
GENERAL NOTICE

NOTICE 613 OF 2006

DEPARTMENT OF TRADE AND INDUSTRY

Enterprise and Industry Development Division:
Co-operatives Development Unit

NOTICE OF INTENTION TO PROMULGATE REGULATIONS UNDER THE CO-OPERATIVES ACT, 2005 (ACT 14 OF 2005)

The Minister of Trade and Industry intends promulgating the regulations in the Schedule, under section 95 of the Co-operatives Act, 2005 (Act 14 of 2005).

Interested persons are invited to submit written comment and representations on or before 24 June 2006, to –

The Chief Director Co-operatives Development
Private Bag X84, Pretoria, 0001
The dti Campus, Block B, Ground Floor, 77 Meintjies Street, Sunnyside, 0002

For attention of both Ms Nweti Maluleke (Co-operatives Unit) and
Mr Rector Rapoo: Registrar of Co-operatives

Tel (012) 394 1608/10
Fax (012) 394 2608
E-mail: NwetiM@thedti.gov.za

Tel (012) 394-5038
Fax (012) 394-6086
E-mail: rrapoo@cipro.gov.za

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates—

“access code” means the unique identification particulars, whether alphanumeric, biometric or otherwise, enabling the CIPRO system to identify a person;

“Act” means the Co-operatives Act, 2005 (Act 14 of 2006);

“CIPRO” means the Companies and Intellectual Property Registration Office that constitutes a combined administrative office for the various registration offices established or deemed to be established and registrars appointed under the Act, the Companies Act, 1973 (Act 61 of 1973), the Close Corporations Act, 1984 (Act 69 of 1984), the Trademarks Act, 1993 (Act 194 of 1993), the Designs Act, 1993 (Act 195 of 1993), and the Patents Act, 1978 (Act 57 of 1978);

“CIPRO customer” means any person making use of electronic services and includes any person who has been allowed by the registrar to use electronic services, who is legally entitled to act on behalf of a co-operative and who has thus been allowed to use or provide electronic services or to act as an intermediary in respect of electronic services;

“CIPRO portal” means the Internet website or other electronic portal forming part of the CIPRO system;

“CIPRO record retention system” means the system used by CIPRO to store records for subsequent access, whether in paper, microfilm, electronic or other form;

“CIPRO system” means the computer system, including the CIPRO portal, through which CIPRO provides electronic services, irrespective of the medium or form of technology underlying or forming part of such services;

“electronic services” means the services provided or made available by CIPRO through the CIPRO system in terms of regulation 2;

“forms” means the prescribed forms contemplated in Schedule 2;

“inspect” includes obtaining access to a record via the CIPRO system;

“lodge” includes the creation of a record on the CIPRO system;

“operational requirements” means the requirements provided for in regulation 2 (2); “

“record in relation to a co-operative, includes any document and vice versa, accounting records, minutes and registers as contemplated in section 21 of the Act.

Electronic services

2. (1) Any requirement under the Act or these regulations, including requirements in respect of lodgement of forms, returns, other information, records and payment of fees, may be satisfied in electronic form, subject to the provisions of the operational requirements.

(2) The registrar must publish operational requirements on the **CIPRO** portal setting out the requirements, processes and procedures in respect of all or certain electronic services, including -

- (a) registration procedures;
- (b) identification, authentication and verification;
- (c) form and format of records;
- (d) manner and form of payment;
- (e) information security requirements; and
- (f) record retention requirements.

(3) The operational requirements may be published in different forms over different parts of the **CJPRO** portal.

(4) Unless another form of electronic signature is specified in the operating requirements, any signature requirement under the Act or these regulations in respect of a record to be accessed from or lodged with **CIPRO** is satisfied by the **CIPRO** customer entering his or her access code on the **CIPRO** system and any record lodged after the **CIPRO** customer having entered the access code shall be deemed to have been duly signed by the person whose signature is required under the Act or these regulations for purposes of such record.

(5) Where any form under the Act or these regulations makes provision for a

signature and such form is deemed to be signed as provided for in subregulation (4), it shall not be necessary to have recorded on such form that it had been signed.

(6) Unless CIPRO receives prior written notification from the holder of an access code to disable such access code, CIPRO shall be entitled to accept that the person using electronic services is the person to whom the access code was issued or such person's duly authorized representative acting within the scope of such person's authority.

(7) CIPRO may suspend or terminate electronic services at any time without incurring any liability for doing so: Provided that proper notice of such suspension or termination shall be given and that such suspension or termination will not affect existing rights of any person who has been using such electronic services.

Seal of Office of the registrar

3. The seal of office of the registrar must bear the Coat of Arms of the Republic and the title, Registrar of Co-operatives, and must be placed on every document, which the registrar registers whether manually or by way of electronic means.

Documents

4. (1) All documents lodged with the Registrar must, unless he or she otherwise directs, be written in block capitals or be typewritten, or printed in legible characters, with deep permanent black ink on one side only of strong white paper of a size approximately 298 millimeters by 207 millimeters (international paper size A4): Provided that the requirements of this regulation are met if documents have been lodged in accordance with the operational requirements and proof of payment of the prescribed fee (if any), has been provided.

(3) The Registrar may reject any document which in his or her opinion is unsuitable for purposes of record or which does not satisfy the operational requirements.

