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GOVERNMENT GAZETTE

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 560.

2 April 1993

No. 560.

2 April 1993

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 37 of 1993: Co-operatives Amendment Act, 1993.

No. 37 van 1993: Wysigingswet op Koöperasies, 1993.

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
-]** Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Co-operatives Act, 1981, so as to amend certain obsolete definitions; to delete obsolete transitional clauses; to further regulate the manner in which membership of co-operatives is obtained, and the requirements for such membership in general; to provide for the amendment of the objects of co-operatives; to make provision for simplified procedures regarding the registration, conversion and amalgamation of co-operatives; to transfer powers of the Minister to the Registrar of Co-operatives; to provide for the expansion of business with non-members; to regulate the representation and voting rights of members at general meetings; to provide for the delegation of powers by the board of directors; to provide for the preparation of consolidated annual statements; and to provide for the incorporation of co-operatives as public or private companies or as close corporations; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 25 March 1993.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 91 of 1981, as amended by section 1 of Act 42 of 1985 and section 1 of Act 80 of 1987

1. Section 1 of the Co-operatives Act, 1981 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the insertion after the definition of “branch” of the following definition:
 “‘Companies Act’ means the Companies Act, 1973 (Act No. 61 of 1973);”;
- (b) by the substitution for the definition of “Director-General” of the following definition:
 “‘director-general’ means the Director-General: **[Agricultural Economics and Marketing] Agriculture;**”;
- (c) by the substitution for the definition of “Division of Co-operatives” of the following definition:
 “‘**[Division of] Directorate Co-operatives**’ means the **[Division of] Directorate Co-operatives** referred to in section 4;”;
- (d) by the substitution for the definition of “Minister” of the following definition:
 “‘Minister’ means the Minister of **[Agricultural Economics] Agriculture;**”;

- (e) by the insertion of the following definition after the definition of "nominal value":
 “‘non-member’ means a person who is not a member of a co-operative;”.

Amendment of the heading before section 4 of Act 91 of 1981

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2. The principal Act is hereby amended by the substitution for the heading before section 4 of the following heading:

“**[Division of] Directorate Co-operatives and registrar**”.

Substitution of section 4 of Act 91 of 1981, as amended by section 2 of Act 42 of 1985

3. The following section is hereby substituted for section 4 of the principal Act: 10

“**Directorate Co-operatives**

4. The office in Pretoria established under section 3 of the repealed Act for the registration of co-operative societies and co-operative companies and for the other purposes of that Act shall, notwithstanding the repeal of that Act, continue to exist and shall for the purposes of this Act be called the **[Division of] Directorate Co-operatives** of the Department of **[Agricultural Economics and Marketing] Agriculture**.”. 15

Substitution of section 5 of Act 91 of 1981

4. The following section is hereby substituted for section 5 of the principal Act: 20

“**Seal of Directorate Co-operatives**

5. There shall be a seal of the **[Division of] Directorate Co-operatives**, and the impression of such seal shall be judicially noticed in evidence.”.

Amendment of section 6 of Act 91 of 1981

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5. Section 6 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“The Minister shall designate an officer in the public service as Registrar of Co-operatives and **[another such officer] as many such officers as he may deem necessary** as Deputy **[Registrar] Registrars** of Co-operatives.”; and 30

- (b) by the deletion of subsection (4).

Amendment of section 19 of Act 91 of 1981

6. Section 19 of the principal Act is hereby amended by the substitution for paragraphs (a), (b) and (c) of subsection (1) of the following paragraphs, 35 respectively:

- “(a) **[seven] two** or more **[natural]** persons qualified in terms of section 57(1)(a)(i) or (ii) to become members of a primary agricultural co-operative may form a primary agricultural co-operative;
- (b) **[seven] two** or more **[natural]** persons qualified in terms of section 58(a)(i), (ii) or (vi) to become members of a primary special farmers’ co-operative may form a primary special farmers’ co-operative; 40
- (c) **[twenty-five] eleven** or more **[natural]** persons may form a primary trading co-operative: Provided that if a primary trading co-operative is formed for the purpose of manufacturing and disposing of any article, it may be formed by fewer than **[twenty-five] eleven** but not fewer than **[seven natural] two** persons;” 45

Amendment of section 21 of Act 91 of 1981, as amended by section 2 of Act 80 of 1987

7. Section 21 of the principal Act is hereby amended—

(a) by the insertion in subsection (1) after paragraph (b) of the following paragraph:

“(bA) to hire, buy or otherwise acquire, or produce or manufacture and to let, sell or otherwise supply any article of consumption;”;

(b) by the insertion in subsection (1) after paragraph (d) of the following paragraph:

“(dA) to render any other services, including services relating to the buying, selling and leasing of immovable agricultural property;”; and

(c) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) to undertake [short term insurance business or compulsory third party] insurance business within the meaning of the Insurance Act, 1943 (Act No. 27 of 1943), in respect of all risks;”.

Amendment of section 24 of Act 91 of 1981

8. Section 24 of the principal Act is hereby amended by the substitution for subsections (1) and (2) of the following subsections, respectively:

“(1) The registrar shall keep a register, to be known as the register of co-operatives, **[in which he shall enter]** containing the name of and the prescribed particulars relating to every co-operative the incorporation of which has been approved under this Act.

(2) The register of co-operatives shall be *prima facie* evidence of all **[the matters entered]** particulars contained therein.”.

Amendment of section 26 of Act 91 of 1981, as amended by section 3 of Act 42 of 1985

9. Section 26 of the principal Act is hereby amended by the addition to subsection (2) of the following paragraph:

“(i) a prescribed form containing the address of the registered office and the postal address of the co-operative.”.

