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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REGULATION GAZETTE No. 1909

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GOVERNMENT NOTICE

DEPARTMENT OF JUSTICE

No. R. 2490 28 December 1973

REGULATIONS IN TERMS OF SECTION 15 OF THE COMPANIES ACT, 1973 (ACT 61 OF 1973) FOR THE WINDING-UP AND JUDICIAL MANAGEMENT OF COMPANIES

By virtue of the powers vested in me by section 15 of the Companies Act, 1973 (Act 61 of 1973), I, Petrus Cornelius Pelser, Minister of Justice, hereby make the following regulations with effect from 1 January 1974.

P. C. PELSER, Minister of Justice.

DEFINITIONS

1. In these regulations, unless the context otherwise indicates—

"the Act" means the Companies Act, 1973 (Act 61 of 1973);

"sheriff" includes a deputy-sheriff;

and a word or expression to which a meaning has been assigned in the Act, shall bear that meaning.

ATTACHMENT OF ASSETS

2. (1) The sheriff shall, if the Master so directs, attach the movable assets of a company in liquidation or under judicial management.

(2) When effecting an attachment of movable assets of the company in terms of subregulation (1) the sheriff shall follow as far as possible the procedure laid down by section 19 of the Insolvency Act, 1936 (Act 24 of 1936).

(3) In respect of attachment in terms of this regulation a deputy-sheriff shall be entitled to the deputy-sheriff's fees prescribed in terms of the Insolvency Act, 1936, and the preference conferred by section 97 (2) of the said Act in respect of the sheriff's costs shall apply to such fees.

(4) A messenger or sheriff referred to in section 357 of the Act shall without delay transmit to the Master an inventory of all the property attached by him and which appears to belong to the company.

STATEMENT OF AFFAIRS

3. (1) Any person who is required under section 363 of the Act to make out a statement of the affairs of a company, shall, before or after such statement has been lodged with the Master, attend on the Master at such places and times as the Master may apoint and furnish the Master with such information as he may require.

GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN JUSTISIE

No. R. 2490 28 Desember 1973

REGULASIES KRAGTENS ARTIKEL 15 VAN DIE MAATSKAPPYWET, 1973 (WET 61 VAN 1973), VIR DIE LIKWIDASIE EN GEREGTELIKE BESTUUR VAN MAATSKAPPYE

Kragtens die bevoegdheid my verleen by artikel 15 van die Maatskappywet, 1973 (Wet 61 van 1973), vaardig ek, Petrus Cornelius Pelser, Minister van Justisie, hierby die volgende regulasies met ingang van 1 Januarie 1974 uit.

P. C. PELSER, Minister van Justisie.

WOORDOMSKRYWINGS

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

"die Wet" die Maatskappywet, 1973 (Wet 61 van 1973);

"balju" ook 'n adjunk-balju;

en het 'n woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis.

BESLAGLEGGING OP BATES

2. (1) Die balju lê, indien die Meester aldus gelas, op die roerende bates van 'n maatskappy in likwidasie of onder geregtelike bestuur, beslag.

(2) Wanneer daar ingevolge subregulasie (1) op roerende bates van die maatskappy beslag gelê word, volg die balju sover doenlik die prosedure by artikel 19 van die Insolvensiewet, 1936 (Wet 24 van 1936), voorgeskryf.

(3) Ten opsigte van 'n beslaglegging ingevolge hierdie regulasie is 'n adjunk-balju geregtig op die gelde vir 'n adjunk-balju voorgeskryf kragtens die Insolvensiewet, 1936, en is die voorkeur verleen by artikel 97 (2) van bedoelde Wet ten opsigte van die balju se koste op sodanige gelde van toepassing.

(4) 'n Geregsbode of balju in artikel 357 van die Wet bedoel moet sonder versuim aan die Meester 'n inventaris stuur van al die goed waarop hy beslag gelê het en wat aan die maatskappy blyk te behoort.