(4) All documents lodged with the registrar must be in one of the official languages of the Republic.

(5) A copy of any document reproduced from the CIPRO record retention system, purporting to be certified by the registrar or an officer or employee contemplated in section 78(2) of the Act, shall without proof or production of the original, upon the mere production thereof in proceedings, whether in a court of law or otherwise, be admissible as evidence in respect of the contents of such document.

(6) All communications to the registrar may be made, or any document required to be sent to or lodged with the registrar may be lodged personally or sent through the post or transmitted in such electronic form and by such electronic means as authorized by the Registrar for electronic services.

Preservation of records (section 83)

5. (1) Any document lodged with the registrar or created on the CIPRO system in terms of regulation 3(1) may be stored in such form and format as the Registrar may approve from time to time for the CIPRO record retention system.

(2) Any document lodged with the registrar or any record in the CIPRO record retention system may, subject to the provisions of any law, be moved to other locations, stored in another form, or be destroyed, as the case may be

Checking of documents

6. When any person considers the registration of any document and submits a draft thereof to the registrar for checking, or requires the checking of any document for any other reason, the fees mentioned in Schedule 1 in respect of such checking, shall be payable.

Office hours

7. The office of the registrar shall be open to the public from Mondays to Fridays from 08:00 to 15:00, except on the following days:

- (a) All days proclaimed public holidays in terms of any law; and

- (b) days of which notice may from time to time be given by means of displaying a notice in **a** conspicuous place at the said office or in such other manner as the registrar may think fit.

Forms and fees

8. (1) The forms contained in Schedule 2 to these regulations must be used in all cases to which they apply and may be modified as directed by the registrar to meet other cases or as circumstances may require.

(2) The fees to be paid in terms of the Act and these regulations are those set out in Schedule 1 to these regulations.

Manner, proof and date of payment

9. (1) The payment of all fees, additional fees and other moneys payable to the registrar in terms of the Act, these regulations or in relation to any form prescribed in these regulations, must be effected in such manner, including such electronic form of payment, as the Registrar may direct.

(2) Proof of payment of such fees, additional fees or other moneys shall be furnished in accordance with the registrar's requirements for such payment or, if such payment is electronically effected through the **CIPRO** system, in accordance with the operational requirements.

(3) The date **of** payment of fees, additional fees or other moneys referred to in subregulation **(1)**, shall be the date, as the case may be -

- (a) on which a payment was made in a manner contemplated in subregulation **(1)**; or
- (b) as indicated on the electronic billing system when the electronic transaction on the billing system was performed.

Inspection of documents

10. (1) Any person who personally applies to inspect any document or to obtain a copy of any document kept by the registrar under the Act, must complete Form CR 13, provided by the office and pay the appropriate fee set out in Schedule 1.

(2) Any person who does not personally, at the registrar's Office, inspect a document, kept by the registrar under the Act, or uplift a copy or extract thereof, may apply in writing to the registrar for any information relating to the document or for a copy of or extract from any such document and the registrar must upon payment of the fee set out in Schedule 1, provide the information requested, in such format as he or she is able to provide.

(3) Copies of documents, kept by the registrar under the Act, or information in relation thereto or extracts thereof, may also be obtained through the **CIPRO** electronic services upon payment of the fee set out in Schedule 1.

(4) The fee set out in Schedule 1 shall be payable in respect of inspection of documents relating to any one co-operative and in respect of copies of documents the fee shall be payable in respect of each document.

(5) Any person who, whilst inspecting any document at the office, knowingly and without the consent of the registrar-

- (a) removes any document from the custody of the registrar or the office;
- (b) makes or causes to be made any entry on such document;
- (c) destroys or mutilates any such document; or
- (d) alters or causes to be altered any entry on such document,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Name reservation Form CR 5

11. (1) Any person who intends to form a co-operative or any co-operative which intends to change its name may, on Form CR 5 and on payment of the fee set out in Schedule 1, apply to the registrar for the reservation of a name.

(2) A reservation contemplated in subsection (2) shall be valid from the date of approval by the registrar for a period not exceeding two months.

Registration of a primary/secondary/tertiary co-operative (Forms CR 1, 2, 3, 4, 5 and 6)

12. (1) The following documents must be lodged for the registration of a primary, secondary or tertiary co-operative:

- (a) Form CR 1 containing the application for registration of a co-operative;
- (b) An original of the proposed constitution of the co-operative complying with the provisions of Section 13 of the Act, duly signed by the founder members;
- (c) If a name has been reserved for the co-operative to be formed, Form CR 5 containing particulars of the name so reserved;
- (d) If the constitution is not signed by a founder member personally, a power of attorney signed by the founder member in favour of the person signing the constitution on his or her behalf.

(2) Proof of payment of the registration fee contemplated in section 6 (2) (d) of the Act must be submitted with the documents referred to in subregulation (1).

Certificate of registration and registration number (section 7) Form CR 7

- (a) (1) After registration and allocation of a registration number to the co-operative, the registrar must issue a certificate of registration in the format of Form CR 10.

