

**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: _____

Concerning:

(Name and Registration Number of Company)

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).

DRAFT

Contacting the Commission

The Companies and Intellectual Property Commission of South Africa

Street Address
Pretoria XXXX
Republic of South Africa
tel: 27 012 123 4567
fax: 27 012 123 4567
e-mail: XXX@XXXX.gov.za
WWW. XXXX.XXX

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

Street Address
Pretoria XXXX
Republic of South Africa
tel: 27 012 123 4567
fax: 27 012 123 4567
e-mail: XXX@XXXX.gov.za
WWW. XXXX.XXX

Notice of Termination of Business Rescue Proceedings

Date: _____

Concerning:

(Name and Registration Number of Company)

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).

DRAFT

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 141 of the Companies Act, 2008 and Regulation 125 (4) of the Companies Regulations, 2011.
- This notice must be filed.

Notice of Substantial Implementation of Business Rescue Plan

Date: _____

Concerning:

(Name and Registration Number of Company)

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).

DRAFT

Contacting the Commission

The Companies and Intellectual Property Commission of South Africa

Street Address
Pretoria XXXX
Republic of South Africa
tel: 27 012 123 4567
fax: 27 012 123 4567
e-mail: XXX@XXXX.gov.za
WWW. XXXX.XXX

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 Companies Commission

From:

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

The above named person applies to the Commission in terms of section 138 (2) 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) (b) or (c) of the Companies Act, 2008.

**Contacting the
Commission**

The Companies and Intellectual
Property Commission of South Africa

Street Address
Pretoria XXXX
Republic of South Africa
tel: 27 012 123 4567
fax: 27 012 123 4567
e-mail: XXX@XXXX.gov.za
WWW. XXXX.XXX

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

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.

Registration Certificate

Date: _____

Concerning:

(Name and South African Registration Number of Accredited Entity)

The above named person has been licenced by the Commission in terms of section 138 (2) 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.

DRAFT

**Contacting the
Commission**

The Companies and Intellectual
Property Commission of South Africa

Street Address
Pretoria XXXX
Republic of South Africa
tel: 27 012 123 4567
fax: 27 012 123 4567
e-mail: XXX@XXXX.gov.za
WWW. XXXX.XXX

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

Authorised Signature:

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: 27 012 123 4567
fax: 27 012 123 4567
e-mail: XXX@XXXX.gov.za
WWW. XXXX.XXX

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 or actions:

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

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.

Contacting the Tribunal

The Companies Tribunal of South Africa

Street Address
Pretoria XXXX
Republic of South Africa
tel: 27 012 123 4567
fax: 27 012 123 4567
e-mail: XXX@XXXX.gov.za
WWW. XXXX.XXX

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)

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 or actions:

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

Name and Title of person signing for the Commission or panel

Authorised Signature:

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.

Contacting the Tribunal

The Companies Tribunal of South Africa

Street Address
Pretoria XXXX
Republic of South Africa
tel: 27 012 123 4567
fax: 27 012 123 4567
e-mail: XXX@XXXX.gov.za
WWW. XXXX.XXX

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)

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.

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.

Application for Accreditation

Date: _____

To: The companies Commission

From:

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

The above named person or association 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.

**Contacting the
Commission**

The Companies and Intellectual
Property Commission of South Africa

Street Address
Pretoria XXXX
Republic of South Africa
tel: 27 012 123 4567
fax: 27 012 123 4567
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WWW. XXXX.XXX

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

Street Address
Pretoria XXXX
Republic of South Africa
tel: 27 012 123 4567
fax: 27 012 123 4567
e-mail: XXX@XXXX.gov.za
WWW. XXXX.XXX

Registration Certificate

Date: _____

Concerning:

(Name and South African Registration Number of Accredited Entity)

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.

