

# Companies and Intellectual Property Commission Republic of South Africa

## Form CoR 135.1

### About this Form

- This form is issued in terms of Section 168 of the Companies Act, 2008 and Regulation 135 of the Companies Regulations, 2011.
- This Form must be completed to the best of your ability, and submitted to the Companies Commission for consideration of your complaint.
- If this complaint is lodged by a company, please provide contact details of the person authorised to discuss the complaint.
- Generally, information relating to this complaint is not part of the public record unless the Commission refers the complaint to the Companies Tribunal. You have a right to identify information that you believe is confidential by appending a list to this Form.

### 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

## Complaint

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

From: \_\_\_\_\_ *(Insert name of complainant)*

To: ☐ The Commission ☐ The Takeover Regulation Panel

### Concerning:

*(Name and Registration Number of Company whose conduct is the subject of the complaint)*

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

### The nature of the complaint:

*(Provide a concise statement of the conduct that is the subject of the complaint)*

\_\_\_\_\_

\_\_\_\_\_

Is the conduct still continuing? Yes ☐ No ☐

If not, when did the conduct end? \_\_\_\_\_

In terms of section 157 (2), do you wish the Commission or the Panel, as the case may be, to commence court proceedings in this matter in your name? Yes ☐ No ☐

Please attach to this form a typed document setting out a description of the conduct that is the subject of this complaint.

*(Please include the names of each party involved the conduct, dates on which the conduct occurred, when and how you became aware of the conduct, and any other information you consider relevant. Include copies of documents if possible.)*

### The complainant may be contacted at:

*(insert contact details)*

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

Email: \_\_\_\_\_

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

Signed: \_\_\_\_\_

*If the complainant is a juristic person*

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

\_\_\_\_\_

Authorised Signature:

\_\_\_\_\_

# Companies and Intellectual Property Commission Republic of South Africa

## Form CoR 135.2

### About this Notice

- This form is issued in terms of Section 169 of the Companies Act, 2008 and Regulation 135 of the Companies Regulations, 2011.

## Notice of Non-Investigation of Complaint

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

To: \_\_\_\_\_ (Insert name of complainant)

From: ☐ The Commission

☐ The Takeover Regulation Panel

### Concerning:

(Name and Registration Number of Company whose conduct is the subject of the complaint)

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

On \_\_\_\_\_, the complainant filed a complaint against the company named above.

The Companies Commission, or the Takeover Regulation Panel, as the case may be, advises in terms of section 169 (1)(a) that it will not investigate the complaint because it believes the complaint to be frivolous, vexatious, or does not allege any facts which, if proven, would constitute grounds for a remedy under 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 343 334  
www.cipc.co.za

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

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

# Companies and Intellectual Property Commission Republic of South Africa

## Form CoR 137.1

### About this Notice

- This form is issued in terms of Section 169 of the Companies Act, 2008 and Regulation 137 of the Companies Regulations, 2011.

## Notice to Investigate Complaint

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

To: \_\_\_\_\_ (Insert name of inspector or investigator)

From: ☐ The Commission

☐ The Takeover Regulation Panel

### Concerning:

(Name and Registration Number of Company whose conduct is the subject of the complaint)

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

On \_\_\_\_\_, the complainant \_\_\_\_\_  
filed a complaint against the company named above.

The Companies Commission, or the Takeover Regulation Panel, as the case may be, directs you, in terms of section 169 (1)(c) to investigate the complaint as quickly as practicable.

## 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 or Panel:

Authorised Signature:

# Companies and Intellectual Property Commission Republic of South Africa

## Form CoR 137.2

### About this Summons

- This form is issued in terms of Section 176 of the Companies Act, 2008 and Regulation 137 of the Companies Regulations, 2011.
- The Companies Act protects your constitutional right against self-incrimination. Please refer to section 176 (4) and (5) of the Act.
- It is an offense in terms of section 215 of the Companies Act to refuse to attend when summoned, or when attending, to refuse to answer any question or produce any document, or to knowingly provide false information to the Commission, or to an Inspector or Investigator.

### 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

### Summons to provide evidence to Companies Commission

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

To: \_\_\_\_\_ (Insert name of person being summoned)

From: The Commission

Concerning:

(Name and Registration Number of Company whose conduct is the subject of the complaint and complaint file number)

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

The Companies Commission has directed that an investigation into the above matter be conducted in terms of the Companies Act, 2008.

