

# Takeover Regulation Panel Republic of South Africa

## Form TRP 121.2

### About this Form

- This form is issued in terms of Section 122 of the Companies Act, 2008 and Regulation 121 of the Companies Regulations, 2011.
- This form, with a copy of form 121.1 attached, must be filed by the company concerned within 3 business days after any receiving a disclosure in Form TRP 121.1.
- This Notice must also be delivered to all holders of beneficial interests in the class of securities concerned, unless the transaction amounted to less than 1% of the issued securities of the class.

### Contacting the Panel

The Takeover Regulation Panel  
of South Africa

Postal Address: PO Box 91833  
Auckland Park 2006  
Republic of South Africa  
tel: 27 011 642 1301  
www.trpanel.co.za

## Notice of acquisition or disposal of securities

Date: \_\_\_\_\_

To: **Takeover Regulation Panel**

From:

*(Name and Registration Number of the regulated company filing notice)*

Name: \_\_\_\_\_ Registration No.: \_\_\_\_\_

The above named company advises that it has received the attached disclosure concerning its securities from

*(Name and Identity or Registration Number of the person making the attached disclosure)*

Name: \_\_\_\_\_ ID/Reg.No: \_\_\_\_\_

Name and Title of person signing:

\_\_\_\_\_  
Authorised Signature:

# Companies and Intellectual Property Commission Republic of South Africa

## Form CoR 123.1

### 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.
- A company resolution to commence 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 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 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: 0861 843 384  
www.cipc.co.za

## Notice of Beginning of Business Rescue Proceedings

Date: \_\_\_\_\_ Customer Code: \_\_\_\_\_

### Concerning:

*(Name and Registration Number of Company)*

Name: \_\_\_\_\_ Registration No.: \_\_\_\_\_

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 of section 129, on \_\_\_\_\_.
- A Court having made the attached order in terms of section 131, on \_\_\_\_\_.

In terms of section 132 (1)(a), the company's business rescue proceedings commenced on \_\_\_\_\_, 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:**

\_\_\_\_\_

**Authorised Signature:**

\_\_\_\_\_

# 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 days after it has been filed, if the company appointed the practitioner; or
  - (b) 5 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: 0861 843 384  
www.cipc.co.za

## Notice of Appointment of Business Rescue Practitioner

Date: \_\_\_\_\_ Customer Code: \_\_\_\_\_

### Concerning:

(Name and Registration Number of Company)

Name: \_\_\_\_\_ Registration No.: \_\_\_\_\_

The above named company commenced business rescue proceedings on \_\_\_\_\_

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

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: \_\_\_\_\_

Authorised Signature: \_\_\_\_\_

# Companies and Intellectual Property Commission Republic of South Africa

## Form CoR 123.3

### About this Form

- This form is issued in terms of Sections 129 (7) of the Companies Act, 2008 and Regulation 123 of the Companies Regulations, 2011.
- This notice must be published to every affected person within 5 business days after the board considered the matter.
- An affected person has the right, in terms of section 131 to apply to the court for an order placing the company into business rescue proceedings.
- This notice is not required to be filed.

### Contacting the Commission

The Companies and Intellectual Property Commission of South Africa

Postal Address: PO Box 429  
Pretoria 0001

Republic of South Africa  
tel: 0861 843 384  
www.cipc.co.za

## Notice of Decision Not to Begin Business Rescue

Date: \_\_\_\_\_ Customer Code: \_\_\_\_\_

### Concerning:

*(Name and Registration Number of Company)*

Name: \_\_\_\_\_ Registration No.: \_\_\_\_\_

The above named company advises that, having considered the financial state of the company to be financially distressed, as defined in section 128 (1)(f), the Board has nevertheless determined not to adopt a resolution commencing business rescue proceedings.

In support of its decision, the Board has filed the attached statement of—

- (a) the criteria set out in section 128 (1)(f) that are relevant to the company; and
- (b) the reasons for not adopting a business rescue resolution.

