GENERAL NOTICES

NOTICE 1663 OF 2009

DEPARTMENT OF TRADE AND INDUSTRY

RECTIFICATION OF THE
COMPANIES ACT, 2008 (ACT NO. 71 OF 2008)

On April 2009, the President of the Republic signed into law the Companies Act, 2008 (the Act). The Act will come into legal force in 2010 through a proclamation to be issued by the President. The proclamation will provide a specific date on which the Act will come into legal force.

It has come to my attention that there may be errors that require rectification before the implementation of the Act. These errors relate to provisions that appear to be incomplete as well as grammatical, technical and incorrect cross references, which may give rise to different interpretation of the provisions concerned.

In order to address this, the Department of Trade and Industry (the dti) has initiated a process to rectify the identified errors and is hereby requesting stakeholders to give input or comment on the relevant provisions.

Please submit your comment or input to the dti for the attention of Mr MacDonald Netshitenzhe at: MNetshitenzhe@thedti.gov.za or Fax (012) 394 2506 thirty (30) days after the publication of the notice.

DR ROB DAVIES, MP
MINISTER OF TRADE AND INDUSTRY

COMPANIES ACT NO. 71 OF 2008

ISSUES FOR RECTIFICATION

Purpose

The purpose of the rectification process is to correct mistakes that have occurred during the processing of the Companies Bill through Parliament.

Scope of Rectification

Errors identified are confined to grammatical errors, incorrect reference and cross referencing, missing of words, inconsistency of provisions and incorrect spelling.

Provisions that require rectification

The Department of Trade and Industry has identified the following errors in the Companies Act No.71 of 2008:

Grammar, spelling, syntax, incorrect reference and cross referencing,

Page and line	Section	Matter/Issue
P20/L28	1	Grammar Spelling, Syntax
P24/L6	1	Omission
P24/L12	1	Spelling
P24L28	1	Omission
P26/L29	1	Reference error
P26/L36	1	Inclusion
P28/L54	1	Reference error
P32/L5	1	Inconsistency
P36/40	4(2)(c)	Grammar/ Syntax
P36/15	4(1)(a)	Conflict with other Provisions
P38/L23	6(7)	Inclusions
P42/L33	6(14)(a)	Syntax, Grammar
P46/L43	11(1)(ii)	Omission
P48/L5	11(2)(a)(i)	Inconsistency
P50/L54	12(2)(a) and (b)	Inconsistency
P52/L5	12(9)	Inconsistency
P52/L15	13(1)	Inclusion
P52/L23	13(2)(a)	Inclusion

Page and line	Section	Matter/Issue
P58/L46	16(19)	Inconsistency
P68/L36	24(3)(b)	Provision Incomplete
P68/L47	24(3)(d)	Formatting
P72/L6	26(3)	Inconsistency
P72/L16	26(6)	Omission
P86/L50	38(2)	Omission
P98/L37	54(3)(b)	Inconsistency
P104/L14	50(2)(b)(iv)(aa)	Inconsistency
P116/L2	58(1)	Inconsistency
P120/L36	61(3)(b)	Omission
P124/L47	62(7)(c)	Formatting
P126/L23	63(4) and (5)	Inconsistency
P130/L60	65(11)	Inclusion
P132/L8	66(2)	Provision Incomplete
P142/L8	72(4)	Provision Incomplete
P150/L49	77(3)(d)(ii)	Formatting
P162/L49	84(1)(c)	Inconsistency
P166/L31	86(1)	Inconsistency
P176/L36	94(8)(a)(ii)	Reference error
P182/L45	97(1)	Spelling
P182/L45	97(1)	Reference error
P184/L8	97(2)(c) and (d)	Omission
P188/L46	100(13(c)	Punctuation
P192/L12	101(6)(d)(vii)	Grammar
P192/L33	102(1)	Punctuation
P194/L2	102(2)(b)	Grammar
P194/L23	104(1)(d)	Punctuation
P194/L26	104(1)	Format
P196/L2	104(3)(d)	Grammar
P196/L44	105(1)	Format
P200/L25	109(1)(b)	Punctuation
P204/L50	144(1)	Punctuation
P206/L5	144(2)	Syntax
P206/L14	114(3)(e)	Formatting
P208/L2	115(1)(b)	Formatting
P208/L16	155(2)(b)	Inconsistency
P208/L26	115(3) and (5)	Provision incomplete
P212/L14 and 18	116(6)(b)	Grammar
P212/L19	116(6)(b)(3)	Punctuation
P212/L24	116(7)	Reference error
P214/19	117(1)(g)	Punctuation
P218/L13	119(4)(b)	Inconsistency
P218/L21	119(5)	Inconsistency
P218/L21	119(5)	Reference error

Page and line	Section	Matter/Issue
P128/L54	121(b)(i)	Inconsistency
P220/L1	122(1)	Omission
P220/L47	123(2)(a)(i)	Omission
P222/L5	123(3)	Inconsistency
P224/P54	125(2)	Provision Incomplete
P230/L3	Chapter 6 Part A	Omission
P32/L49	128(1)(e)	Reference error
P240/L25	135(3)	Inconsistency
P244/L32	139(2)(a)	Grammar
P248/L78	142(3)(b)	Grammar
P250/L1	143(4)(b)	Syntax
P250/L30	144(3)(a)	Omission
P250/L43	144(3)(f)	Reference error
P258/L38	152(1)(a)	Punctuation
P260/L41	152(6)(b)	Punctuation
P260/L52	152(1)(a)	Punctuation
P266/L19	155(7)(b)	Punctuation
P270/L8	159(3)(b)	Grammar
P270/L10	159(3)(b)(ii)	Grammar
P270/L47	159(7)	Inconsistency
P272/L52	161(2)	Spelling
P274/L9	162(2)	Spelling
P282/L31	164(8)	Omission
P286/L22	164	Omission
P292/L9	166(1)(b)	Formatting
P294/P22	168(1)(b)	Format
P298/L8	171(1)(b)	Format
P298/L48	171(7)	Format
P302/L2	175(2)(f)	Inconsistency
P320/L21	194(3)(b)	Reference error
P322/L9	195(7)	Spelling
P326/L4	200(1)(b)	Format
P326/L44	202(2)(b)	Format
P328/L44	203(1)(g)	Omission
P338/L5	214(1)(d)(i)	Omission
P344/20	Schedule Item (3)	Syntax
P356	Schedule 3(A) Item 4	Inconsistency
P168	Schedule 3(A) Item 4	Reference error
P382/Lines 37,42, 46,51	Schedule 5 Item 4(1)	Reference error
P384/L52	New sub-item	Omission
P181/L16	Schedule 5 Item 8(3)(b)	Spelling
P183/L41 and 45	Schedule 5 Item 12(4) and (5)	Omission

NB: Where the word "inclusion" is used, it refers to inclusion of a grammatical error and in order to achieve what has been described under "scope of rectification"