STAAT VAN DIE TOESTAND VAN SAKE

3. (1) Iemand van wie dit kragtens artikel 363 van die Wet vereis word om 'n staat van die toestand van die sake van 'n maatskappy op te stel, moet voor- of nadat dié staat by die Meester ingedien is, sy opwagting by die Meester maak op die plekke en tye wat die Meester bepaal en aan hom die inligting verstrek wat hy vereis.

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(2) No person who is required to make out a statement of the affairs of a company, shall incur any costs or expenses in connection with the making out of such statement without previously having submitted to the Master an estimate of the costs and expenses which he expects to incur and having obtained the consent of the Master to the incurrence of such costs and expenses, and any costs or expenses incurred without the prior consent of the Master may be disallowed by him.

EXAMINATIONS

4. The provisions of regulation 4 of the regulations promulgated under Government Notice R1379 of 24 August, 1962 shall *mutatus mutandis* apply to any matter referred to in section 418 (2) of the Act, and any reference in the said regulation to section 64 of the Insolvency Act, 1936 (Act 24 of 1936) shall for the purposes of this regulation be construed as a reference to section 418 (2) of the Act.

5. When in the course of an enquiry or examination of a witness under the Act before a commissioner or other person it appears that any person may have committed an offence, the said commissioner or person shall, when forwarding to the Master the record of such enquiry or examination, make mention in writing of the facts in the evidence which appear to him to constitute such offence, and thereupon the Master shall submit the record to the Attorney-General.

6. The record of every enquiry or examination of a witness under the Act except an enquiry or examination referred to in section 417 of the Act, shall be filed in the office of the Master.

MEETINGS

7. (1) Any separate meeting of members, contributories or debenture-holders referred to in section 364 (1) (b), 370 (2) (a), 377 or 429 (1) (b) (ii) of the Act shall be summoned by the Master by notice in the *Gazette* on a date not less than 10 days before the date upon which the meeting is to be held and such notice shall state the time when and place where the meeting is to be held: Provided that the Master may direct the company concerned or the provisional liquidator or the provisional judicial manager to send a notice of such meeting by post to every member, contributory or debenture-holder of the company.

(2) Unless the court otherwise directs, a meeting referred to in section 364 (1) (b), 370 (2) (a) or 377 of the Act shall be presided over by the Master or by a magistrate or an officer in the public service designated by the Master for that purpose.

8. (1) A general meeting of the company or contributories of the Company under section 386 (1) (d) of the Act shall be summoned by the liquidator by notice in the *Gazette* as prescribed in regulation 7 (1) and by sending a notice by post of the time and place of the meeting to every person who is a member or contributory of the company.

(2) Unless the court or the Master otherwise directs, any meeting referred to in subregulation (1) shall be presided over by the Master or by a magistrate or an officer in the public service designated by the Master for that purpose.

9. A meeting shall be held at such place as in the opinion of the Master or liquidator, as the case may be, appears to be the most convenient for the majority of the members, creditors, contributories or debenture-holders, as the case may be, of the company.

(2) Geen persoon van wie dit vereis word om 'n staat van die toestand van die sake van 'n maatskappy op te stel, mag koste of uitgawes in verband met die opstel van dié staat aangaan nie sonder dat hy vooraf 'n skriftelike raming van bedoelde koste en uitgawes wat hy verwag om aan te gaan, aan die Meester voorgelê en die goedkeuring van die Meester tot die aangaan van daardie koste en uitgawes verkry het, en koste of uitgawes wat sonder voorafgaande goedkeuring van die Meester aangegaan is, kan deur hom afgekeur word.