Substitution of section 27 of Act 91 of 1981

10. The following section is hereby substituted for section 27 of the principal Act:

“Registration of statute and incorporation of co-operative

27. (1) **[If the registrar is satisfied that the provisions of this Act have been complied with in respect of an application referred to in section 26 and that the proposed statute and the forming and incorporation of the co-operative concerned are not repugnant to the provisions of this Act, he shall submit the application, a copy of the proposed statute and his recommendation to the Minister together with such other documents as may be required by the Minister] After an application referred to in section 26 has been submitted to the registrar, the registrar may request the applicant concerned to furnish him with such further documents as he may require.**

(2) **[The Minister may approve, conditionally approve or reject an application submitted to him in terms of subsection (1) or he may, before he approves, conditionally approves or rejects it, direct the registrar to refer the proposed statute back to the applicants for consideration of such modifications thereof or additions thereto as may**

be proposed by the Minister] If, after considering an application in terms of section 26, the registrar is satisfied that the application concerned complies with the provisions of this Act and that the proposed statute and the forming and incorporation of the co-operative concerned are not inconsistent with the provisions of this Act, he shall approve the application, or if he is not so satisfied, he may conditionally approve or reject the application. 5

(3) If the [Minister] registrar approves or conditionally approves an application [the registrar] he shall cause—

(a) [enter] the name and other particulars of the co-operative to be entered in the register of co-operatives; and 10

(b) [impress] the seal referred to in section (5) to be impressed on both copies of the statute; and

(c) the statute to be registered conditionally or unconditionally and [issue] a certificate to be issued in duplicate that the co-operative has been incorporated and that its statute has been registered under this Act. 15

(4) One copy of the statute and of the certificate shall be sent to the applicants and the other copy shall be retained in the [Division of Directorate Co-operatives.]. 20

Amendment of section 30 of Act 91 of 1981

11. Section 30 of the principal Act is hereby amended by the deletion of paragraph (e) of subsection (1).

Amendment of section 31 of Act 91 of 1981

12. Section 31 of the principal Act is hereby amended by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs, respectively: 25

“(a) in the case of a primary agricultural co-operative or a primary special farmers’ co-operative or a primary trading co-operative referred to in the proviso to section 19(c), by at least [seven] two promoters of the co-operative; 30

(b) in the case of a primary trading co-operative, excluding a co-operative referred to in the said proviso, by at least [25] 11 promoters of the co-operative;”

Amendment of section 33 of Act 91 of 1981, as amended by section 4 of Act 42 of 1985 35

13. Section 33 of the principal Act is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

“(3) If, after considering an application referred to in subsection (1) the registrar is satisfied that the provisions of this Act have been complied with in respect of [an] such application [referred to in subsection (1)] and that the amendment is not repugnant to the provisions of this Act, [he shall submit the application, a copy of the special resolution referred to in subsection (2)(c) and his recommendation to the Minister together with such other documents as may be required by the Minister] he shall approve the application, or if he is not so satisfied, he may conditionally approve or reject such application.”; 40 45

(b) by the substitution for subsection (4) of the following subsection:

“(4) [The Minister may approve, conditionally approve or reject a proposed amendment submitted to him in terms of subsection (3) or he may, before he approves, conditionally approves or rejects it, direct the registrar to refer it back to the co-operative for consideration of such modifications or additions thereto as may be proposed by the Minister] If the registrar approves or conditionally approves the application in terms of subsection (3), as the case may be, he shall cause the amendment of the statute concerned to be conditionally or unconditionally registered.”; 50 55

- (c) by the deletion of subsection (5);
- (d) by the substitution for subsection (6) of the following subsection:
 “(6) One copy of the said special resolution shall be returned to the co-operative and the other copy shall be retained in the [Division of] Directorate Co-operatives.”; and
- (e) by the substitution for subsection (7) of the following subsection:
 “(7) If a co-operative contravenes or fails to comply with any condition subject to which an amendment of its statute has been approved by the [Minister] registrar, the [Minister] registrar may [direct the registrar to] cancel the registration of the relevant amendment, whereupon such amendment shall be deemed never to have been registered under this Act.”

Amendment of section 35 of Act 91 of 1981

14. Section 35 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
 “The registrar may [with the approval of the Minister and] after notice to a co-operative amend the statute of the co-operative—”

Amendment of section 44 of Act 91 of 1981

15. Section 44 of the principal Act is hereby amended by the addition of the following paragraphs:
 “(c) when the co-operative has been incorporated as a public or private company in terms of section 161A;
 (d) when the co-operative has been incorporated as a close corporation in terms of section 161C.”

Amendment of section 49 of Act 91 of 1981, as amended by section 7 of Act 42 of 1985

16. Section 49 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (f) of subsection (1) of the following paragraph:
 “(f) [with the approval of the Minister and on such conditions as may be determined by the Minister] in the Republic or elsewhere establish or take over, or acquire interests or shares in, companies or other juristic persons or partnerships and finance them subject to the provisions of section 52: Provided that the objectives of the institution so established or taken over, or in which interests or shares have been acquired, shall relate to the objectives of the co-operative concerned;”; and
- (b) by the substitution for subparagraph (ii) of paragraph (s) of subsection (1) of the following subparagraph:
 “(ii) [short term insurance business or compulsory third party] insurance business within the meaning of the Insurance Act, 1943 (Act No. 27 of 1943);”

Amendment of section 54 of Act 91 of 1981, as amended by section 8 of Act 42 of 1985 and section 3 of Act 80 of 1987

17. Section 54 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
 “(b) subsection (1)(b), (bA), (c), [or] (d) or (dA) of that section, supplies farming requisites or articles of consumption, makes available farming facilities or renders [farming] any services to such a person;”; and
- (b) by the substitution for paragraph (b) of the definition of “business turnover” in subsection (4) of the following paragraph:

- “(b) subsection (1)(b), (bA), (c), [or] (d) or (dA) of that section, means the gross income received by a co-operative during a financial year from the supply of farming requisites or articles of consumption, the making available of farming facilities or the rendering of [farming] services relating to the buying, selling or leasing of immovable agricultural property or any other services, as the case may be;”
- (c) by the substitution in subsection (4) for the definition of “fixed percentage” of the following definition:
- “fixed percentage” means
- (a) in the case of an agricultural co-operative or a special farmers’ co-operative, [5] 49 per cent [or such higher percentage as may be determined by the Minister in writing with respect to any particular agricultural co-operative; or
- (b) in the case of a special farmers’ co-operative, 50 per cent or such higher or lower percentage as may be determined by the Minister in writing with respect to any particular special farmers’ co-operative];”
- (d) by the insertion after subsection (4) of the following subsection:
- “(4A) A co-operative may not record a transaction concluded with a non-member, in the name of a member.”;
- (e) by the substitution for subsection (5) of the following subsection:
- “(5) Any co-operative which contravenes a provision of subsection (1) or (4A) shall be guilty of an offence.”

