Companies and Intellectual Property Commission

a member of the dti group

NOTICE 16 of 2018

FINALLY DEREGISTERED COMPANIES AND CLOSE CORPORATIONS WHICH FAILS TO FILE ANNUAL RETURNS WITHIN 30 BUSINESS DAYS AFTER THE SUCESSFUL PROCESSING OF APPLICATION FOR RE-INSTATEMENT OF DEREGISTERED COMPANY (FORM COR40.5)

The Companies and Intellectual Property Commission (CIPC) has implemented system enhancements within its Application for Re-instatement process (form CoR40.5) effective from 6 April 2018.

In terms of Regulation 40(6) of the Companies Regulation, 2011 the re-instatement process for companies and close corporations is only complete upon the filing of all outstanding annual returns. Thus, the legal personality of deregistered companies or close corporations are only re-instated or restored, upon all the outstanding Annual Returns being filed.

Unfortunately not all companies and close corporations file its outstanding Annual Returns upon the successful processing of a form CoR40.5 and therefore CIPC will be implementing an enhancement whereby a company or close corporation will be automatically placed back into final deregistration, if the outstanding annual returns are not filed within 30 business days of the successful processing of the form CoR40.5.

As from 6 April 2018 all companies and close corporations in the process of re-instatement or restoration which fail to file their outstanding Annual Returns within 30 business days of successful processing of the form CoR40.5 shall be placed back into final deregistration. After being placed back into final deregistration, and the company or close corporation wishes to continue with its re-instatement / restoration, it has to file another form CoR40.5 and supporting documents, and once successfully processed file all outstanding Annual Returns within 30 business days.

For more information on annual returns, how to file and the prescribed fees involved, kindly refer to the following documents:-

- Step by step online guide to file annual returns
  (annualreturns.cipc.co.za / step 4) or
  (www.cipc.co.za / Useful Tools / How to – Step by Step Guides / Step by Step Guides / Annual Returns)
- Information Guide on Annual Returns
  (www.cipc.co.za / Useful Tools / How to – step by step guides / Information Guides / Information Guide on Annual Returns)

For further assistance, kindly log a ticket via the CIPC website www.cipc.co.za / enquiries. Sign in with your customer code and password and select Companies/Annual Returns or Close corporations/Annual returns, depending on the type of enterprise.

Yours sincerely,

Adv R Voller
Commissioner: CIPC
6 / 04 /2018