ONDERVRAGINGS

4. Die bepalings van regulasie 4 van die regulasies by Goewermentskennisgewing R. 1379 van 24 Augustus 1962 afgekondig, is *mutatis mutandis* van toepassing op 'n aangeleentheid waarna in artikel 418 (2) van die Wet verwys word, en 'n verwysing in bedoelde regulasie na artikel 64 van die Insolvensiewet, 1936 (Wet 24 van 1936), word vir die doeleindes van hierdie regulasie as 'n verwysing na artikel 418 (2) van die Wet uitgelê.

5. Wanneer dit in die loop van 'n ondersoek of ondervraging van 'n getuie kragtens die Wet voor 'n kommissaris of ander persoon blyk dat iemand moontlik 'n misdryf gepleeg het, maak bedoelde kommissaris of persoon, wanneer hy die notule van sodanige ondersoek of ondervraging aan die Meester stuur, skriftelik melding van die feite in die getuienis wat na dit hom voorkom sodanige misdryf uitmaak, en daarop lê die Meester die notule aan die Prokureur-generaal voor.

6. Die notule van elke ondersoek of ondervraging van 'n getuie kragtens die Wet behalwe 'n ondersoek of ondervraging bedoel in artikel 417 van die Wet, word in die kantoor van die Meester geliasseer.

VERGADERINGS

7. (1) 'n Afsonderlike vergadering van lede, kontribuante of skuldbriefhouers bedoel in artikel 364 (1) (b), 370 (2) (a), 377 of 429 (1) (b) (ii) van die Wet word deur die Meester byeengeroep by kennisgewing in die *Staatskoerant* op 'n dag nie minder nie as 10 dae voor die dag waarop die vergadering gehou sal word en die kennisgewing moet die tyd wanneer en die plek waar die vergadering gehou sal word, meld: Met dien verstande dat die Meester die betrokke maatskappy of die voorlopige likwidateur of die voorlopige geregtelike bestuurder kan gelas om 'n kennisgewing van so 'n vergadering deur die pos aan elke lid, kontribuant of skuldbriefhouer van die maatskappy te stuur.

(2) Tensy die hof anders gelas, is die Meester, of 'n landdros of 'n beampte in die staatsdiens deur die Meester vir daardie doel aangewys, die voorsitter op 'n vergadering in artikel 364 (1) (b), 370 (2) (a) of 377 van die Wet bedoel.

8. (1) 'n Algemene vergadering van die maatskappy of kontribuante van die maatskappy kragtens artikel 386 (1) (d) van die Wet word deur die likwidateur byeengeroep by kennisgewing in die *Staatskoerant* soos in regulasie 7 (1) voorgeskryf en deur 'n kennisgewing van die tyd en plek van die vergadering aan elke persoon wat 'n lid of kontribuant van die maatskappy is, deur die pos te stuur.

(2) Tensy die hof of the Meester anders gelas, is die Meester of 'n landdros of 'n beampte in die staatsdiens deur die Meester vir daardie doel aangewys die voorsitter op 'n vergadering in subregulasie (1) bedoel.

9. 'n Vergadering word gehou op die plek wat na die mening van die Meester of likwidateur, na gelang van die geval, die gerieflikste blyk te wees vir die meerderheid van die lede, skuldeisers, kontributante of skuldbriefhouers, na gelang van die geval, van die maatskappy.

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10. The liquidator shall, subject to regulation 11, if thereto required by the Master or by creditors having one-fourth in value of the votes of all the creditors who have proved claims, or by members or contributories having one-fourth of the votes of the members or contributories, summon a general meeting of the company or the creditors or the contributories of the company for the purpose of obtaining authority or sanction in regard to any matter or for any other purpose which the company, creditors or contributories may consider necessary.

11. (1) The costs of summoning any meeting of members, creditors or contributories of the company at the instance of any person other than the Master or the liquidator, shall, subject to subregulation (3), be paid by the person at whose instance the meeting is summoned and shall be deposited with the liquidator before the meeting is summoned.