DRAFT

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

Authorised Signature:

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

Street Address
Pretoria XXXX
Republic of South Africa
tel: 27 012 123 4567
fax: 27 012 123 4567
e-mail: XXX@XXXX.gov.za
WWW. XXXX.XXX

Complaint

Date: _____

From: _____ (Insert name of complainant)

To: The Companies Commission The Takeover Regulation Panel

Concerning:

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

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)

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 Companies Commission** **The Takeover Regulation Panel**

Concerning:

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

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.

DRAFT

Contacting the Commission

The Companies and Intellectual Property Commission of South Africa

Street Address
Pretoria XXXX
Republic of South Africa
tel: 27 012 123 4567
fax: 27 012 123 4567
e-mail: XXX@XXXX.gov.za
WWW. XXXX.XXX

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 Companies Commission** **The Takeover Regulation Panel**

Concerning:

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

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.

DRAFT

**Contacting the
Commission**

The Companies and Intellectual
Property Commission of South Africa

Street Address
Pretoria XXXX
Republic of South Africa
tel: 27 012 123 4567
fax: 27 012 123 4567
e-mail: XXX@XXXX.gov.za
WWW. XXXX.XXX

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

Street Address
Pretoria XXXX
Republic of South Africa
tel: 27 012 123 4567
fax: 27 012 123 4567
e-mail: XXX@XXXX.gov.za
WWW. XXXX.XXX

Summons to provide evidence to Companies Commission

Date: _____

To: _____ (Insert name of person being summoned)

From: **The Companies Commission**

Concerning:

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

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:

- (a) the documents or items listed on the attached sheets; and
- (b) 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 137.3

Request for Additional Information

About this Notice

- This notice is issued in terms of Section 169 of the Companies Act, 2008 and Regulation 137 (6) of the Companies Regulations, 2011.
- The person to whom this Notice is addressed must respond within 20 business days.
- It is an offense to knowingly provide false information to the Commission.

Contacting the Commission

The Companies and Intellectual Property Commission of South Africa

Street Address
Pretoria XXXX
Republic of South Africa
tel: 27 012 123 4567
fax: 27 012 123 4567
e-mail: XXX@XXXX.gov.za
WWW. XXXX.XXX

Date: _____

To: _____

Concerning:

(Name and File Number of complaint being Investigated)

The Companies Commission has begun an investigation into the complaint referred to above.

The Companies Commission requires that you provide the following information relating to that matter, within 20 business days after the date of this Notice.

(Insert a statement of the particular information being requested.)

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

Authorised Signature:

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

Form CoR 137.4

Demand for Corrected Information

About this Notice

- This notice is issued in terms of Section 169 of the Companies Act, 2008 and Regulation 137 (7) of the Companies Regulations, 2011.
- The person to whom this Notice is addressed may apply to the Companies Tribunal within 5 business days to confirm, vary or set aside this Demand.
- It is an offense to knowingly provide false information to the Commission.

Date: _____

To: _____

Concerning:

(Name and File Number of complaint being Investigated)

The Companies Commission has begun an investigation into the complaint referred to above. You have previously provided information to the Commission, which appears to be incorrect.

The Companies Commission requires that you provide the following corrected information relating to that matter, within 20 business days after the date of this Notice.

(Insert a statement of the particular information being demanded.)

DRAFT

Contacting the Commission

The Companies and Intellectual Property Commission of South Africa

Street Address
Pretoria XXXX
Republic of South Africa
tel: 27 012 123 4567
fax: 27 012 123 4567
e-mail: XXX@XXXX.gov.za
WWW. XXXX.XXX

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 Companies Commission

Concerning:

(Name and File Number of Complaint)

On _____, you filed a complaint against
_____ *(insert name of respondent)*.

As contemplated in section 173, the Companies 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

Street Address

Pretoria XXXX

Republic of South Africa

tel: 27 012 123 4567

fax: 27 012 123 4567

e-mail: XXX@XXXX.gov.za

WWW. XXXX.XXX

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** _____