You are required to appear and give evidence in connection with this matter on the date and at the time and place set out below.

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

Time: \_\_\_\_\_

Place: \_\_\_\_\_

You are required to bring with you:

- the documents or items listed on the attached sheets; and
- any other documents or items in your possession or under your control that relate to this matter.

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

Authorised Signature:







# Companies and Intellectual Property Commission Republic of South Africa

## Form CoR 138

### About this Notice

- This form is issued in terms of Section 173 of the Companies Act, 2008 and Regulation 138 of the Companies Regulations, 2011.

## Notice of Consent Order

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

To: \_\_\_\_\_ (Insert name of complainant)

From: The Commission

Concerning:

(Name and File Number of Complaint)

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

On \_\_\_\_\_, you filed a complaint against  
\_\_\_\_\_ (insert name of respondent).

As contemplated in section 173, the Commission and the respondent have agreed the terms of a consent order, as attached.

In terms of section 167 and 173, the proposed order may include an award of damages. You are invited to indicate whether you consent to having any damages included in the consent order, and if so, the amount of damage you claim from the respondent in respect of this matter. Please indicate your response by completing the lower portion of this form, and returning it to the Commission.

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

\_\_\_\_\_

Authorised Signature:

\_\_\_\_\_

### 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

I, \_\_\_\_\_, the complainant in this matter—

☐ Consent to an award of damages being included in a consent order, and claim damages in the amount of R\_\_\_\_\_.

☐ Do not consent to an award of damages being included in a consent order in this matter.

Signed \_\_\_\_\_ Date \_\_\_\_\_

# Companies and Intellectual Property Commission Republic of South Africa

## Form CoR 139.1

### About this Notice

- This form is issued in terms of Section 171 of the Companies Act, 2008 and Regulation 139 of the Companies Regulations, 2011.
- You have the right within 15 business days to apply in terms of section 172, for an order confirming, modifying or setting aside all or part of this Notice. If the Notice was issued by the Commission, an application must be made to the Companies Tribunal in Form CTR 142. If this Notice was issued by the Takeover Regulation Panel, an application may be made to the Takeover Special Committee.
- A compliance Notice remains in force until it is set aside on review, or until the issuing authority later issues a compliance certificate in the matter.

### 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

## Compliance notice

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

To: \_\_\_\_\_  
(Insert name and registration number of company, or name and identity number of individual)

From: ☐ The Commission ☐ The Takeover Regulation Panel

The Commission, or the Takeover Regulation Panel, as the case may be, believes on reasonable grounds that the company named above has contravened the Companies Act, 2008. In particular, the Commission states that the company has failed to comply with section \_\_\_\_\_, or Regulation \_\_\_\_\_, or both. Specifically:

(Insert details of the nature and extent of the conduct that is the subject of this Notice)

You are required to take the steps set out in the attached statement to bring the company's conduct into compliance with the Act.

Failure to comply with this Notice may result in any of the following consequences:

- prosecution in terms of section 214 (3) for the offence of failing to satisfy a compliance Notice, the maximum penalty for which is a fine or 12 months imprisonment;
- imposition of an administrative fine, in terms of section 171 (7)(a).

If this notice requires the company to file overdue annual returns, failure to comply may result in the de-registration of the company, in terms of sections 80 to 82.

An person who is repeatedly guilty of an offence in terms of the Act, including the offence of failure to satisfy a compliance notice, may be placed on probation as a director, or declared a delinquent director, and disqualified from serving as a director, in terms of section 162.

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

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



# Companies and Intellectual Property Commission Republic of South Africa

## Form CoR 139.2

### About this Notice

- This form is issued in terms of Section 171 of the Companies Act, 2008 and Regulation 139 of the Companies Regulations, 2011.

## Compliance Certificate

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

To: \_\_\_\_\_  
(Insert name and registration number of company, or name and identity number of individual)

From: ☐ The Commission ☐ The Takeover Regulation Panel

On \_\_\_\_\_, the Commission, or the Takeover Regulation Panel, as the case may be, issued a compliance notice in this matter citing a failure to comply with section \_\_\_\_\_, or Regulation \_\_\_\_\_, or both.

The issuing authority is satisfied that the requirements set out for compliance have been met.