(2) If the Act or the regulations require notice of a meeting to be sent to the members, creditors, contributories, or debenture-holders of the company the costs of summoning the meeting, including all disbursements for printing, stationery, postage and the hire of accommodation, for each member, creditor, contributory or debenture-holder, shall, subject to subregulation (3), be calculated at the rate of 50c for each member, creditor, contributory or debenture-holder to whom notice is sent.

(3) The costs of a meeting shall, if the Court so directs or if the members, creditors, contributories or debenture-holders affected by the payment, so resolve, be repaid out of the assets of the company.

12. (1) Members or contributories may vote at a meeting either personally or by an agent specially authorised thereto or acting under a general power of attorney.

(2) A power of attorney intended to be used at any meeting of members, creditors or contributories shall be lodged with the presiding officer not later than 24 hours before the advertised time of the meeting and in default thereof it shall for the purpose of voting at the meeting be deemed to be invalid.

13. At a meeting of members or contributories a resolution shall be deemed to be passed when a majority in value of members or contributories present, either personally or by proxy, have voted in favour thereof, and the value shall be determined according to the number of votes conferred on each member or contributory by the articles.

14. (1) It shall be the duty of the provisional liquidator, without notice, or, if there be no provisional liquidator, then of the secretary, any director or any other officer of the company, upon receiving at least 10 days notice thereof from the Master, to attend at the first meeting of members or contributories with the books of the company, and to give the chairman all information he may require as to the shareholding of each member or contributory, and as to the number of votes to which each member or contributory is entitled under the articles.

(2) Any person who fails to comply with a notice referred to in subregulation (1) shall be guilty of an offence and liable on conviction to a fine not exceeding R50 or to imprisonment for a period not exceeding three months.

15. (1) Minutes shall be kept of the proceedings at every meeting of members, creditors or contributories and shall be signed by the presiding officer.

(2) The original minutes of any such meeting shall be filed with the Master.

16. The report submitted by the liquidator in terms of section 402 of the Act to a meeting of creditors and contributories and two copies thereof shall be annexed to the minutes of the meeting at which it is so submitted.

10. Die likwidateur moet, met inagneming van regulasie 11, indien die Meester dit verlang of indien skuldeisers, wat een-vierde in waarde van die stemme besit van al die skuldeisers wat eise bewys het of indien lede of kontribuante wat een-vierde van die stemme van die lede of kontribuante besit, dit vereis, 'n algemene vergadering van die maatskappy byeenroep vir die doel om magtiging of goedkeuring te verkry met betrekking tot enige aangeleentheid of vir enige ander doel wat die maatskappy, skuldeisers of kontribuante nodig ag.

11. (1) Die koste verbonde aan die byeenroep van 'n vergadering van skuldeisers, lede of kontribuante van die maatskappy op versoek van iemand anders as die Meester of die likwidateur, moet, behoudens subregulasie (3), deur die persoon op wie se versoek die vergadering byeengeroep word, betaal word en moet voordat die vergadering byeengeroep word, by die likwidateur gestort word.

(2) As die Wet of die regulasies vereis dat 'n kennisgewing van 'n vergadering gestuur word aan die lede, skuldeisers, kontribuante of skuldbriefhouers van die maatskappy word die koste van die byeenroep van die vergadering, met inbegrip van alle uitgawes vir druk, skryfbehoeftes, frankering en lokaalhuur, behoudens subregulasie (3), vir elke lid, skuleiser, kontribuant of skuldbriefhouer, bereken teen 50c per lid, skuldeiser, kontribuant of skuldbriefhouer aan wie kennis gegee word.

(3) Die koste van 'n vergadering word uit die bate van die maatskappy terugbetaal as die Hof dit gelas of indien die krediteure, lede en kontribuante wat deur die betaling geraak word, so besluit.

12. (1) Lede of kontribuante kan op 'n vergadering persoonlik of deur 'n gevolmagtigde, spesiaal daartoe gemagtig of handelende kragtens 'n algemene volmag, stem.