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

**Authorised Signature:**

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

**Form CoR 125.1****Business Rescue Status Report****About this Form**

- This form is issued in terms of Sections 132 and 141 of the Companies Act, 2008 and Regulation 125 of the Companies Regulations, 2011.
- This notice and the attached report must be published to every affected person, and to—
  - (a) the Commission, if the business rescue proceedings were started by the company, or
  - (b) the court, if the proceedings were ordered by the court.
- A report and Notice must be issued at the end of the first three months of the business rescue proceedings, and at regular monthly intervals after that.

Date: \_\_\_\_\_ Customer Code: \_\_\_\_\_

**Concerning:***(Name and Registration Number of Company)*

Name: \_\_\_\_\_ Registration No.: \_\_\_\_\_

The above named company commenced business rescue proceedings on \_\_\_\_\_

Because the business rescue proceedings have not concluded within three months, the appointed business rescue practitioner provides the attached report in terms of section 132 (3).

**Contacting the Commission**

The Companies and Intellectual Property Commission of South Africa

Postal Address: PO Box 429  
Pretoria 0001  
Republic of South Africa  
tel: 0861 843 384

www.cipc.co.za

**Name and Title of person signing on behalf of the Practitioner:****Authorised Signature:**

# Companies and Intellectual Property Commission Republic of South Africa

## Form CoR 125.2

### About this Form

- This form is issued in terms of Sections 141 of the Companies Act, 2008 and Regulation 125 (4) of the Companies Regulations, 2011.
- This notice must be filed and published to every affected person.

### Contacting the Commission

The Companies and Intellectual Property Commission of South Africa

Postal Address: PO Box 429  
Pretoria 0001  
Republic of South Africa  
tel: 0861 843 384  
www.cipc.co.za

## Notice of Termination of Business Rescue Proceedings

Date: \_\_\_\_\_ Customer Code: \_\_\_\_\_

### Concerning:

*(Name and Registration Number of Company)*

Name: \_\_\_\_\_ Registration No.: \_\_\_\_\_

The above named company commenced business rescue proceedings by resolution on \_\_\_\_\_.

In terms of section 141(2)(b), the business rescue practitioner has concluded that there are no longer reasonable grounds to believe that the company is financially distressed. Accordingly, the proceedings are terminated upon the filing of this Notice, in the manner contemplated in sections 132 (2)(b), read with 141 (2)(b)(ii).

**Name and Title of person signing on behalf of the Practitioner:**

**Authorised Signature:**



# Companies and Intellectual Property Commission Republic of South Africa

## Form CoR 125.3

### About this Form

- This form is issued in terms of Sections 152(8) of the Companies Act, 2008 and Regulation 125 (5) of the Companies Regulations, 2011.
- This notice must be filed.

### Contacting the Commission

The Companies and Intellectual Property Commission of South Africa

Postal Address: PO Box  
Pretoria 0001  
Republic of South Africa  
tel: 0861 843 384  
www.cipc.co.za

## Notice of Substantial Implementation of Business Rescue Plan

Date: \_\_\_\_\_ Customer Code: \_\_\_\_\_

### Concerning:

*(Name and Registration Number of Company)*

Name: \_\_\_\_\_ Registration No.: \_\_\_\_\_

The above named company commenced business rescue proceedings by resolution on \_\_\_\_\_.

In terms of section 152, a business rescue plan was adopted on \_\_\_\_\_.

The terms of that plan have now been substantially carried out, as contemplated in section 152 (8). Accordingly, the business rescue proceedings end upon the filing of this Notice, in the manner contemplated in sections 132 (2)(c)(ii).

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

\_\_\_\_\_  
 Authorised Signature:

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

**Form CoR 126.1****Application for Practitioner's Licence****About this Certificate**

- This Certificate is issued in terms of Section 138 of the Companies Act, 2008 and Regulation 126 of the Companies Regulations, 2011.
- The filing fee for this Application is R500.

Date: \_\_\_\_\_

To: **The Commission**

From:

*(Name, Identity Number, address and contact details of Applicant)*

Name: \_\_\_\_\_

Identity No.: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Email: \_\_\_\_\_

The above named person applies to the Commission in terms of section 138 (1)(b) of the Companies Act, 2008, for a licence to serve as a business rescue practitioner, in terms of the Companies Act, 2008.

In support of this application, I have attached—

1. A resume of my history and experience engaging in business turnaround practice, as defined in Regulation 127 (2), before the effective date of the Act, if any.
2. A resume of my relevant education, experience and professional affiliations.

