

**Comparison of forms of Companies Act, 61 of 1973 and Companies Act, 71 of 2008**

| <b><u>Companies Act, no 61 of 1973</u></b>   |  | <b><u>Companies Act, no 71 of 2008</u></b> |   |
|--|--|--|---|
| <b>Form number</b>   | <b>Description</b>   | <b>Form number</b>                         | <b>Description</b>  |
| CM1  | Certificate of Incorporation of a company having a share capital   | CoR14.3                                    | Registration Certificate  |
| CM2 – CM2D<br>CM44<br>CM44A<br>CM 44C<br>Schedule 1, Table B                                 | Payment of fees on increase of capital<br>Articles of association of a company having a share capital adopting schedule 1<br>Articles of association of a company having a share capital not adopting schedule 1<br>Signatories to articles of association<br>Articles for a private company having share capital  | CoR15.1A                                   | Memorandum of Incorporation – Short Standard Form for Private Companies |
| CM2 – CM2D<br>CM44<br>CM 44A<br>CM44B<br>CM44C<br>Schedule 1, Table A<br>Schedule 1, Table B | Payment of fees on increase of capital<br>Articles of association of a company having a share capital adopting schedule 1<br>Articles of association of a company having a share capital not adopting schedule 1<br>Articles of association of a company having a share capital<br>Signatories to articles of association<br>Articles for a public company having a share capital<br>Articles for a private company having share capital | CoR15.1B                                   | Memorandum of Incorporation – Long Standard Form for Profit Companies   |
| CM2, clause 7  | Payment of fees on increase of capital – pre-incorporation contracts   | CoR35.1                                    | Notice of Pre-Incorporation Contract                                    |



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| <b>Form number</b>                         | <b>Description</b>   | <b>Form number</b>                         | <b>Description</b>   |
| CM3  | Certificate of Incorporation for Section 21 company  | CoR14.3                                    | Registration Certificate   |
| CM4  | Memorandum of Association for a company not having a share capital                           | CoR15.1C                                   | Memorandum of incorporation – short standard form for Non Profit Companies without members |
| CM4A                                       | Guarantee  | CoR15.1D                                   | Memorandum of incorporation – long standard form for Non Profit Companies without members  |
| CM4B                                       | Association clause   | CoR 15.1E                                  | Memorandum of Incorporation – long standard form for Non Profit Companies with members     |
| CM44                                       | Articles of association of a company having a share capital adopting schedule 1              |  |  |
| CM44C                                      | Signatories to articles of association   |  |  |
| CM5  | Application reservation of name or translated form of shortened form or defensive name       | CoR9.1                                     | Reservation of Name  |
| CM6  | Application for extension of the reservation of name   | CoR9.2                                     | Application to extend a Name Reservation   |
| CM7  | Application for registration of a translated form or a shortened form of a name of a company |  | No new prescribed form   |
| CM8  | Application for registration of a defensive name   | CoR10.1                                    | Application for Defensive Name Registration  |
| CM8A                                       | Application for the renewal of registration of a defensive name                              | CoR10.2                                    | Application for Renewal of Defensive Name Registration                                     |
| CM9  | Certificate of change of name  |  | No new prescribed form   |
| CM9A                                       | Certificate of change of translation / shortened form of name of company                     |  | No new prescribed form   |
| CM9B                                       | Application to deregister a former translation / shortened form of name                      |  | No new prescribed form   |
| CM10                                       | Certificate of consolidation of articles   |  | See CoR15.5 and 15.6   |
| CM11                                       | Payment of fees on increase of capital   |  | No new prescribed form   |