(2) 'n Volmag bestem om gebruik te word by 'n vergadering van lede, skuldeisers of kontribuante moet by die voorsittende beampte minstens 24 uur voor die geadverteerde tyd van die vergadering ingedien word en by versuim daarvan word dit vir doeleindes van stemming by die vergadering geag ongeldig te wees.

13. By 'n vergadering van lede of kontribuante word 'n besluit geag geneem te wees wanneer 'n meerderheid volgens waarde van lede of kontribuante teenwoordig, hetsy persoonlik of by volmag, daarvoor gestem het, en die waarde word bepaal ooreenkomstig die getal stemme wat deur die statute aan elke lid of kontribuant toegeken is.

14. (1) Die voorlopige likwidateur, sonder kennisgewing, of indien daar geen voorlopige likwidateur is nie, dan die sekretaris, 'n direkteur of 'n ander beampte van die maatskappy indien hy minstens 10 dae kennisgewing van die Meester kry, is verplig om by die eerste vergadering van lede of kontribuante met die boeke van die maatskappy te verskyn en aan die voorsitter sodanige besonderhede wat hy verlang, te verskaf aangaande die aandele wat elke lid of kontribuant hou en aangaande die getal stemme waarop elke lid of kontribuant kragtens die statute geregtig is.

(2) Iemand wat versuim om te voldoen aan 'n kennisgewing in subregulasie (1) bedoel, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R50 of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

15. (1) Notule word gehou van die verrigtinge by elke vergadering van lede, skuldeisers of kontribuante en word deur die voorsittende beampte onderteken.

(2) Die oorspronklike notule van so 'n vergadering word by die Meester ingedien.

16. Die verslag deur die likwidateur ingevolge artikel 402 van die Wet aan 'n vergadering van skuldeisers en kontribuante van die maatskappy voorgelê en twee afskrifte daarvan word by die notule van die vergadering waarby dit aldus voorgelê word, aangeheg.

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APPLICATIONS BY LIQUIDATOR TO THE COURT

17. The registrar of the court shall forward any application by the liquidator under section 387 (3) of the Act to the Master for his report before setting it down for hearing.

CLAIMS DISPUTED BY LIQUIDATOR

18. A liquidator, who under section 45 (3) of the Insolvency Act, 1936 (Act 24 of 1936), read with section 339 of the Act, disputes a claim, shall furnish to the Master in duplicate the reasons for disputing the claim and shall at the same time—

(a) forward a copy of the said reasons to the creditor and request him to furnish his reasons to the Master within 14 days or such longer period as the Master may on application allow, why his claim should not be expunged or reduced; and

(b) report to the Master in writing the steps taken by him in this regard.

LIQUIDATION ACCOUNT: OBJECTIONS

19. (1) Any person objecting to an account in terms of section 407 of the Act shall, when laying his objection before the Master, forward to the liquidator a copy thereof together with copies of any documents submitted to the Master in support of the objection not already in the liquidator's possession, and thereupon the liquidator shall submit his written remarks to the Master in duplicate.

(2) The Master may refer the liquidator's remarks to the person objecting or may require the attendance, personally or by agent, of the liquidator or the person objecting.

NOTICES

20. Whenever under the Act or these regulations any notice is to be sent to a member, creditor or contributory of a company, it may be sent by registered post to—

(a) an address within the Republic supplied by such member, creditor or contributory to the company for the sending of notices to him; or

(b) if no such address has been supplied, any address within the Republic known to the liquidator or judicial manager.

COSTS AND CHARGES

21. All costs and charges incurred and al advances made by the Master on account of a company in liquidation and all costs and charges incurred by the Master in connection with a company under judicial management shall, subject to the order of the court, be costs in the winding-up or judicial management, as the case may be, of the company.

22. No bill of legal costs or charges arising out of a liquidation under a winding-up by the court or under a creditor's voluntary winding-up shal be paid by the liquidator unless it has been taxed.