In further support of this application, I declare that I am not disqualified from serving as a business rescue practitioner on any grounds contemplated in section 138 (1) (c) or (d) of the Companies Act, 2008.

**Contacting the  
Commission**

The Companies and Intellectual  
Property Commission of South Africa

Postal Address: PO Box 429  
Pretoria 0001  
Republic of South Africa  
tel: 0861 843 384  
www.cipc.co.za

**Name and Title of person signing on behalf of the Applicant:**

**Authorised Signature:**



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

**Form CoR 126.2****Registration Certificate****About this Certificate**

- This Certificate is issued in terms of Section 138 of the Companies Act, 2008 and Regulation 126 of the Companies Regulations, 2011.

Date: \_\_\_\_\_

**Concerning:***(Name and South African Registration Number of Accredited Entity)*

Name: \_\_\_\_\_ Identity No.: \_\_\_\_\_

The above named person has been licenced by the Commission in terms of section 138 of the Companies Act, 2008, to serve as a business rescue practitioner, with effect from the date of this Certificate.

The licensee has—

- not engaged in business turnaround practice, as defined in Regulation 127 (2), before the effective date of the Act.
- satisfied the Commission that it has engaged in business turnaround practice, as defined in Regulation 127 (2), for a period of \_\_\_\_\_ years immediately before the effective date of the Act; and

is for purposes of Regulation 127 classified as -

- a Junior Business Rescue Practitioner
- an Experienced Business Rescue Practitioner
- a Senior Business Rescue Practitioner

**Contacting the Commission**

The Companies and Intellectual Property Commission of South Africa

Postal Address: PO Box 429  
Pretoria 0001  
Republic of South Africa  
tel: 0861 843 384  
www.cipc.co.za

**Name and Title of person signing on behalf of the Commission:****Authorised Signature:**

Commission seal

# Companies Tribunal Republic of South Africa

## Form CTR 132.1

### About this Form

- This form is issued in terms of Sections 166 of the Companies Act, 2008 and Regulation 132 of the Companies Regulations, 2011.
- This Application, must be filed and served on each respondent within 5 business days after it is filed.

### Contacting the Tribunal

The Companies Tribunal of South Africa

Street Address  
Pretoria XXXX  
Republic of South Africa  
tel:  
fax:  
e-mail:  
www:

## Application for Alternative Dispute Resolution

Date: \_\_\_\_\_

From: \_\_\_\_\_ *(insert name of Applicant)*

To:  The Companies Tribunal  Accredited Agency

And To: \_\_\_\_\_  
*(Name, registration number and address of respondent(s). Use additional sheet if required )*

### Concerning:

\_\_\_\_\_  
*(Name and registration number of Company, or Date and Number of Commission Notice, as the case may be )*

The Applicant seeks to have a dispute with the respondent resolved by Alternative dispute resolution in terms of section 166:

The Dispute arises in terms of

\_\_\_\_\_  
*(Insert the section of the Act, or the Regulation, that is most relevant to the dispute)*

And from the following conduct, actions or facts:

*(Insert a concise statement of the circumstances, and the particulars of the request)*

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Name and Title of person signing

Authorised Signature:

# Companies Tribunal Republic of South Africa

## Form CTR 132.2

### About this Form

- This form is issued in terms of Sections 166 of the Companies Act, 2008 and Regulation 132 of the Companies Regulations, 2011.
- This Application must be filed and served on each respondent within 5 business days after it is filed.

## Referral for Alternative Dispute Resolution

Date: \_\_\_\_\_

From:  The Companies Commission  The Takeover Regulation Panel

To:  The Companies Tribunal  Accredited Agency

And To: \_\_\_\_\_ *(insert name of complainant)*

\_\_\_\_\_  
*(Name, registration number and address of respondent(s). Use additional sheet if required)*

### Concerning:

*(Name and file number of complaint)*

Name: \_\_\_\_\_ File No.: \_\_\_\_\_

The issuing agency, having considered this complaint, refers it with the recommendation that the parties attempt to resolve it by Alternative Dispute Resolution in terms of section 166:

The Dispute arises in terms of

\_\_\_\_\_  
*(Insert the section of the Act, or the Regulation, that is most relevant to the dispute)*

