

Statutory Instrument No. 13 of 1974

COMPANIES PROCLAMATION, 1959
(71 of 1959)

COMPANIES (AMENDMENT) ORDER, 1974

(Published on the 8th February, 1974)

IN EXERCISE of the powers conferred by section 313 of the Companies Proclamation, 1959, the Minister of Commerce and Industry hereby makes the following Order —

1. This Order may be cited as the Companies (Amendment) Order, 1974.

2. The Companies Proclamation, 1959, is amended by substituting for the Seventh Schedule the following new Schedule —

SEVENTH SCHEDULE

(s. 312)

COMPANIES PROCLAMATION, 1959

FIRST TABLE

Table of fees to be paid by a company (other than an external company) under this Proclamation, except in the case of a company in receipt of dispensation under section 23 where no fee shall be payable.

(1) A. Company limited by shares

<i>Where nominal capital does not exceed</i>	<i>Registration fee</i>
R	R
3 000	35
(Then an additional R2 for every R1 000 or part thereof)	
4 000	37
5 000	39
6 000	41
(Then an additional R1 for every R1 000 or part thereof)	
7 000	42
8 000	43
9 000	44
10 000	45
20 000	55
30 000	65
50 000	85
100 000	135
(Then an additional 50c for each R1 000 or part thereof)	
101 000	135 – 50
200 000	185
500 000	335
525 000	447 – 50
	(maximum fee)
1 000 000	447 – 50

(1) B. Company not having a share capital

*Where the number of members
is stated in the articles
of association to be:*

Registration fee

	<i>R</i>	<i>c</i>
Not exceeding 25 (minimum fee)	35,00	
A further R5 for each additional or fraction of 25 members subject to a maximum fee for 600 or more	150,00	
Unrestricted	150,00	
(2) For registration of any increase of capital made after the first registration of the company. Whenever a company increases its capital, the fee will be as assessed by reference to the scale set out in paragraph (1) of this Table subject to a minimum fee of R10.		
(3) Certificate of Incorporation of any company	3,00	
(4) Registration of altered memorandum of association and order of court confirming same	25,00	
(5) For registration of change of name and issue of certificate thereof	15,00	
(6) For registration of any prospectus pursuant to section 42 or prospectus pursuant to section 52	30,00	
(7) For the delivery to the Registrar of any annual return (with annexures) pursuant to section 96	5,00	
(8) For the registration of any document or the recording of any fact authorized or required to be registered or recorded or required to be delivered, sent or forwarded to the Registrar, and not previously specified	3,00	
(9) For application for licence for the Minister to dispense with the term "Limited" in the name of a company	1,00	
(10) For reservation of name pursuant to section 21	3,00	

SECOND TABLE

Table of fees to be paid by an external company under this Proclamation.

(1) For the registration of the Charter, Statutes or Memorandum and Articles of the company, or other instrument constituting or defining the constitution of the company	1 000,00
(2) For registration of any alteration in such instrument	200,00

	<i>R c</i>
(3) For registration of any document or making a record of any fact authorized or required to be delivered, sent or forwarded to the Registrar and not previously specified	20,00
(4) For any certificate issued by the Registrar of Deeds	20,00
(5) For inspection of any documents relating to any company filed with the Registrar —	
(a) in the case of a private company	5,00
(b) in the case of a public company	10,00
(6) For inspection of the entries in the registers kept by the Registrar or the Registrar of Deeds relating to any one company	5,00
(7) Copies of any deed or other document —	
(a) when prepared by an official, per 100 words, 75 cents with a minimum of	7,50
(b) when prepared by applicant, per 100 words, 50 cents with a minimum of	5,00
(8) For collating document for certification, for every 100 words or part thereof	50

Provided that any person engaged in research work of an historical character or of general public interest may be permitted, subject to such conditions as the Registrar may stipulate, to inspect the records and registers or to make copies of any deed or other document free of the payment of any fee.

**THIRD TABLE
MISCELLANEOUS FEES**

Table of fees to be paid in respect of any company other than an external company under this Proclamation.