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| <b>Form number</b>                         | <b>Description</b>  | <b>Form number</b>                         | <b>Description</b>  |
| CM12                                       | Statement of payment of commission on shares  |  | No new prescribed form  |
| CM14A                                      | Return of acquisitions by a company of shares issued by it / payments to shareholders                                   |  | No new prescribed form  |
| CM15                                       | Return of allotment of shares   |  | No new prescribed form  |
| CM16                                       | Return of allotment which has become void   |  | No new prescribed form  |
| CM17                                       | Application for extension of time   |  | No new prescribed form  |
| CM18                                       | Order of court for registration   |  | No new prescribed form  |
| CM19                                       | Notice of redemption of redeemable preference shares  |  | No new prescribed form  |
| CM20                                       | Notice of variation of rights in respect of shares  |  | No new prescribed form  |
| CM21                                       | Notice of place where registers are kept  | CoR22                                      | Notice of Location of Company Records                                 |
| CM22                                       | Notice of registered office and postal address of company   | CoR21.1                                    | Notice of change of Registered office for company or external company |
| CM23                                       | Annual return   | CoR30.1                                    | Annual Return   |
| CM25                                       | Consent to waive period of notice to pass a special resolution  |  | No new prescribed form  |
| CM25A                                      | Consent to propose and pass special resolution at meeting which notice has not been given                               |  | No new prescribed form  |
| CM26                                       | Special resolution  |  | No new prescribed form  |
| CM27                                       | Consent to act as director or officer and other directorships   |  | No new prescribed form  |
| CM27A, section A                           | Notice of , consent to appointment, change of name, or resignation by company secretary or removal of company secretary |  | No new prescribed form  |



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|--|---|--|--|
| <b>Form number</b>                         | <b>Description</b>  | <b>Form number</b>                         | <b>Description</b>                               |
| CM27A, section B & C                       | Notice of change of name or resignation by company secretary or removal of company secretary                | CoR44                                      | Notice of change of Auditor or Secretary         |
| CM28                                       | Directors contract to take shares of company as qualification shares  |  | No new prescribed form                           |
| CM29                                       | Contents of register of directors, auditors and officers  | CoR39                                      | Notice of change of directors                    |
| CM29                                       | Contents of register of directors, auditors or officers   | CoR20.1 Annexure A                         | Directors of External Company                    |
| CM30                                       | Notice of failure to appoint or reappoint auditor at annual general meeting                                 |  | No new prescribed form                           |
| CM31 Part I and Part II                    | Notice of, consent to appointment, change of name or resignation by auditor or removal of auditor           |  | No new prescribed form                           |
| CM31 Part III                              | Notice of, consent to appointment, change of name or resignation by auditor or removal of auditor           | CoR44                                      | Notice of change of auditor or company secretary |
| CM32                                       | Change of the end of the current financial year   | CoR25                                      | Notice of change of financial year end           |
| CM33                                       | Application to registrar by companies not deal in group annual financial statements with subsidiary         |  | No new prescribed form                           |
| CM34                                       | Lodgement of financial statements / interim reports   |  | No new prescribed form                           |
| CM35                                       | Application not to issue interim reports  |  | No new prescribed form                           |
| CM37                                       | Notice of person authorised to accept service on behalf of external company                                 | CoR21.2                                    | Notice of person authorised to accept services   |
| CM38                                       | Notice by person authorised to accept services on behalf of external company to terminate his authorisation |  | No new prescribed form                           |



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|--|---|--|---|
| <b>Form number</b>                         | <b>Description</b>  | <b>Form number</b>                         | <b>Description</b>  |
| CM39                                       | Alteration to memorandum of external company  |  | No new prescribed form  |
| CM40                                       | Appointment as liquidator or provisional judicial manager or judicial manager   | CM40                                       | Appointment as liquidator or provisional judicial manager or judicial manager (As chapter 14 of Companies Act, 1973 still apply, the form will still apply – Companies Act, 2008 Schedule 5 section 9). |
| CM41                                       | Broker's transfer form  |  | No new prescribed form  |
| CM42                                       | Securities transfer form  |  | No new prescribed form  |
| CM43                                       | Director of dissolved company within the meaning of section 421(1)  |  | No new prescribed form  |
| CM45                                       | Amended certificate of incorporation relating to the conversion of one type or form of company into another type or form of company | CoR14.1                                    | Notice of Incorporation   |
| CM45                                       | Application to register the conversion of one type or form of company into another type or form of company                          | CoR15.2                                    | Notice of Amendment of Memorandum of Incorporation  |
| CM46                                       | Certificate to commence business  |  | No new prescribed form – check to CoR14.3   |
| CM47                                       | Statement by each director regarding adequacy of capital of company   |  | No new prescribed form  |
| CM48                                       | Affidavit pursuant to Section 172(2)  |  | No new prescribed form  |
| CM49                                       | Certificate of registration of memorandum of external company   | CoR20.2                                    | Registration Certificate of External company  |
| CM50                                       | Requesting the submission of provisional financial statements of a private company  |  | No new prescribed form  |
| CM51                                       | Certifying additional copies of documents lodged for registration   |  | No new prescribed form  |