(2) The registrar may change or amend the registration number of any co-operative allocated either in terms of section 7 of the Act, any repealed law or in terms of any administrative ruling, in order to rectify duplications of such numbers or to achieve any other objective, which he or she considers necessary or expedient in order that the purposes of the Act in respect of the register of co-operatives may be achieved.

Amendment of constitution (section 18) Form CR 6

14. (1) A special resolution for the amendment of the constitution of a co-operative must be lodged for registration on Form CR 6 and must be accompanied by a copy of the notice of the general meeting in terms of section 18 (2) of the Act, which sets out the proposed amendment.

(2) If the co-operative has changed its name by such special resolution, the registrar must issue the co-operative with a certificate of change of name in the format of Form CR 11.

Notice of registered office of co-operative

16. (1) Notice of the registered office of a co-operative, its postal address, electronic address, telephone and telefax numbers and any change thereof, must be given on Form CR 3.

(2) Form CR 3 must be lodged upon registration of the co-operative and within fifteen days of any change of the particulars referred to in subregulation (1).

Returns relating to directors

16. A co-operative must notify the registrar of the particulars of its directors required by section 39 of the Act, and any change to that particulars, on Form CR 3.

Disqualification of directors and managers (section 37, 95)

17. (1) A director or manager of a co-operative who has failed to disclose his or her interest in a contract or transaction as required by section 37 of the Act, or in respect of whom a reasonable suspicion exists that he or she has failed to make the required disclosure, will be disqualified to attend or participate directly or indirectly in any meeting of or at which the co-operative is a party, until the supervisory committee or, if such a committee is not provided for and appointed in terms of the constitution of the co-operative, the board of directors, has considered the said failure and made a decision on the future participation of the director or manager concerned in the affairs of the co-operative.

(2) A decision of the supervisory committee or the board of directors in terms of subsection (1), must be placed on the agenda of the next general meeting of the co-operative for reconsideration and may either be ratified or amended as the meeting deems fit.

Application for exemption from full compliance with audit requirements (sections 47 and 55)

18. (1) An application for exemption from full compliance with the audit requirements in terms of section 47 (2) of the Act must be made on Form CR 8.

(2) If approval has been granted that a suitably qualified person other than an auditor may perform the audit of the co-operative, Form CR 4 containing particulars of the name, profession and registration number of the person with the profession concerned, must be lodged within 15 days of his or her appointment.

(3) A co-operative must lodge the financial statements prepared pursuant to the exemption under cover of Form CR 7 within 15 days of the annual general meeting approving them.

Lodgment of annual financial statements (sections 48 and 55)

19. (1) The board of directors of a co-operative must lodge a copy of the audited financial statements of the co-operative within 15 days of approval by the annual general meeting under cover of Form CR 7.

(2) If an exemption has been granted under section 55 of the **Act** a copy of the financial statements as submitted to and approved by the annual general meeting of the co-operative, must be submitted under cover of Form **CR 7** within **15** days of its approval.

(3) In the event that the annual general meeting fails to approve the financial statements, notice of the reasons for the failure and the action the co-operative proposes to take to address the situation must be given on Form CR 7.

Notice of error or misstatement in annual financial statements (section 54)

20. Notice of any error or misstatement in the financial statements of a co-operative must be given on Form CR 7 and lodged together with a copy of the revised financial statements.

Special resolution for voluntary winding up (section 71) Form CR 9

21. A special resolution for the voluntary winding up of the co-operative in terms of section 71 of the Act must be passed by at least **75** per cent of its members and must be lodged for registration on Form CR 9 together with a copy of the notice of the general meeting in terms of section 18 (2) of the **Act**, which sets *out* the proposed amendment.

Short title

22. These Regulations are called the Co-operatives Administrative Regulations, **2006**.

SCHEDULE 1 - FEES

The prescribed fees to be charged in respect of the filing, verification or copying of a document in terms of the Act, or in respect of any services rendered by **the** registrar; the payment **of** any prescribed fees, including the time when **and** the manner **in** which the fees are to be paid, the additional fees that may be charged **or** payable for the late payment thereof and the circumstances in which any fees previously paid may be refunded; are stipulated below:

Note: The fees contained in this proposed schedule **will** be discussed with the National Treasury due to the new Act, which is of a developmental nature targeting the emerging co-operatives in line with the policy. This implies a change in the current registration fee from **R224** per application to **R100** per application, which will include payment for changes to be made **by** lodgment of other forms.

NATURE OF GOODS OR SERVICE	TARIFF/FEE
CO-OPERATIVE ACT NO. 14 OF 2005	
1. Application to register a co-operative [Section 6(1)]	R100-00 per application
2. Inspection of a document received and kept by the Registrar under the Act. [Section 82(1)]	R22,00 per co-operative
3. Obtaining a copy of or extract from a document -	
(a) When it follows inspection.	R1-00 per photocopy
(b) When otherwise requested	R22,00 per co-operative plus R1-00 per photocopy
(c) When it is provided programmatically	R24-00 per co-operative plus disk
4. Application to convert a company into a co-operative [Section 66(1)]	R100-00 per application
5. Application for the amalgamation of two or more co-operatives [Section 57(4)]	R100-00 per application
6. Additional fee for late lodgment of documents required to be lodged within a specified period [Section 95 (1) (b)]	R50 per document
7. Application for the reservation of a name, translated form or shortened form of name	R50 per application

SCHEDULE 2 – FORMS

Forms CR 1 to CR 13 inclusive, are as follows:

FORM CR 1

PART 1

**REPUBLIC OF SOUTH AFRICA
CO-OPERATIVES ACT, 2005**

APPLICATION FOR REGISTRATION OF PRIMARY/SECONDARY/TERTIARY CO-OPERATIVE
(See Part 2 for information and instructions)
(Section 6)

APPLICATION STATEMENT

WE, as founder members, apply for the registration of the co-operative, particulars of which are set out below. We confirm that on**2**.....(date), a meeting of interested persons was held and that the attached constitution was adopted for the co-operative and that the persons whose names appear in Part 6 were elected as first directors of the co-operative.