### 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

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

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

# Companies Tribunal Republic of South Africa

## Form CTR 140

### About this Form

- This form is issued in terms of Sections 170 of the Companies Act, 2008 and Regulation 140 (3) of the Companies Regulations, 2011.
- Hearings of the Companies Tribunal are governed by Sections 180 to 184 of the Companies Act, and Chapter 7 Part D of the Companies Regulations.
- This referral, and the affidavit in support of it, must be served on each respondent within 5 business days after it is filed.
- Each respondent named in the Application has the right to file an Answer within 20 business days after being served.

### Contacting the Tribunal

The Companies Tribunal of South Africa

Postal Address:  
Pretoria 0001  
Republic of South Africa  
tel:  
www

## Complaint Referral

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

From: ☐ The Commission

☐ The Takeover Regulation Panel

To: The Companies Tribunal, and

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

### Concerning:

\_\_\_\_\_  
(Name and file number of complaint being referred)

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

The Issuing authority, having investigated the complaint, seeks the follow order(s) against the respondent

\_\_\_\_\_  
(Insert the relief or order sought)

In terms of \_\_\_\_\_

\_\_\_\_\_  
(Insert the section of the Act, or the Regulation, that provides for the order or relief sought)

For the following reasons:

\_\_\_\_\_  
(Insert a concise statement of the circumstances, and the particulars of the conduct)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In support of this Notice, the issuing authority has attached an affidavit setting out the relevant facts.

Name and Title of person signing on behalf of Commission or Panel

\_\_\_\_\_

Authorised Signature:

\_\_\_\_\_

# Companies and Intellectual Property Commission Republic of South Africa

## Form CoR 140.1

### About this Form

This form is issued in terms of Sections 170 of the Companies Act, 2008 and Regulation 140 (1) of the Companies Regulations, 2011.

## Referral of Complaint to alternative authority

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

From: ☐ The Commission

☐ The Takeover Regulation Panel

To: \_\_\_\_\_  
(Name of complainant)

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

And To: \_\_\_\_\_  
(Name of regulatory authority to which the matter is being referred)

### Concerning:

(Name and file number of complaint)

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

The Issuing authority, having investigated the complaint, believes that it falls within the jurisdiction assigned to \_\_\_\_\_, and accordingly refers it to that entity for its consideration.

## Contacting the Tribunal

The Companies Tribunal of South Africa

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

Name and Title of person signing on behalf of Commission or Panel

Authorised Signature:

# Companies and Intellectual Property Commission Republic of South Africa

## Form CoR 140.2

### About this Form

- This form is issued in terms of Sections 170 of the Companies Act, 2008 and Regulation 140 (2) of the Companies Regulations, 2011.

### Contacting the Tribunal

The Companies Tribunal of South Africa

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

## Notice of Non-referral of Complaint

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

From: ☐ The Companies Commission ☐ The Takeover Regulation Panel

To: \_\_\_\_\_  
(Name of complainant)

And To: \_\_\_\_\_  
(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 authority, having investigated the complaint, advises that it will not refer the complaint to the Companies Tribunal for an order.

The complainant may have other remedies, in terms of

\_\_\_\_\_  
(Insert the section of the Act, or the Regulation, that provides for the order or relief sought)

Name and Title of person signing on behalf of Commission or Panel

Authorised Signature:

# Companies Tribunal Republic of South Africa

## Form CTR 142

### About this Form

- This form is issued in terms of Sections 180 to 184 of the Companies Act, 2008 and Regulation 145 of the Companies Regulations, 2011.
- Hearings of the Companies Tribunal are governed by Sections 180 to 184 of the Companies Act, and Chapter 7 Part D of the Companies Regulations.
- This Application, and the affidavit in support of it, must be served on each respondent within 5 business days after it is filed.
- Each respondent named in the Application has the right to file an Answer within 20 business days after being served.
- It is an offense in terms of section 215 of the Companies Act to refuse to attend when summoned, or when attending, to refuse to answer any question or produce any document, or to knowingly provide false information to the Tribunal.

### Contacting the Tribunal

The Companies Tribunal of South Africa

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

## Application for Relief

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

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

To: The Companies Tribunal, and

\_\_\_\_\_  
(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 requests that the Tribunal grant the following relief:

\_\_\_\_\_  
(Insert the relief or order sought)

In terms of \_\_\_\_\_

\_\_\_\_\_  
(Insert the section of the Act, or the Regulation, that provides for the order or relief sought)

For the following reasons:

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

In support of this Application, the applicant has attached an affidavit setting out the facts on which the Applicant relies.

Name and Title of person signing on behalf of Applicant

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