding issuers in complying with the Debt Listings Requirements and must be consulted, especially on matters which require investors to exercise important voting rights. SENS announcements must be published timeously and within the required timeframes of the Debt Listings Requirements to ensure that investors and potential investors are

made aware of pertinent changes that are being proposed by an issuer. The JSE finds it unacceptable that enX consciously chose not to comply with the Debt Listings Requirements and to further not involve their debt sponsor in the amendment process of the abovementioned notes.

5. For these reasons and with reference to the JSE's findings of breach, the JSE has decided to impose this public censure against enX.

27 August 2020