

DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NO. 4032

3 November 2023



PRACTICE NOTE 4 OF 2023

FILING OF DOCUMENTS AND THE PROCESS OF CHALLENGE

Applications filed with the CIPC, that comply with the Companies Act, and CIPC internal requirements, are processed accordingly. To that end, reasonable steps have been taken by the CIPC to ensure that filers are informed and guided on the Act and process requirements, through the publication of extensive step by step guides, guidance notes, etc.

It is however a reality that disputes arise within company structures, which necessitated the provision of remedies in the Act and its Regulations, for aggrieved parties. One such remedy is embodied in Regulation 168(6) of the Companies Act Regulations, which provide as follows: -

“(6) A company may challenge any document filed with the Commission within 10 business days by filing a notice in Form CoR 168.”

Any document filed and challenged successfully is a nullity and removed from the register as prescribed by regulation 168(7). Nullified filings are void and have no legal force or effect. **No subsequent filings, based on the same documentation that was nullified, will be accepted by the CIPC.**

Where disputes within company structures exist, companies are urged to refer the matter to an appropriate forum, or court for adjudication.


Adv Rory Voller
Commissioner: CIPC
30 September 2023

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