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|-------------------------------------|--|-------------------------------------|------------------------|
| <b>Form number</b>                  | <b>Description</b>   | <b>Form number</b>                  | <b>Description</b>     |
| CM52                                | Granting of exemption from lodging annual financial statements of a subsidiary |                                     | No new prescribed form |



## List of new prescribed forms – Companies Act, no 71 of 2008

| <b>Form number</b> | <b>Description</b>   |
|--------------------|--|
| CoR9.3             | Notice requiring further particulars, issued by the Commission                           |
| CoR9.4             | Confirmation Notice of Name Reservation  |
| CoR9.5             | Notice refusing Name Reservation or Defensive Registration                               |
| CoR9.6             | Notice of Potentially Contested Name   |
| CoR9.7             | Notice of Potentially Offensive Name   |
| CoR11.1            | Application to Transfer a Reserved or Defensively Registered Name                        |
| CoR11.2            | Notice refusing Name Transfer  |
| CoR12.1            | Notice Alleging Reservation System Abuse   |
| CoR14.1            | Notice of Incorporation  |
| Annexure A         | Initial directors of the company   |
| Annexure B         | Alternative named for the company  |
| Annexure C         | Notice of Ring Fencing Provisions  |
| Annexure D         | Notice of Company Appointments   |
| CoR14.2            | Notice Rejecting a Notice of Incorporation   |
| CoR15.2            | Notice of Amendment of Memorandum of Incorporation                                       |
| Annexure A         | Notice of Ring Fencing Provisions  |
| CoR15.3            | Notice of Alteration of Memorandum of Incorporation                                      |
| CoR15.4            | Notice of Translation of Memorandum of Incorporation                                     |
| CoR15.5            | Notice of Consolidation of Memorandum of Incorporation                                   |
| CoR15.6            | Notice to Consolidate the Memorandum of Incorporation                                    |
| CoR16.1            | Notice concerning company rules  |
| CoR16.2            | Notice of results of vote on company rules   |
| CoR17.1            | Application to transfer registration of foreign company                                  |
| CoR17.2            | Notice requiring further particulars   |
| CoR17.3            | Registration certificate of Foreign Company transferring registration to the Republic    |
| CoR17.4            | Refusal to transfer registration of foreign company                                      |
| CoR18.1            | Application to convert a close corporation   |
| CoR18.2            | Notice requiring further particulars for a close corporation conversion                  |
| CoR18.3            | Registration certificate of conversion of close corporation to company                   |
| CoR19.1            | Notice to show cause regarding reckless trading or trading under insolvent circumstances |
| CoR19.2            | Confirmation notice  |
| CoR24              | Request for access to company information  |
| CoR30.2            | Financial accountability supplement  |
| CoR30.3            | Annual return (External company)   |
| CoR31              | Notice of Board resolution to convert par value shares                                   |
| CoR35.2            | Notice of action concerning pre-incorporation contract                                   |
| CoR36.1            | Security holder notice to company and proxies  |