Name of co-operative

Shortened form of name (if applicable)

Literal translation of name (if applicable)

Date of end of financial year:

Province where co-operative Head Office is located:

Type of **Co-operative** (i.e. Primary / Secondary / Tertiary)

Kind of **co-operative** (Section 4 of Act - i.e. Worker / Agriculture / Housing co-operative, etc.)

DOCUMENTS

The following documents are attached to this application:

1. The proposed constitution of the co-operative duly signed by the founder members;
2. A power of attorney signed by the founder members in favour of the person signing the constitution on their behalf (only if the constitution is not signed by the founder members personally)
3. Form CR 8 containing particulars of the name reserved for the co-operative (only if a name has been reserved for the co-operative to be formed); and
4. The prescribed fee (or proof of payment thereof).

SIGNATURES OF FOUNDER MEMBERS

(The persons who have signed the constitution as founder members must also sign this application)

1	2
3	4
5	6
7	8
9	10

PART 2**INFORMATION PAGE**

The following documents must **be** lodged for the registration of a co-operative in terms of section **6** of the Co-operatives Act, 2005: -

- (a) **Form CR 1**: Application for registration;
- (b) the proposed constitution of the co-operative duly signed by the founder members;
- (c) if the constitution is **not** signed by the founder members personally, a power of attorney signed by the founder members in favour of the person signing the constitution on their behalf;
- (d) **if a** name has been reserved for the co-operative to be formed, Form CR 5 containing particulars of the name **so** reserved: and
- (e) the prescribed fee or proof of payment thereof.

INSTRUCTIONS FOR COMPLETION OF ABOVE-MENTIONED FORMS

1. Write in block capital letters, typewrite or print in legible characters with deep permanent black ink, and lodge one set of the documents referred to above.
2. An application, which does not comply with the requirements of the Act, these regulations or these notes, may be rejected.
3. If no identity document has been issued, a written statement to this effect must be attached to the application form and the date of birth must be entered where an identity number is required.

PART 3

LIST OF FOUNDER MEMBERS OF

..... (Name of co-operative)

FULL FORENAMES AND SURNAME (Primary Co-op) FULL FORENAMES & SURNAME OF REPRESENTATIVE OF BUSINESS ENTITY & Reg. No. (Secondary/Tertiary Co-op)	POSTAL ADDRESS OF MEMBER (Primary Co-op) POSTAL ADDRESS OF BUSINESS ENTITY (Secondary/Tertiary Co-op)
.....Reg No.....
.....Reg No.....
.....Reg No.....
.....Reg No.....
.....Reg No.....
.....Reg No.....
.....Reg No.....
.....Reg No.....
.....Reg No.....

Form of Co-operative	Minimum Number of Members Requirement for Registration and Type of Members Required
Primary Co-operative	5 Natural Persons
Secondary Co-operative	2 Primary @operatives (Juristic persons may also be members)
Tertiary Co-operative	2 Secondary Co-operatives

PART 5

ADDRESSES AND CONTACT PARTICULARS OF CO-OPERATIVE

Name of co-operative:

[Section 20(3)]

Completion of paragraphs (a) and (b) is compulsory.

(a) Situation of Registered Office (Please provide street address):

.....

Province:

(b) Postal Address:

.....

..... ..(Postal code)

(c) Complete if available:

Co-operative Tel. No.: (.)

Co-operative Fax No.: (.)

Co-operative E-mail Address:

Website address:

PART 6

STATISTICAL INFORMATION FOR PRIMARY CO-OPERATIVES ONLY

Name of co-operative.. ..

Please complete the following information with regard to the co-operative:

- 1. Number of female members:
- 2. Number of male members.....
- 3. Number of members aged 18-35years:
 Number of members aged 36 and older:
- 4. Number of disabled persons who are members:
- 5. Number of Black members:
 Number of Indian persons:
 Number of Coloured persons:
 Number of White persons:
 Number of other races: (Specify).....
- 6. Size of the co-operative:
 Total number of members as at foundation date:
 Total number of current members..... (date).....
- 7. Level of Education. Number of members with:
 No formal education:
 Grade 1-7:.....
 Grade 8-10:
 Grade 11-12:.....
 Tertiary education completed:
- 0. Number of persons employed by co-operative (members and non-members):

FORM CR 2

**REPUBLIC OF SOUTH AFRICA
CO-OPERATIVES ACT, 2005**

RETURN RELATING TO DIRECTORS

(To be lodged when particulars of directors change, including resignation and appointment of new directors)
(Sections 6 and 39)

Name of co-operative:

Registration no. of co-operative:

I,.....(Name of director/secretary/manager /officer)..... state that the directors listed in this return are all the directors of the co-operative, have consented to their appointment and that none of the directors are disqualified to be directors in terms of the Co-operatives Act, 2005, or the constitution of the co-operative and that the directors listed in the second table have not been re-appointed or have vacated their office for other reasons.