Amendment of section 57 of Act 91 of 1981, as amended by section 4 of Act 80 of 1987

18. Section 57 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- “(a) in the case of a primary agricultural co-operative to—
- (i) natural persons or juristic persons carrying on farming operations on their own account in an area where this Act is applicable, whether alone or together with any other person or in addition to any other business, occupation or trade;
- (ii) persons approved by the [Minister] registrar who carry on farming operations outside the Republic or in an area within the Republic where this Act is not applicable;
- (iii) primary agricultural co-operatives or primary special farmers’ co-operatives;
- (iv) primary trading co-operatives [approved by the Minister];
- (v) undertakings approved by the [Minister] registrar which have been incorporated outside the Republic or in an area within the Republic where this Act is not applicable and which carry out an object for which an agricultural co-operative may be formed under this Act;
- (vi) a trustee of a trust carrying on farming operations on behalf of the trust in an area where this Act is applicable;
- (vii) companies converted into companies from agricultural co-operatives or special farmers’ co-operatives;”
- (b) by the substitution for subparagraphs (ii) and (iii) of paragraph (b) of subsection (1) of the following subparagraphs, respectively:
- “(ii) primary or central trading co-operatives [approved by the Minister];
- (iii) undertakings referred to in paragraph (a)(v) or (a)(vii);”;
- (c) by the substitution for subparagraph (iii) of paragraph (c) of subsection (1) of the following subparagraph:
- “(iii) undertakings referred to in paragraph (a)(v) or (a)(vii).”

Amendment of section 58 of Act 91 of 1981, as amended by section 5 of Act 80 of 1987

19. Section 58 of the principal Act is hereby amended—

(a) by the substitution for paragraphs (a) and (b) of the following paragraphs, respectively: 5

- “(a) in the case of a primary special farmers’ co-operative to—
- (i) persons or associations of persons (corporate or unincorporate) carrying on farming operations on their own account in an area in which this Act is applicable, whether alone or together with any other person or in addition to any other business, occupation or trade; 10
 - (ii) persons approved by the **[Minister] registrar** who carry on farming operations outside the Republic or in an area within the Republic where this Act is not applicable;
 - (iii) primary agricultural co-operatives or primary special farmers’ co-operatives; 15
 - (iv) primary trading co-operatives **[approved by the Minister];**
 - (v) undertakings approved by the **[Minister] registrar** which have been incorporated outside the Republic or in an area within the Republic where this Act is not applicable and which carry out an object for which a special farmers’ co-operative may be formed under this Act; 20
 - (vi) persons **[approved by the Minister]** who in the course of their activities handle, treat or dispose of agricultural products; 25
 - (vii) **[agricultural unions or associations of farmers approved by the Minister] companies converted into companies from agricultural co-operatives or special farmers’ co-operatives;** 30
 - (viii) a trustee of a trust carrying on farming operations on behalf of the trust in an area where this Act is applicable;

- (b) in the case of a central special farmers’ co-operative to— 35
- (i) primary or central agricultural co-operatives or primary or central special farmers’ co-operatives;
 - (ii) primary or central trading co-operatives **[approved by the Minister];**
 - (iii) undertakings referred to in paragraph (a)(v) or (a)(vii); 40
 - (iv) associations (whether invested with legal personality or not) or companies **[approved by the Minister]** which in the course of their activities handle, treat or dispose of agricultural products;
 - (v) agricultural unions or associations of farmers **[approved by the Minister];**” and 45

(b) by the substitution for subparagraph (iii) of paragraph (c) of the following subparagraph:

“(iii) undertakings referred to in paragraph (a)(v) or (a)(vii);”.

Amendment of section 59 of Act 91 of 1981 50

20. Section 59 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Membership of a primary trading co-operative shall not be restricted: Provided that

- [(a) an agricultural co-operative or a special farmers’ co-operative; or** 55
 - (b)] a person who resides or has been incorporated outside the Republic or in an area within the Republic where this Act is not applicable,**
- shall not become a member of a primary trading co-operative 60 without the approval of the **[Minister] registrar.**” and

- (b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:
- “(a) in the case of a central trading co-operative to—
- (i) primary or central trading co-operatives;
 - (ii) primary or central agricultural co-operatives or primary or central special farmers’ co-operatives [approved by the Minister];
 - (iii) undertakings approved by the [Minister] registrar which have been incorporated outside the Republic or in an area within the Republic where this Act is not applicable [and which carry out an object according to co-operative practice];”.

Amendment of section 60 of Act 91 of 1981

21. Section 60 of the principal Act is hereby amended—

- (a) by the substitution for paragraphs (a) and (b) of subsection (1) of the following paragraphs, respectively:
- “(a) in the case of a primary agricultural co-operative, a primary special farmers’ co-operative or a primary trading co-operative referred to in the proviso to section 19(c), has fewer than [seven] two members;
- (b) in the case of a primary trading co-operative other than a co-operative referred to in the said proviso, has fewer than [25] 11 members;”;
- (b) by the substitution for paragraphs (a) and (b) of subsection (2) of the following paragraphs, respectively:
- “(a) in the case of a primary agricultural co-operative, a primary special farmers’ co-operative or a primary trading co-operative referred to in the proviso to section 19(c), decreases to fewer than [seven] two;
- (b) in the case of a primary trading co-operative other than a co-operative referred to in the said proviso, decreases to fewer than [25] 11;”.

Amendment of section 61 of Act 91 of 1981

22. Section 61 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- “(1) Subject to the provisions of this Act and the statute of a co-operative a person shall become a member of a co-operative—
- (a) when a share in the co-operative is issued or transferred to him; or
- (b) in the manner, or on compliance with the requirements, determined in the statute of the co-operative;
- Provided that the manner in which membership of the co-operative concerned is acquired, shall be the same for all members of that co-operative.”.