	<i>R c</i>
(1) For any certificate issued by the Registrar or Registrar of Deeds	3,00
(2) For inspection of any documents relating to any company filed with the Registrar —	
(a) in the case of a private company	1,00
(b) in the case of a public company	2,00
(3) For inspection of the entries in the registers kept by the Registrar or the Registrar of Deeds relating to any one company	1,00
(4) Copies of any deed or other document —	
(a) when prepared by an official, per 100 words, 50 cents with a minimum of	3,00
(b) when prepared by applicant, per 100 words, 20 cents with minimum of	2,00
(5) For collating documents for certification, for every 100 words or part thereof	25

Provided that any person engaged in research work of an historical character or of general public interest may be permitted, subject to such conditions as the Register may stipulate, to inspect the records and registers or to make copies of any deed or other document free of the payment of any fee.

FOURTH TABLE

Table of fees to be paid to the Master in connexion with winding-up or judicial management of any company.

	<i>R</i>	<i>c</i>
(1) For every certificate under the hand of the Master		50
(2) For every report prepared by the Master, in the discretion of the Master	From R1	to R20
(3) (a) Searching for any entry or for any document or for the inspection of any one record or document whether by an official or a member of the public (but excluding the liquidator) for each search or inspection		10
(b) When the result of search or inspection as above is conveyed by letter an additional fee in the discretion of the Master, not exceeding		50
(4) For taxing liquidator's remuneration or bill of costs, on every R2 or fraction of R2 of the amount taxed		10
(5) For binding documents in each winding-up according to the number and volume of the documents in the discretion of the Master	From R1	to R4
(6) Making copy of any document, per 100 words, 10 cents with a minimum of		50
Photostatic copy, foolscap or smaller size page, each		30
Photostatic copy, larger than foolscap size page, each		50
(7) On the assets available for distribution (before deducting this fee) among creditors and contributories, of any company in liquidation, including any security taken over by a creditor, an inventory fee to be affixed to the liquidation account: for each R200 or portion of R200 of the gross value of the assets dealt with in such liquidation account		15

NOTE: In the case of a company which has been placed under judicial management and is thereafter wound up, this fee shall not be payable.

- (8) In respect of companies which have been placed under judicial management there shall be paid a stamp fee on the gross value of the assets owned by the company as disclosed by the reports or other information which the judicial manager is required to submit to the Master in terms of section 266 (1) (b) – for each R200 or portion of R200 of the gross value of the assets 15

FIFTH TABLE

Table of fees payable to liquidator

- (1) Where the appointment is provisional and —
- (a) the petition is withdrawn or dismissed; or
 - (b) the winding-up order is made, but the provisional liquidator is not continued as a liquidator,
- a fee to be taxed by the Master, with due regard to the special circumstances of the case.
- (2) Where a liquidator is appointed to liquidate the company, he shall be entitled —
- (a) to remuneration at the following tariffs —
 - On the proceeds of movable property (other than shares or similar securities) sold, or upon the amount collected under promissory notes or book debts, or as rent, interest or other income 5 per cent
 - On the proceeds of immovable property, shares and similar securities sold, life insurance policies and mortgage bonds recovered —
- | | |
|--|-------------|
| On the first R10 000 | 2½ per cent |
| On any amount in excess of the first R10 000 | 1½ per cent |
| On cash included in the assets | 1 per cent |
- If the total remuneration of a liquidator under this tariff is less than R80 in all, he shall be entitled, up to that amount, to remuneration at the rate of 5 per cent on the value of all the assets of the company, with a minimum of R10,50;
- (b) to travelling expenses, in the discretion of the Master.
- (3) Where the liquidator is appointed for the purpose of carrying out a reconstruction or other scheme by which the affairs of the company are wound up otherwise than by the realisation and distribution of the assets —
- On the value of the company's property as estimated in the statement of affairs —
- | | |
|--|------------|
| On the first R10 000 or fraction thereof | 1 per cent |
|--|------------|

On the next R40 000 or fraction thereof $\frac{1}{2}$ per cent
On the next R50 000 or fraction thereof $\frac{1}{4}$ per cent
On the next R100 000 or fraction thereof $\frac{1}{8}$ per cent
Thereafter 1/16 per cent

MADE this 29th day of January, 1974.

R.N. MANNATHOKO,
Permanent Secretary,
Ministry of Commerce and Industry.

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