Signed..... -(Director/secretary/manager/officer of co-operative)

Date

APPOINTED DIRECTORS

FULL FORENAMES AND SURNAME OF DIRECTOR	IDENTITY NUMBER OF DIRECTOR	HOME ADDRESS OF DIRECTOR	POSTAL ADDRESS OF DIRECTOR	DATE OF APPOINTMENT OF DIRECTOR
.....
.....
.....

.....
.....
.....

DIRECTORS THAT HAVE VACATED OFFICE
(if applicable)

<p align="center">NAMES AND SURNAMES OF DIRECTORS THAT HAVE VACATED OFFICE</p>	<p align="center">IDENTIFICATION NUMBER OF DIRECTOR THAT HAVE VACATED OFFICE</p>	<p align="center">DATE OF VACATION OF OFFICE</p>
<p>.....</p>		<p>.....</p>
<p>.....</p>		<p>.....</p>
<p>.....</p>		<p>.....</p>
<p>.....</p>		<p>.....</p>
<p>.....</p>		<p>.....</p>
<p>.....</p>		<p>.....</p>

FORM CR 3

**REPUBLIC OF SOUTH AFRICA
CO-OPERATIVES ACT, 2005**

**NOTICE OF ADDRESSES AND CONTACT PARTICULARS OF CO-OPERATIVE AND
CHANGES THEREOF**

(To be lodged when particulars change or additional information needs to be disclosed)
[Section 20(3)]

Name of co-operative:

Registration no. of co-operative.....

Completion of paragraphs (a) and (b) is compulsory.

(a) Situation of Registered Office (Please provide street address):

.....
.....
.....

Province:

(b) Postal Address:

.....
.....
.....
.....(Postal code)

(c) Complete if available:

Co-operative Tel. No: (.....)

Co-operative Fax No.: (.....)

Co-operative E-mail Address:

Website address:

The effective date of the changes is....

Signed..... (Director/Secretary/Manager/Officer of co-operative)

Date.....

FORM CR 4

REPUBLIC OF SOUTH AFRICA
CO-OPERATIVES ACT, 2005
NOTICE OF APPOINTMENT OF AUDITOR AND CONSENT TO ACT AS AUDITOR, OR
RESIGNATION BY AUDITOR AND REMOVAL OF AUDITOR
(Sections 50 and 51 and regulation 19)

Name of co-operative.. ..

Registration no. of co-operative. (if already registered)

*Mark the applicable square

PART I (To be completed by the auditor concerned and to be sent to the co-operative for completion of PART III and lodgment with the Registrar)

*A APPOINTMENT:

I, consent to my appointment as auditor of the co-operative as from 2 and declare that I am not disqualified in terms of section 49 of the Co-operatives Act, 2005, for the appointment.

*B CHANGE OF NAME OF FIRM OF AUDITORS

The firm has with effect from 2 changed its name and will in future be known as

Date.. 2

Signature.. (Auditor)

Office address.. ..

Postal address.. ..

PART II (To be completed by auditor concerned and original to be lodged with Registrar and duplicate to be sent to the co-operative for completion of PART III and lodgment with Registrar)

*C RESIGNATION

I, resign as auditor of the above-mentioned and declare that:-

(a) As at the date of this notice I have no reason to believe that in the conduct of the affairs of the co-operative a material irregularity has taken place, or is taking place which has caused or is likely to cause financial loss to the co-operative or to any of its members or creditors;

(b) I reported a material irregularity to the Public Accountants' and Auditor's Board on 2 in terms of the Public Accountants' and Auditors' Act, 1951.

(Note: In terms of section 50 (6) of the Act the resignation will become effective on the date on which the written resignation is received by the co-operative or a later date specified in the resignation).

Date 2

Signature.. (Auditor)

PART III (To be completed by the co-operative concerned and lodged with Registrar)

*D STATEMENT

The auditor of the above-mentioned co-operative was removed/not re-appointed in terms of the Co-operatives Act, 2005 on 2

Date 2

Signature..... (Director/secretary/manager/officer)

Full names of signatory

Position held in co-operative

FORM CR 5

**REPUBLIC OF SOUTH AFRICA
CO-OPERATIVESACT, 2005**

**APPLICATION FOR RESERVATION OF NAME
OR TRANSLATED FORM OR SHORTENED FORM OF NAME
(Regulation 11)**

A. Proposed Name or Translated Form or Shortened Form
(Indicate with a cross)

In order of preference	For Office Use	Initials and Date
1.	approvednot approved	
2.	approved/not approved	
3.	approvednot approved	
4.	approvednot approved	
5.	approvednot approved	
6.	approvednot approved	
Reservation is valid for two months		

B. Is the proposed name associated with a person, co-operative or a company? If so, what is the name and number (if a co-operative or company) and the nature of the association (**e.g.** member, director etc).

.....
.....
.....