Amendment of section 62 of Act 91 of 1981

23. Section 62 of the principal Act is hereby amended by the addition of the word “and” at the end of paragraph (b), and the following paragraph:

- “(c) a liability circumscribed in the statute of the co-operative.”.

Amendment of section 66 of Act 91 of 1981, as amended by section 9 of Act 42 of 1985.

24. Section 66 of the principal Act is hereby amended by the substitution for paragraphs (b) and (c) of subsection (1) of the following paragraphs, respectively:

- “(b) the number of shares held by each member who became a member of the co-operative on account of shareholding;

(c) the amount paid up on the shares of each member referred to in paragraph (b);”.

Insertion of section 66A in Act 91 of 1981

25. The following section is hereby inserted in the principal Act after section 66:

“Member certificates:

66A. (1) Each member of a co-operative who acquired membership other than by way of shareholding and therefore does not qualify for a share certificate, shall be entitled to a member certificate containing particulars of membership as circumscribed in the statute, and which shall be signed by a director, or an officer duly authorized thereto by the co-operative.

(2) A member certificate which is lost or destroyed shall be replaced by the co-operative on payment of the prescribed fee.

(3) A signature referred to in subsection (1) may be affixed to the certificate by autographic or mechanical means.”.

Amendment of section 71 of Act 91 of 1981

26. Section 71 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Each member who became a member of a co-operative on account of shareholding shall be entitled to a share certificate indicating the number of shares in the co-operative of which he is the holder, and which shall be signed by a director, and an officer duly authorized thereto by the co-operative.”.

Amendment of section 75 of Act 91 of 1981

27. Section 75 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“The statute of a co-operative of which membership is acquired by way of shareholding, may provide that—”.

Amendment of section 81 of Act 91 of 1981

28. Section 81 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“[Shares] Membership of a co-operative may be terminated, and shares in a co-operative issued to a member may, subject to the provisions of the statute of a co-operative, be cancelled—”.

Amendment of section 83 of Act 91 of 1981, as amended by section 12 of Act 42 of 1985

29. Section 83 of the principal Act is hereby amended by the deletion of subsections (2) and (3).

Amendment of section 84 of Act 91 of 1981, as amended by section 13 of Act 42 of 1985

30. Section 84 of the principal Act is hereby amended by the substitution in subsection (4) for the words preceding paragraph (a) of the following words:

“A co-operative carrying out two or more objects may, the provisions of subsection (2) notwithstanding, provide in its statute for the payment of bonuses to its members according to a scheme of distribution whereby the amount available out of the surplus for the payment of bonuses is first allocated in respect of the different objects set out in the statute of a co-operative and carried out by the co-operative during the financial

year to which such surplus relates in the same proportion as the proportion in which the co-operative's operations with respect to the different objects each contributed to such surplus, and the amount of each allocation is then separately distributed among the members—”.

Amendment of section 87 of Act 91 of 1981 5

31. Section 87 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The patronage proportion mentioned in subsection (2)(a) shall be determined with reference to either such period [not exceeding 15 years] as may be specified in the statute of a co-operative which preceded the commencement of the financial year in which the relevant distribution of a reserve or portion thereof takes place or the period for which the co-operative has existed, whichever period is the shorter: Provided that the period mentioned in the statute of a co-operative shall not be less than five years.” 10

Amendment of section 103 of Act 91 of 1981 15

32. Section 103 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) the Companies Registration Office shall be construed as a reference to the [Division of] Directorate Co-operatives;”.

Amendment of section 105 of Act 91 of 1981 20

33. Section 105 of the principal Act is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) Any change in the situation of the registered office or of the postal address of a co-operative shall for the purposes of this Act take effect on the date on which [the amendment of the co-operative's statute in which provision is made for such change comes into operation in terms of section 32(2)] a form referred to in section 26(2)(i), together with the prescribed fees, is handed over to the registrar.”; and 25

(b) by the deletion of subsection (3). 30

Amendment of section 107 of Act 91 of 1981

34. Section 107 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The [board of directors of a co-operative shall consist of such number of persons as may be determined in the] statute of the co-operative [but of not fewer than three persons] shall determine the maximum and minimum number of directors of which the board of directors shall consist.”. 35

Amendment of section 108 of Act 91 of 1981, as amended by section 15 of Act 42 of 1985

35. Section 108 of the principal Act is hereby amended— 40

(a) by the substitution for subparagraph (ii) of paragraph (a) of subsection (1) of the following subparagraph:

“(ii) a member of a company, a close corporation or an association of persons (with or without legal personality) which is either itself a member of the co-operative or a member of any other company, co-operative or juristic person which is a member of the co-operative;”; and 45

(b) by the insertion after subsection (1A) of the following subsections:

“(1B) If the State has a material interest in the activities of the co-operative, the registrar, or, if provision is made therefor in the statute of a co-operative, the board of directors, may, notwithstanding the provisions of paragraphs (a) and (aA) of subsection (1), appoint non-members to the board in order to obtain expertise 50

on the board: Provided that the total number of directors appointed by the board of directors from non-members shall not exceed the number of directors appointed from members: Provided further that the registrar may not appoint more than two directors.

(1C) Non-members appointed by the registrar to the board of directors in terms of subsection (1B), shall be so appointed in addition to the number of persons holding the office of director in terms of section 107(2).

(1D) Non-members referred to in subsection (1B) who are appointed by the board of directors shall be appointed for the period determined in the statute of a co-operative.

(1E) Non-members referred to in subsection (1B) who are appointed by the registrar shall be appointed for the period during which the State has a material interest in the activities of the co-operative."

Substitution of section 124 of Act 91 of 1981, as amended by section 16 of Act 42 of 1985

36. The following section is hereby substituted for section 124 of the principal Act:

"Representation of juristic persons and associations of persons at general meetings

124. (1) A juristic person or association of persons may appoint a person as its representative to act on its behalf at a general meeting of a co-operative of which such juristic person or association is a member.

