

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 439

21 May 2021



PRACTICE NOTE 1 OF 2021

SERVICE OF SUBPOENAS AND OTHER CORPORATE LEGAL COURT DOCUMENTS ON THE CIPC

The COVID-19 pandemic has changed many things within the South African economy, and none more so than the way of doing business. In observing the social distancing protocols at all times, and ensuring that all employees of the *dtic* campus is protected as much as possible, access to the campus has been limited to staff only. No member of the public is allowed access to the *dtic* campus until further notice.

The process of service of corporate legal documentation on the CIPC, has been simplified, to allow for electronic service via corporatelegalservices@cipc.co.za. In some instances, it is required for legal documentation such as notices of motion, subpoena's and court orders, to be served on the CIPC, especially where the CIPC is an interested party, or certain action is to be taken by the Commission.

Uniform Rules of Court, specifically Rule 4 and 4A, describes the requirements of service of legal documents in detail and allows for the service of documents by way of electronic means. Annexure 3, Table CR3 of the Companies Act, 2008 details the methods and times for delivery of documents and also provides for the service thereof by electronic means.

ALL corporate legal documents, where the CIPC is an interested party or where certain action is required to be taken by the CIPC, in terms of a court order or SAPS issued subpoena, **MUST** be served electronically via corporatelegalservices@cipc.co.za. No electronic service of legal documents on CIPC officials via personal e-mail boxes will be accepted as validly served.

Corporate legal documents must comply with the following:

- All documentation must be signed and stamped by the Registrar of the relevant court;

The dtic Campus (Block F - Entfufukweni), 77 Meintjies Street, Sunnyside, Pretoria | P O Box 429, Pretoria, 0001
Call Centre: 086 100 2472

- Enough time must be provided for CIPC to respond to subpoenas and implement court / Companies Tribunal orders, in terms of Rule 4 of the Uniform Rules of Court, which advocates a “reasonable time” period;
- Only information that the CIPC is privy to and in a position to provide, should be requested;
- Legal documents must contain the correct entity name and registration number, to ensure valid implementation;
- Costs for providing documentary evidence (subpoenas), and/or giving evidence at a court hearing (in person), must be tendered.



Adv Rory Voller
Commissioner: CIPC
7 April 2021