C. Main object/business of the co-operative/proposed co-operative.. ..

.....

Name of Applicant (print)

Address to which form must be returned
(if not lodged electronically)

.....
.....
.....

Signature of applicant

.....

FORM CR 6

**REPUBLIC OF SOUTH AFRICA
CO-OPERATIVES ACT, 2005**

SPECIAL RESOLUTION

[Sections 18(4), 57(3), 60(3), 62(3), 63(3), 77(2)]

Name of co-operative.....

Registration No. of Co-operative.

A Special Resolution passed in terms of section 18 of the Act on (date/s),
at a general meeting/s of the co-operative by at least two thirds of the members present:-

1. The required quorum was present at the meeting and a copy of the resolution is hereby bddged for registration.
2. A copy of the notice convening the meeting and setting out the proposed amendment, as required by section 18 (2) of the Act, is attached.

CONTENTS OF RESOLUTION
(Use attachment if necessary)

Resolved:

.....

.....

.....

.....

.....

.....

.....

Signature (Director/Secretary/Manager/Officer of co-operative)

Date.. ..

Special resolution registered thisday of.. Two thousand
and.. ..

.....
Registrar of Co-operatives

Seal of Office of the Registrar of Co-operatives
This certificate is not valid unless sealed by the said Seal

FORM CR.7

**REPUBLIC OF SOUTH AFRICA
CO-OPERATIVES ACT, 2005**

LODGMENT OF FINANCIAL STATEMENTS

[Sections 48 (6), 54 (3) and 55 (3) and (4)]

(To be lodged within 15 days of approval by annual general meeting)

Completion of paragraph D is compulsory for primary **co-operatives**

NAME OF CO-OPERATIVE.....

REGISTRATION No. OF CO-OPERATIVE.....

A The following documents are lodged herewith:

1. Audited financial statements and auditor's report for the financial year ended 2.....

2. Annual financial statements pursuant to an exemption in terms of section 55 of the Act for the financial year ended 2..... (if applicable)

OR

B The annual general meeting of the co-operative failed to approve the financial statements for the financial year ended 2.. (if applicable)

1. The reasons for the failure are.

.....
.....
.....

(Use attachment if necessary)

2. The co-operative proposes to take the following action in order to address the situation.....

.....
.....

(Use attachment if necessary)

OR

C. (1) The following error/misstatement was made in the financial statements for the financial year ended 2. (if applicable)

.....
.....
.....
.....

(Use attachment if necessary)

(2) A copy of the revised financial statements that have been prepared and issued, is lodged herewith.

Signature -(Director/Secretary/Manager/Officer of co-operative)

Date

AND

D. Annual Statistical Information (Primary co-operatives only)

Name of co-operative.. ..

Please complete the following information with regard to the co-operative:

- 1. Number of female members:
- 2. Number of male members.. ..
- 3. Number of members aged 18-35 years:
Number of members aged 36 and older:
- 4. Number of disabled persons who are members:

-
5. Number of Black members:
Number of Indian persons:
Number of Coloured persons:..
Number of White persons:
Number of other races:..... (Specify).
6. Size of the co-operative:
Total number of members as at foundation date:
Total number of current members (date).
7. Level of Education. Number of members with:
No formal education:
Grade 1-7:
Grade 8-10:
Grade 11-12:
Tertiary education completed:
8. Number of persons employed by co-operative (members and non-members):

FORM CR 8**REPUBLIC OF SOUTH AFRICA
CO-OPERATIVES ACT, 2005****APPLICATION FOR EXEMPTION FROM FULL COMPLIANCE WITH
AUDITING REQUIREMENTS**

[Section 47(2) and 55]

NAME OF CO-OPERATIVE.....

REGISTRATION NUMBER.....

(To be completed by the Chairperson of the board of directors of the co-operative and lodged with
the Registrar)

1. I, (complete full names and surname), Chairperson of the board of directors of above-mentioned co-operative declare under oath / solemnly that:

- (a) ~~the~~ cost of an annual audit would materially effect the financial sustainability of the co-operative;
- (b) the co-operative has maintained adequate financial records, and is able to prepare annual financial records;
- (c) having regard to the size and kind of co-operative, the interests of members will be adequately protected.

2. I, therefore, apply on behalf of the co-operative, that the co-operative -

- (a) be allowed to combine the audit ~~for~~ the financial years of to into a single audit; or
- (b) be allowed to appoint a suitably qualified person other than an auditor, to ~~perform~~ the audit of the co-operative.

3. I am aware that the board of directors is, notwithstanding any exemption that may be granted, required to prepare financial statements for the relevant financial year/s and by this application binds the said board-

- (a) to prepare them as required by section 55 (3) of the Act. And to submit them to your office within 15 days after the annual general meeting has approved them; and
- (b) in the event of the said general meeting not approving them, to furnish your office on Form CR 7 with the reasons for the failure to approve them and the action the co-operative proposes to take in order to address the situation.

Signature.. ..

CHAIRPERSON

DATE:

I certify that the deponent acknowledges that he/she is cognisant of and understands the contents of this statement, has no objection to taking the oath and regards the oath as binding on his/her conscience.

This statement was sworn to/solemnly declared before me and signed in my presence.

Signed aton this the day of
2.

.....

Commissioner of Oaths

Full name.....