(2) The representative of a juristic person or association of persons referred to in subsection (1) [may] shall be [any] a person who is not in terms of section 108, excluding section 108(1)(g), incompetent to be a director of the co-operative of which such juristic person or association is a member.

(3) Subject to the conditions of his appointment, a representative referred to in subsection (1) may at a meeting concerned do anything on behalf of such juristic person or association of persons which such juristic person or association would have been able to do as a member of the co-operative had it been a natural person."

Amendment of section 125 of Act 91 of 1981, as amended by section 17 of Act 42 of 1985

37. Section 125 of the principal Act is hereby amended by the substitution for paragraphs (c) and (d) of subsection (1) of the following paragraphs, respectively:

(c) the same person shall not act as proxy to more [than seven] members or such representatives than the number determined by the statute of a co-operative;

(d) a proxy at a general meeting shall not [cast] represent more than [25] 20 per cent of the votes [cast at a general meeting] of all the members of the co-operative or such representatives."

Amendment of section 126 of Act 91 of 1981

38. Section 126 of the principal Act is hereby amended—

(a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) in the case of a primary co-operative with more than two hundred members, by twenty members plus at least **[one-fiftieth] one per cent** of the number of members of the co-operative in excess of two hundred;”;

(b) by the substitution for paragraph (e) of subsection (1) of the following paragraph:

“(e) in the case of a central or federal co-operative with more than five members, by at least **[one-third] one-fifth** of the members of the co-operative.”.

Amendment of section 128 of Act 91 of 1981

39. Section 128 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) The statute of a co-operative may for the purposes of a vote by ballot provide for the allotment to the members of the co-operative of one or more **[but not more than four]** additional votes on a basis set out in the statute: Provided that in the case of a co-operative with more than four members, no member shall have more than 20 per cent of the votes of all the members of the co-operative.”.

Amendment of section 130 of Act 91 of 1981

40. Section 130 of the principal Act is hereby amended—

(a) by the addition of the word “and” at the end of paragraph (b) of subsection (1), and the following paragraph:

“(c) the resolution relates to—

(i) the conversion of a co-operative into a company or a close corporation; or

(ii) the winding-up of the co-operative, and was passed by at least 75 per cent of the votes of all the members of the co-operative, both in a vote on the show of hands and a vote by ballot.”;

(b) by the substitution for subsection (2) of the following subsection:

“(2) **[The statute of a co-operative may, the provisions of subsection (1)(b) notwithstanding, determine in respect of any particular matter that a resolution shall not constitute a special resolution unless the resolution was passed, in the case of a vote on the show of hands, by a particular majority of all the members of the co-operative, or, in the case of a vote by ballot, by a particular majority of the votes of all the members of the co-operative]** Notwithstanding the provisions of subsection (1), the statute of a co-operative may, for the purposes of a special vote, require a larger majority of votes than that mentioned in the said subsection.”.

Amendment of section 134 of Act 91 of 1981

41. Section 134 of the principal Act is hereby amended by the deletion of the word “and” at the end of paragraph (d) of subsection (1), and the insertion of the following paragraph after the said paragraph:

“(dA) notes indicating the percentage business-turnover referred to in section 54(3) in respect of transactions concluded with non-members; and”.

Amendment of section 135 of Act 91 of 1981

42. Section 135 of the principal Act is hereby amended by the deletion of subsection (5).

Insertion of section 135A in Act 91 of 1981

43. The following section is hereby inserted in the principal Act after section 135:

“When annual financial statements are to be consolidated

135A. Consolidated annual financial statements shall be compiled 5
when—

- (a) a co-operative has made an investment in a company or has given financial support to a company, and the directors of the co-operative are of the opinion that it is the most effective manner of reflecting the required information about the state of affairs, the business and the surplus or deficit of the co-operative or company; or 10
- (b) it is required by virtue of the requirements of Schedule 2.”

Insertion of section 135B in Act 91 of 1981

44. The following section is hereby inserted in the principal Act after section 135A: 15

“Consolidated annual financial statements

135B. (1) The consolidated annual financial statements referred to
in section 135A shall consist of—

- (a) a consolidated balance sheet dealing with the state of affairs of the co-operative and a company referred to in section 135A, and the subsidiaries of the company, if any; and 20
- (b) a consolidated income statement dealing with the surplus or deficit of the co-operative and such company, and the subsidiaries of the company, if any. 25

(2) The consolidated annual financial statements may be wholly or partly incorporated in the company's own annual financial statements.”

Amendment of section 136 of Act 91 of 1981

45. Section 136 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: 30

“(1) Unless copies of the annual financial statements, including consolidated annual financial statements if section 135A is applicable, were sent to every member of the co-operative at least 14 days before the annual general meeting at which such statements are to be dealt with, the co-operative shall for a period of at least 14 days before the said meeting make copies of the said statements available at the registered office and every branch of the co-operative for inspection by the members of the co-operative or their proxies.” 35

Amendment of section 137 of Act 91 of 1981

46. Section 137 of the principal Act is hereby amended— 40

- (a) by the substitution for the words preceding paragraph (a) of subsection (1) of the following words:

“The annual financial statements referred to in section 135(2)[(a), (b) and (c)] (with the exception of the auditor's report), as well as the consolidated annual financial statements referred to in section 135B, if any, shall not be issued, sent out or made available for inspection unless the original or a copy thereof signed by—” 45

- (b) by the deletion of subsection (2).