| <b>Form number</b> | <b>Description</b>  |
|--------------------|---|
| CoR36.2            | General company notice to security holders                                      |
| CoR36.3            | General company notice to holders of beneficial interest                        |
| CoR36.4            | Notice of director's personal financial interest                                |
| CoR40.1            | Notice of resolution to wind-up solvent company                                 |
| CoR40.2            | Notice of foreign registration of company                                       |
| CoR40.3            | Demand notice concerning inactive company                                       |
| CoR40.4            | Notice of pending deregistration  |
| CoR40.5            | Application for re-instatement of deregistered company                          |
| CoR46.1            | Notice of employee share scheme   |
| CoR46.2            | Annual certificate of employee share scheme                                     |
| CoR46.3            | Application concerning rights offer exclusion                                   |
| CoR46.4            | Registration of prospectus or letter of alteration                              |
| CoR46.5            | Registration certificate  |
| CoR46.6            | Application to exclude information from prospectus                              |
| TRP84              | Declaration of coming into or out of concert                                    |
| CoR89              | Notice of Amalgamation or Merger  |
| TRP98              | Disclosure of dealings in securities  |
| TRP121.1           | Disclosure of acquisition of securities   |
| TRP121.2           | Notice of acquisition or disposal of securities                                 |
| CoR123.1           | Notice of Beginning of Business Rescue Proceedings                              |
| CoR123.2           | Notice of Appointment of Business Rescue Practitioner                           |
| CoR123.3           | Notice of Decision Not to Begin Business Rescue                                 |
| CoR125.1           | Business Rescue Status Report   |
| CoR125.2           | Notice of Termination of Business Rescue Proceedings                            |
| CoR125.3           | Notice of Substantial Implementation of Business Rescue Plan                    |
| CoR126.1           | Application for Practitioner's Licence  |
| CoR126.2           | Registration Certificate  |
| CoR130             | Consent to Commission to act for complainant – <b>Note: Form not yet active</b> |
| CTR132.1           | Application for Alternative Dispute Resolution                                  |
| CTR132.2           | Referral for Alternative Dispute Resolution                                     |
| CTR132.3           | Certificate of Failed Alternative Dispute Resolution                            |
| CoR134.1           | Application for Accreditation   |
| CoR134.2           | Registration Certificate  |
| CoR135.1           | Complaint   |
| CoR135.2           | Notice of Non-Investigation of Complaint  |
| CoR137.1           | Notice to Investigate of Complaint  |
| CoR137.2           | Summons to provide evidence to Companies Commission                             |
| CoR137.3           | Request for Additional Information  |
| CoR137.4           | Demand for Corrected Information  |
| CoR138             | Notice of Consent Order   |



| <b>Form number</b> | <b>Description</b>                             |
|--------------------|--|
| CoR139.1           | Compliance Notice                              |
| CoR139.2           | Compliance Certificate                         |
| CoR140.1           | Referral of Complaint to alternative authority |
| CoR140.2           | Notice of Non-referral of Complaint            |
| CTR140             | Complaint Referral to Tribunal                 |
| CTR142             | Application for Relief to Tribunal             |
| CTR145             | Notice of Motion                               |
| CTR147             | Application for Condonation                    |
| CTR148             | Notice of Withdrawal or Postponement           |
| CTR151             | Notice of hearing before Companies Tribunal    |
| CTR160             | Summons to appear before Companies Tribunal    |
| CoR168             | Notice of Challenging Filed Information        |
| CoR178             | Request for Additional Information             |

**Companies Act, no 61 of 1973 required a Special Resolution on CM26 to be lodged – Replaced by use of following new forms**

| <b>Form number</b> | <b>Description</b>   |
|--------------------|--|
| CoR15.2            | Amendment Of Memorandum Of Incorporation   |
| CoR15.3            | Notice Of Alteration Of Memorandum Of Incorporation                              |
| CoR15.4            | Notice Of Translation Of Memorandum Of Incorporation                             |
| CoR15.5            | Notice Of Consolidation Of Memorandum Of Incorporation                           |
| CoR31              | Notice To Convert Par Value Shares   |
| CoR40.1            | Notice Of Resolution To Wind-Up A Solvent Company (Voluntary And By Court Order) |