Ex officio.. ..

Address..Jurisdiction...

.....

,

.....

DIRECTIVE BY REGISTRAR IN TERMS OF SECTION 47 (2) OF THE ACT:

To:-

Your application for exemption under section 47 (2) of the Act has been approved on the following terms:

1. A combined audit for the financial years of/.....may be performed by your appointed auditor.

OR

2. You are authorised to have the financial statements of the co-operative audited by a member of a profession whose members have been authorised to act as accounting officers for close corporations in terms of the Close Corporations Act, 1984 (Act 69 of 1984). See the annexure for a list of the relevant professions.
3. This exemption is subject to lodgement of Form CR 4, containing particulars of the name and profession of the person appointed in terms of this exemption and is valid for the financial year only.

Signed and sealed at PRETORIA on **this**,Day of..
Two Thousand **and**

REGISTRAR OF CO-OPERATIVES

Seal of Office of the Registrar of Co-operatives

This directive is not valid unless sealed by the said Seal

ANNEXURE

Members of the following professions have, in addition to auditors, been authorised to perform the functions and duties of accounting officers in terms of the Close Corporations Act, 1984:

1. The Institute of Administration and Commerce of Southern Africa (IAC)
2. The Chartered Institute of Management Accountants (CIMA)
3. The South African Institute of Professional Accountants (SAIPA – formerly CFA and CPA)
4. Associate General Accountants of the South African Institute of Chartered Accountants (AGA)
5. The Southern African Institute of Chartered Secretaries and Administrators (CIS)
6. The Chartered Association of Certified Accountants (ACCA)
7. The South African Institute for Business Accountants (SAIBA)

FORM CR 9**REPUBLIC OF SOUTH AFRICA
CO-OPERATIVES ACT, 2005****SPECIAL RESOLUTION FOR VOLUNTARY WINDING UP OF CO-OPERATIVE**

[Section 71]

Name of co-operative

Registration No. of Co-operative.,

1. A Special Resolution passed in terms of section 71 of the Act on ((date)),
at a general meeting of the co-operative is hereby lodged for registration.

2. It is confirmed that a minimum of 75% of members of the co-operative voted in favour of the
resolution.

3. A copy of the notice convening the meeting and setting out the proposed resolution and the
reasons therefore, is attached.

CONTENTS OF RESOLUTION**Resolved:**

1. That the Co-operative named,
CO-OPERATIVE LIMITED, be placed under voluntary liquidation.

2... (other)

Signature (Director/Secretary/Manager/Officer of co-operative)

Date.....

Special resolution registered this Day of..... ..Two thousand
and.. ..

REGISTRAR OF CO-OPERATIVES**Seal of Office of the Registrar of Co-operatives***This certificate is not valid unless sealed by the said Seal*

FORM CR 10

REPUBLIC OF SOUTH AFRICA
CO-OPERATIVES ACT, 2005

**CERTIFICATE OF REGISTRATION
OF A CO-OPERATIVE
(Section 7)**

I, hereby, certify that
..... **CO-OPERATIVE LIMITED**
was registered this day under section 7 of the Co-operatives Act, 2005 (Act 14 of 2005), under
registration number as a **Primary / Secondary / Tertiary**
(select relevant form) **Co-operative** with limited liability and that its constitution was registered
today.

I further certify that **CO-OPERATIVE**
LIMITED is with effect from this day entitled to commence business.

Signed and sealed at **PRETORIA** on this Day of **Two**
Thousand and

.....
REGISTRAR OF CO-OPERATIVES

Seal of Office of the Registrar of Co-operatives

This certificate is not valid unless sealed by the said Seal

FORM CR 11

**REPUBLIC OF SOUTH AFRICA
CO-OPERATIVES ACT, 2005**

**CERTIFICATE OF CHANGE OF NAME
OF CO-OPERATIVE**

[Section 10, 18 and regulation 14(2)]

I, hereby, certify that

..... CO-OPERATIVE LIMITED,

with Registration Number has changed its name

by SPECIAL RESOLUTION and is now called:-

..... CO-OPERATIVE LIMITED.

The effective date of the change of name is 2 and the said new name has been entered into the Register of Co-operatives.

Signed and sealed at **PRETORIA** on this, Day of

Two Thousand and

REGISTRAR OF CO-OPERATIVES

Seal of Office of the Registrar of Co-operatives

This certificate is not valid unless sealed by the said Seal

FORM CR 12**REPUBLIC OF SOUTH AFRICA
CO-OPERATIVES ACT, 2005****CERTIFICATE OF CHANGE OF NAME BY DIRECTIVE OF REGISTRAR**

[Section 11]

Name of co-operative.. ..

Registration no. of co-operative.. ..