Amendment of section 139 of Act 91 of 1981

47. Section 139 of the principal Act is hereby amended— 50

- (a) by the substitution for subsection (1) of the following subsection:
 “(1) A copy of the annual financial statements and the consolidated annual financial statements, if any, signed in the manner required in section 137 shall be sent by the co-operative to the registrar at least 14 days before the annual general meeting at which those statements are to be dealt with.”; 5
- (b) by the insertion of the following subsections after subsection (1):
 “(1A) If a co-operative fails to comply with a provision of subsection (1), the registrar may either of his own accord or at the request of a member or a creditor of the co-operative in question send a letter of demand by certified or registered post to the postal address or registered office of the co-operative in which it is ordered to rectify such omission. 10
 (1B) If the co-operative fails to rectify the omission within seven days after receipt of the letter of demand referred to in subsection (1A), the registrar may send a written notice by certified or registered post to the postal address or registered office of the co-operative in which it is ordered to rectify the omission within 14 days after the date of sending of the notice.”; 15
- (c) by the substitution for subsection (3) of the following subsection: 20
 “(3) [Any co-operative which fails to comply with a provision of subsection (1) or an order under subsection (2) shall be guilty of an offence] If the co-operative on which a notice referred to in subsection (1B) has been served, without good cause, fails to rectify the omission concerned within the said period of 14 days, the registrar may, by delivering a further written notice at the registered office of the co-operative concerned, or by sending such notice by certified or registered post to the postal address or the registered office of the co-operative, order the co-operative to pay a fine specified in the further notice, but not exceeding R200, within 14 days after delivery or sending of the notice.”; and 25 30
- (d) by the insertion of the following subsection after subsection (3):
 “(4) A co-operative which fails to comply with an order under subsection (1B) or fails to pay a fine imposed under subsection (3), shall be guilty of an offence.”. 35

Amendment of section 152 of Act 91 of 1981

48. Section 152 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

“An auditor of a co-operative, or a person appointed under section 156(1), shall have the right —”. 40

Amendment of section 153 of Act 91 of 1981, as amended by section 19 of Act 42 of 1985

49. Section 153 of the principal Act is hereby amended by the substitution for the words preceding paragraph (a), and paragraph (a), of the following words and paragraph, respectively: 45

“It shall be the duty of the auditor of a co-operative, or a person appointed under section 156(1), to —

- (a) examine the co-operative’s annual financial statements referred to in section 135(2)(a), (b) and (c), as well as the consolidated annual financial statements referred to in section 135A, if any;”. 50

Amendment of section 154 of Act 91 of 1981

50. Section 154 of the principal Act is hereby amended by the substitution for subsections (2), (3) and (4) of the following subsections, respectively:

“(2) If the auditor is of the opinion that the annual financial statements referred to in section 135(2)(a), (b) and (c), or consolidated financial statements referred to in section 135A, if any, fairly reflect the financial state 55

of affairs of the co-operative and the results of its activities in the manner required by this Act, he shall **[include in his] issue a report [a certificate]** to that effect.

(3) If the auditor is unable to **[give] issue the said [certificate or to give it] report** without qualification, he shall **[include in his report a statement to that effect and]** set forth the facts or circumstances which prevent him from **[giving] issuing the said [certificate or from giving it] report** without qualification **[as the case may be]**.

(4) An auditor's report shall in addition to **[the certificate or statement] matters** referred to in subsection (2) or (3) deal with any other matter which may be prescribed as a matter to be dealt with in an auditor's report."

Amendment of section 155 of Act 91 of 1981

51. Section 155 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The remuneration of an auditor of a co-operative shall be fixed **[at an annual general meeting: Provided that the board of directors of a co-operative may fix the remuneration of an auditor appointed under section 144(1), 147(1) or 148(2), and the registrar may fix the remuneration of an auditor appointed under section 149, for the period up to the next annual general meeting] by agreement between the auditor and the co-operative.**"

Amendment of section 156 of Act 91 of 1981

52. Section 156 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) If the **[Minister] registrar** after written representations by a co-operative is of the opinion that the extent or nature of the co-operative's affairs during a financial year does not justify the appointment as auditor of a person referred to in section 150(a), he may authorize the co-operative to **dispense with the appointment of an auditor and to** appoint any person approved by him who is not a person registered in terms of the Public Accountants' and Auditors' Act, **[1951 (Act No. 51 of 1951)] 1991 (Act No. 80 of 1991)**, as an accountant and auditor and engaged in public practice, to perform the **[functions of auditor] duties mentioned in section 153 in respect of the co-operative during such financial year.**"; and

(b) by the insertion of the following subsection after subsection (2):

"(2A) Any person appointed in terms of subsection (1) who in the performance of his functions in terms of this Act in any manner pretends to be an accountant or auditor who is registered in terms of the Public Accountants' and Auditors' Act, 1991, shall be guilty of an offence."

Substitution of section 158 of Act 91 of 1981

53. The following section is hereby substituted for section 158 of the principal Act:

"Consideration of application

158. (1) **[If the registrar is satisfied that the provisions of this Act have been complied with in respect of an application referred to in section 157 and that—**

- (a) the conversion of the company into a co-operative;
- (b) the incorporation of the proposed co-operative; and
- (c) the company's memorandum and articles of association, with due regard to the proposed amendment, or the proposed new statute (if such proposed amendment or new statute accompanied the application),

are not repugnant to the provisions of this Act, he shall submit the application and his recommendation to the Minister together with such

other documents as may be required by the Minister] An application referred to in section 157 shall be submitted to the registrar together with any such other documents as he may require.

(2) [The Minister may approve, conditionally approve or reject any application submitted to him in terms of subsection (1), or he may, before he approves, conditionally approves or rejects it, direct the registrar to refer the memorandum and articles of association (with the proposed amendment) or the proposed new statute, as the case may be, back to the applicant for consideration of such modifications thereof or additions thereto as may be proposed by the Minister] The registrar shall consider the application submitted to him in terms of subsection (1), and if he is satisfied that the provisions of this Act have been complied with in respect of the said application and that—

- (a) the conversion of the company into a co-operative;
- (b) the incorporation of the proposed co-operative; and
- (c) the company's memorandum and articles of association, with due regard to the proposed amendment, or the proposed new statute (if such proposed amendment or new statute accompanied the application),

are not inconsistent with the provisions of this Act, he shall approve the application, or if he is not so satisfied, he may conditionally approve or reject the application.