And from the following conduct, actions or facts:

*(Insert a concise statement of the circumstances, and the particulars of the request)*

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Name and Title of person signing for the Commission or Panel

\_\_\_\_\_

Authorised Signature:

\_\_\_\_\_

## Contacting the Tribunal

The Companies Tribunal of South Africa

Street Address  
Pretoria XXXX  
Republic of South Africa  
tel:  
fax:  
e-mail:  
www

# Companies Tribunal Republic of South Africa

## Form CTR 132.3

### About this Form

- This form is issued in terms of Sections 166 of the Companies Act, 2008 and Regulation 132 of the Companies Regulations, 2011.
- This Application, must be filed and served on each respondent within 5 business days after it is filed.

## Certificate of Failed Alternative Dispute Resolution

Date: \_\_\_\_\_

From:  The Companies Tribunal  Accredited Agency

To:  The Companies Commission  Takeover Regulation Panel

And To: \_\_\_\_\_ *(insert name of complainant)*

\_\_\_\_\_  
*(Name, registration number and address of respondent(s). Use additional sheet if required )*

### Concerning:

*(Name and file number of complaint)*

Name: \_\_\_\_\_ File No.: \_\_\_\_\_

The parties have attempted, but failed, to resolve this dispute by Alternative Dispute Resolution in terms of section 166. There does not appear to be any reasonable prospect of resolving the matter through this process.

## Contacting the Tribunal

The Companies Tribunal of South Africa

Street Address  
Pretoria XXXX  
Republic of South Africa  
tel:  
fax:  
e-mail:  
www

Name and Title of person signing for the Tribunal or Accredited Agency

\_\_\_\_\_  
Authorised Signature:

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

**Form CoR 134.1****About this Certificate**

- This Certificate is issued in terms of Section 166 of the Companies Act, 2008 and Regulation 134 of the Companies Regulations, 2011.
- The filing fee for this Application is R500.

**Contacting the Commission**

The Companies and Intellectual Property Commission of South Africa

Postal Address: PO Box 429  
Pretoria 0001  
Republic of South Africa  
tel: 0861 843 384  
www.cipc.co.za

**Application for Accreditation**

Date: \_\_\_\_\_

To: **The Commission**

From: \_\_\_\_\_

*(Name, Registration Number, address and contact details of Applicant)*

Name: \_\_\_\_\_

Registration No.: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone No.: \_\_\_\_\_ Email: \_\_\_\_\_

The above named entity applies to the Commission in terms of section 166 (4) of the Companies Act, 2008, for accreditation to serve as a provider of alternative dispute resolution services, in terms of the Companies Act, 2008.

In support of this application, the applicant has attached—

1. A resume of its history and experience providing alternative dispute resolution services generally, or in terms of any particular legislation or mandate.
2. A list of the names and identity numbers of its officers, and its employees who will provide services in terms of the Companies Act, including a summary of the relevant education and experience of each such employee.

**Name and Title of person signing on behalf of the Applicant:**

**Authorised Signature:**

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

**Form CoR 134.2**

**About this Certificate**

- This Certificate is issued in terms of section 166 of the Companies Act, 2008 and Regulation 134 of the Companies Regulations, 2011.
- If the Commission has issued a Compliance Notice in conjunction with this Certificate, the accredited entity may apply to the Companies Tribunal in Form CTR 142, to review the conditions imposed by the Commission.

**Contacting the  
Commission**

The Companies and Intellectual  
Property Commission of South Africa

Postal Address: PO Box 429  
Pretoria 0001  
Republic of South Africa  
tel: 0861 843 384  
www.cipc.co.za

**Registration Certificate**

Date: \_\_\_\_\_

Concerning:

(Name and South African Registration Number of Accredited Entity)

Name: \_\_\_\_\_ Registration No.: \_\_\_\_\_

The above named person or association has been accredited by the Commission in terms of section 166 (4) of the Companies Act, 2008, to serve as a provider of alternative dispute resolution services, with effect from the date of this Certificate.

This Certificate is—

- Unconditional
- Conditional on the company satisfying the requirements set out in the attached Compliance Notice.

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

Authorised Signature:

Commission seal