I, HEREBY, CERTIFY
that I have changed the name of..... **GO-OPERATIVE LIMITED**

to

..... **....CO-OPERATIVE LIMITED**

in terms of section 11(2)(a) of the Co-operatives Act, 2005 (Act 14 of 2005),

The original name of the co-operative has been revoked, and the new name of the co-operative
was assigned to and entered in the Register of Co-operatives.The co-operative is registered as a **Primary / Secondary / Tertiary** (~~delete not applicable~~) **Co-**
operative with limited liability.From the date of this certificate, the constitution of the co-operative is deemed to have been
amended to reflect the name assigned to it in this certificate.Signed and sealed at **PRETORIA** on thisDay of**Two Thousand and**.....
REGISTRAR OF CO-OPERATIVES**Seal of Office of the Registrar of Co-operatives***This certificate is not valid unless sealed by the said Seal.*

FORM CR 1

**REPUBLIC OF SOUTH AFRICA
CO-OPERATIVES ACT, 2005**

**APPLICATION FOR INSPECTION OF DOCUMENTS
[Section 82]**

A Applicant:

Name.....
 Name of organisation that requests the information.....
 Tel/Cell No. of Contact Person.
 Email Address of Contact Person..
 Postal Address of Contact Person (if the requested documents need to be posted)

 Postal Code.....

information requested in respect of -

Name of Co-operative.....
 Reg. No. (if available)

Detail of information required:-

Document/file	√	Cost
Access to full co-operative file		
Certificate of Registration		
Constitution		
Financial statements for Financial Year/s.....		
Form CR 1 - Application for registration of co-operative		
Form CR 2 - Return relating to directors		
Form CR 3 - Notice of addresses and change of addresses		
Form CR 4 - Notice of appointment of auditor		
Form CR 5 - Application for reservation of name		
Form CR 6 - Special resolution		
Form CR 7 - Financial statements		
Form CR 8 - Application for exemption from compliance with auditing requirements		
Form CR 9 - Special resolution for winding up		
Form CR 10 - Certificate of registration of co-operative		
Form CR 11 - Certificate of change of name		
Form CR 12 - Certificate of change of name by registrar		
Certification of documents (State requirements)		
.....		
.....		
Other (specify).....		
.....		

C. Payment for Inspection

1. Proof of payment of prescribed fee for inspection is attached.
2. Additional fees payable (e.g. for photo copies, certification, etc), are as follows:

REPUBLIC OF SOUTH AFRICA
CO-OPERATIVES ACT, 2005

**Standards of accounting to be followed for the purposes of
Chapter 7 of the Act by a co-operative**

[Section 95 (1) (d)]

When granting an exemption in terms of section 55 from full compliance with Chapter 7 of the Act to a co-operative, the registrar may require the affairs of the co-operative to be audited by a person other than an auditor but who is a member of a profession whose members have been authorised to act as accounting officers for close corporations in terms of the Close Corporations Act, 1984 (Act 69 of 1984). Members of the following professions have so been authorised:

1. The Institute of Administration and Commerce Of Southern Africa (IAC)
2. The Chartered Institute of Management Accountants (CIMA)
3. The South African Institute of Professional Accountants (SAIPA – formerly CFA and CPA)
4. Associate General Accountants of the South African Institute of Chartered Accountants (AGA)
5. The Southern African Institute of Chartered Secretaries and Administrators (CIS)
6. The Chartered Association of Certified Accountants (ACCA)
7. The South African Institute for Business Accountants (SAIBA)

Annual financial statements prepared and audited under an exemption contemplated in section 55 of the Act must be lodged with the registrar under cover of Form **CR 7**.

**REPUBLIC OF SOUTH AFRICA
CO-OPERATIVES ACT, 2005**

Norms and standards to which co-operative development support programmes must conform

[Section 95(1) (j)]

The norms and standards for conformity by the support programmes to be designed to support co-operatives must target specifically emerging cooperatives that consist of black persons, women, youth, disabled persons or persons in the rural areas and that promote equity and greater participation by its members. All government agencies and Departments must design and implement support programmes that will comply with these norms for ease of accountability to **the dti** and Parliament in terms of programme impact to the co-operatives sector.

**REPUBLIC OF SOUTH AFRICA
CO-OPERATIVES ACT, 2005**

Administration of forms of co-operatives

[Section 95(2)]

Co-operatives are sectoral in nature and therefore, where applicable are aligned and linked to a sectoral or line function Department, for an example housing, financial, agricultural, workers, etc. The relevant line function department with the assistance of the central coordinating department, **the dti**, must ensure that relevant support programmes are designed and implemented for ease of accountability to parliament by **the dti**.

**REPUBLIC OF SOUTH AFRICA
CO-OPERATIVES ACT, 2005**

Registrar of co-operatives

[Section 78(1)]

Deputy Registrars may be appointed in all the provinces in line with the Law, with the leadership of the Provincial Departments of Economic Affairs, and may be located within provincial support agencies such as the Small Enterprise Development Agency (SEDA), Limpopo Business Development Agency (**LIBSA**), GEP, etc. for purposes outreach and accessibility. This **is** done to

assist the registrar in the performance of his or her functions and may exercise such powers through delegating such powers to the deputy registrars concerned.

REPUBLIC OF SOUTH AFRICA
CO-OPERATIVES ACT, 2005

Effective coordination across government **and** the movement

[Section]2(i)

The **dti** is the central coordinating department through the **Co-operatives** Development Unit within the Enterprise and Industry Development Division, to facilitate and ensure effective coordination across government and the private sector. There will be a reporting mechanism to Parliament through structures such as the **Co-operatives** Advisory Board, Provincial Coordinating and the Interdepartmental Committees relating to areas **of** policy change and review, **support** programme design and implementation.