(3) If the [Minister] registrar approves or conditionally approves an application, the registrar shall cause—

- (a) [enter] the name and other particulars of the company to be entered in the register of co-operatives; [and]
- (b) [impress] the seal referred to in section 5 to be impressed on both copies of the memorandum and articles of association or new statute, as the case may be; and
- (c) the memorandum and articles of association or new statute, as the case may be, to be registered conditionally or unconditionally, and [issue] a certificate to be issued in duplicate that the company has been incorporated as a co-operative in terms of this Act and that the memorandum and articles of association or new statute, as the case may be, has been registered as a statute in terms of this Act.

(4) One copy of the certificate and of the memorandum and articles of association or new statute, as the case may be, shall be sent to the applicant and the other copy shall be retained in the [Division of] Directorate Co-operatives."

Insertion of heading and sections 161A, 161B and 161C in Act 91 of 1981

54. The following heading and sections are hereby inserted in the principal Act after section 161:

"Incorporation of co-operative as company or as close corporation

Incorporation of co-operative as public or private company having a share capital

161A. (1) The board of directors of a co-operative may, if authorized thereto by special resolution, request the Registrar of Companies to register the co-operative as a public or private company having a share capital in accordance with the provisions of the Companies Act.

(2) The request shall be accompanied by the memorandum of association and the articles of association of the proposed company, approved by the registrar and complying with the requirements of the Companies Act.

(3) (a) On receipt of the said request and the memorandum of association and articles complying with the said requirements, the Registrar of Companies shall register the said memorandum of association and articles in accordance with section 63 of the Companies Act, and he shall in accordance with section 64(1) of that Act endorse thereon a certificate that the company has been incorporated.

(b) When the Registrar of Companies registers the memorandum of association and articles in terms of paragraph (a), he shall notify the registrar of the date of such registration.

(c) No fees shall be payable in terms of the Companies Act in respect of the registration of the said memorandum and articles.

(d) The Registrar of Companies may, in order to comply with the provisions of this subsection, issue such directions and authorize such deviations from the regulations made in terms of the Companies Act and the forms prescribed by that Act, as he may deem necessary.

Effect of incorporation of co-operative as company

161B. (1) From the date of incorporation of the company—

- (a) the co-operative shall cease to exist;
- (b) all the assets, liabilities, rights and obligations of the co-operative shall pass to the company without any transfer duty, stamp duty, office fee or other money being payable in respect thereof;
- (c) any legal proceedings instituted by or against the co-operative, or anything done by or on behalf of or in respect of the co-operative, shall be deemed to have been instituted by or against the company or deemed to have been done by or on behalf of or in respect of the company;
- (d) the name of the co-operative in any document shall be deemed to have been replaced by the name of the company;
- (e) all shares or debentures issued by the co-operative shall be deemed to be shares or debentures as defined in section 1 of the Companies Act.

(2) If a co-operative possessed any immovable property that passed to the company under this section, the Registrar of Deeds concerned shall at the request of the company effect the appropriate endorsements in his registers and on the title deeds in question.

Incorporation of co-operative as close corporation

161C. (1) (a) If a co-operative does not have more than 10 members, such members may take steps to have a founding statement registered in terms of the provisions of the Close Corporations Act, 1984 (Act No. 69 of 1984).

(b) A founding statement referred to in paragraph (a) shall be approved by the registrar.

(2) If a certificate of incorporation has been issued in terms of section 14(1) of the Close Corporations Act, 1984, by the Registrar of Close Corporations, the co-operative in question shall cease to exist.

(3) When the Registrar of Close Corporations issues a certificate of incorporation in terms of subsection (2), he shall notify the registrar of the date of such issue.

(4) The provisions of section 161B(1)(a), (b), (c) and (d) and (2) shall *mutatis mutandis* apply in respect of the incorporation of a close corporation under this section.

Amendment of section 162 of Act 91 of 1981

55. Section 162 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) A co-operative which has passed a special resolution authorizing the conversion of the co-operative into another kind or form of co-operative [may] shall within 60 days after such resolution was passed, apply to the registrar on the prescribed form to be so converted.”; and

(b) by the insertion of the following subsection after subsection (1):

“(1A) A special resolution contemplated in subsection (1) shall be valid only for the period of 60 days mentioned in the said subsection.”

Substitution of section 163 of Act 91 of 1981

56. The following section is hereby substituted for section 163 of the principal Act:

“Consideration of application

163. (1) **[If the registrar is satisfied that the provisions of this Act have been complied with in respect of an application referred to in section 162 and that the proposed conversion of the co-operative into the required kind or form of co-operative, the incorporation of the proposed co-operative and the proposed new statute or amendment of the existing statute, as the case may be, are not repugnant to the provisions of this Act, he shall submit the application and his recommendation to the Minister together with such other documents as may be required by the Minister] An application referred to in section 162 shall be submitted to the registrar together with such other documents as he may require.**

(2) **[The Minister may approve, conditionally approve or reject any application submitted to him in terms of subsection (1), or he may, before he approves, conditionally approves or rejects it, direct the registrar to refer the proposed new statute or amendment of the existing statute, as the case may be, back to the applicant for consideration of such modifications thereof or additions thereto as may be proposed by the Minister] If, after considering the application submitted to him in terms of subsection (1), the registrar is satisfied that the provisions of this Act have been complied with and that the proposed conversion of the co-operative into the required kind or form of co-operative, the incorporation of the proposed co-operative and the proposed new statute or amendment of the existing statute, as the case may be, are not inconsistent with the provisions of this Act, he shall approve the application, or if he is not so satisfied, he may conditionally approve or reject the said application.**

(3) **If the [Minister] registrar approves or conditionally approves an application [the registrar] he shall cause—**

(a) **[strike] the name and other particulars of the existing co-operative to be struck off the register of co-operatives and [enter] the name and other particulars of the new co-operative to be entered in such register; and**

(b) **the statute to be registered conditionally or unconditionally and [issue] a certificate to be issued in duplicate that the co-operative has been incorporated in terms of this Act as a co-operative of the required kind or form and that the amendment of the statute or new statute, as the case may be, has been registered in terms of this Act.**

(4) **One copy of the certificate and of the amendment of the statute or new statute, as the case may be, shall be sent to the co-operative and the other copy retained in the [Division of] Directorate Co-operatives.”**

Amendment of section 165 of Act 91 of 1981

57. Section 165 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Two or more co-operatives intending to amalgamate and each of which has passed a special resolution authorizing such amalgamation [may] shall within 60 days after the last of such resolutions was passed, apply to the registrar on the prescribed form to be amalgamated.”; and

(b) by the insertion of the following subsection after subsection (1):

“(1A) A special resolution contemplated in subsection (1) shall be valid only for the period of 60 days mentioned in the said subsection.”

Substitution of section 166 of Act 91 of 1981

58. The following section is hereby substituted for section 166 of the principal Act:

“Consideration of application

166. (1) **[If the registrar is satisfied that the provisions of this Act have been complied with in respect of an application referred to in section 165 and that the proposed statute and the incorporation of the proposed amalgamated co-operative are not repugnant to the provisions of this Act, he shall submit the application and his recommendation to the Minister together with such other documents as may be required by the Minister] An application referred to in section 165 shall be submitted to the registrar together with such other documents as he may require.** 5

(2) **[The Minister may approve, conditionally approve or reject any application submitted to him in terms of subsection (1), or he may, before he approves, conditionally approves or rejects it, direct the registrar to refer the proposed statute back to the applicants for consideration of such modifications thereof or additions thereto as may be proposed by the Minister] If, after considering the application submitted to him in terms of subsection (1), the registrar is satisfied that the provisions of this Act have been complied with and that the proposed statute and the incorporation of the proposed amalgamated co-operative are not inconsistent with the provisions of this Act, he shall approve, or if he is not so satisfied, he may conditionally approve or reject the said application.** 10

(3) **If the [Minister] registrar approves or conditionally approves an application [the registrar] he shall cause—**

(a) **[strike] the names and other particulars of the co-operatives referred to in section 165(1) to be struck off the register of co-operatives and [enter] the name and other particulars of the amalgamated co-operative to be entered in such register; and** 25

(b) **[issue] the statute to be registered conditionally or unconditionally and a certificate to be issued in duplicate that the amalgamated co-operative has been incorporated in terms of this Act and that the co-operative's statute has been registered in terms of this Act.** 30

(4) **One copy of the certificate and of the statute shall be sent to the applicants and the other copy shall be retained in the [Division of Directorate Co-operatives.]** 35

Amendment of section 180 of Act 91 of 1981

59. Section 180 of the principal Act is hereby amended by the deletion of subsection (2).

Amendment of section 185 of Act 91 of 1981 40

60. Section 185 of the principal Act is hereby amended by the addition of the following subsection:

“(4) A provisional liquidator shall, at the request of the registrar and within a period determined by the registrar, compile and submit to the registrar an inventory of all assets and liabilities of the co-operative as at the date of his appointment.” 45

Amendment of section 195 of Act 91 of 1981

61. Section 195 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) (a) The [Minister] registrar shall appoint one or more liquidators in respect of a co-operative being wound up. 50

(b) If a liquidator [appointed by the Minister] ceases to hold office the [Minister] registrar shall, if such liquidator was the only liquidator, or may, if such liquidator was one of a plurality of liquidators, appoint any person to fill the vacancy.” 55

Amendment of section 198 of Act 91 of 1981

62. Section 198 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) A liquidator shall be entitled to **[reasonable] the prescribed remuneration** for his services **[to be taxed by the registrar according to the prescribed scale of remuneration]**: Provided that if more than one liquidator is appointed the remuneration shall be distributed among them on such basis as may be approved by the registrar.” 5

Substitution of section 201 of Act 91 of 1981

63. The following section is hereby substituted for section 201 of the principal Act: 10

“Removal from office of liquidator

201. The **[Minister] registrar** may at any time remove a liquidator from office if in his opinion there is good cause for doing so.”

Substitution of section 202 of Act 91 of 1981

64. The following section is hereby substituted for section 202 of the principal Act: 15

“Circumstances under which winding-up may be carried out without liquidator

202. If the **[Minister] registrar** is of the opinion that the value of the assets of a co-operative being wound up is less than R1 000 **or such other amount as the Minister may by notice in the Gazette determine,** he may order **[the registrar to cause] the winding-up** of that co-operative to be carried out, notwithstanding anything to the contrary contained in any law, in such manner and by such person as may be determined by **[the Minister] him.**” 25

Amendment of section 224 of Act 91 of 1981

65. Section 224 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) The patronage proportion mentioned in subsection (4)(a) shall—

(a) in the case of an agricultural co-operative or a special farmers' co-operative, be determined with reference to either the period **[of 15 years] mentioned in the statute of the co-operative** which preceded the commencement of the winding-up of the co-operative or the period for which the co-operative has existed, whichever period is the shorter; 30

(b) in the case of a trading co-operative, be determined with reference to either the period **[of 5 years (or such longer period not exceeding 15 years as may be)]** specified in the statute of the co-operative which preceded the commencement of the winding-up of the co-operative or the period for which the co-operative has existed, whichever period is the shorter; 35

Provided that the period mentioned in the statute of the co-operative shall not be less than five years.” 40

Amendment of section 227 of Act 91 of 1981

66. Section 227 of the principal Act is hereby amended by the substitution in subsection (1) for the words “Division of” of the word “Directorate”. 45

Substitution of section 236 of Act 91 of 1981

67. The following section is hereby substituted for section 236 of the principal Act:

“Release of liquidator

236. The liquidator of a co-operative may at any time after dissolution of the co-operative in terms of section 43 apply to the registrar for his release, [and the registrar shall, if the Minister approves,] who may grant such release if he deems it expedient.” 5

Amendment of section 241 of Act 91 of 1981, as amended by section 19 of Act 80 of 1987

68. Section 241 of the principal Act is hereby amended by the substitution for subparagraph (i) of paragraph (c) of subsection (3) of the following subparagraph: 10
“(i) shall take place either at the request of the agricultural co-operative or special farmers’ co-operative to which that notice or proclamation relates as a result of a resolution passed at a general meeting of that co-operative or after consultation with such agricultural co-operative or special farmers’ co-operative;”.

Short title 15

69. This Act shall be called the Co-operatives Amendment Act, 1993.