MASTER'S FEES

23. The matters in respect of which Master's fees shall be payable and the tariff of such fees shall be as specified in Annexure CM 103 of these regulations.

REMUNERATION OF LIQUIDATORS

24. Every liquidator shall be entitlted to the remuneration set out in Annexure CM 104.

PRESCRIBED FORMS

25. (1) The statement of affairs of a company referred to in section 363 of the Act shal be substantially in the form set out in Annexure CM 100.

AANSOEKE DEUR LIKWIDATEUR AAN DIE HOF

17. Die Griffier van die hof stuur aansoeke deur die likwidateur kragtens artikel 387 (3) van die Wet na die Meester vir sy verslag alvorens dit vir verhoor ter rolle geplaas word.

EISE DEUR LIKWIDATEUR BETWIS

18. 'n Likwidateur wat 'n eis kragtens artikel 45 (3) van die Insolvensiewet, 1936 (Wet 24 van 1936), gelees met artikel 339 van die Wet, betwis, moet die redes waarom hy die eis betwis in tweevoud aan die Meester verstrek en terselfdertyd—

(a) 'n afskrif van bedoelde redes aan die skuldeiser stuur en hom versoek om binne 14 dae, of die langer tydperk wat die Meester op aansoek toelaat, aan die Meester sy redes te verstrek waarom sy eis nie geskrap of verminder moet word nie; en

(b) skriftelik aan die Meester die stappe wat hy in dié verband gedoen het, meedeel.

LIKWIDASIEREKENING: BESWARE

19. (1) Iemand wat ingevolge artikel 407 van die Wet teen 'n rekening beswaar maak, moet, wanneer hy sy beswaar aan die Meester verstrek, aan die likwidateur 'n afskrif daarvan stuur tesame met afskrifte van enige dokumente aan die Meester voorgelê ter staving van die beswaar, wat nie reeds in die likwidateur se besit is nie, en daarop moet die likwidateur sy skriftelike opmerkings in tweevoud aan die Meester verstrek.

(2) Die Meester kan die likwidateur se opmerkings na die persoon wat beswaar maak, verwys of kan vereis dat die likwidateur of persoon wat beswaar maak, persoonlik of deur 'n gevolmagtigde voor hom verskyn.

KENNISGEWINGS

20. Wanneer 'n kennisgewing kragtens die Wet of hierdie regulasies aan 'n lid, skuldeiser of kontribuant van 'n maatskappy gestuur moet word, kan dit per geregistreerde pos gestuur word aan—

(a) 'n adres in die Republiek deur sodanige lid, skuldeiser of kontribuant aan die maatskappy vir die toesending van kennisgewings aan hom verskaf; of

(b) indien geen sodanige adres verskaf is nie, enige adres in die Republiek aan die likwidateur of geregtelike bestuurder bekend.

KOSTE EN VORDERINGS

21. Alle koste en vorderings aangegaan en alle voorskotte gemaak deur die Meester op rekening van 'n maatskappy in likwidasie en alle koste en vorderings aangegaan deur die Meester in verband met 'n maatskappy onder geregtelike bestuur, is, behoudens die bevel van die hof, koste van die likwidasie of geregtelike bestuur, na gelang van die geval, van die maatskappy.

22. 'n Rekening vir regskoste of vorderings wat voortspruit uit 'n likwidasie deur die hof of 'n vrywillige likwidasie deur skuldeisers word nie deur die likwidateur betaal tensy dit getakseer is nie.

MEESTERSGELDE

23. Die aangeleenthede ten opsigte waarvan Meestersgelde betaalbaar is en die tarief van sodanige gelde, is soos in Aanhangsel CM 103 van hierdie regulasies uiteengesit.

VERGOEDING VAN LIKWIDATEURS

24. Elke likwidateur is geregtig op die vergoeding uiteengesit in Aanhangsel CM 104.

VOORGESKREWE VORMS

25. (1) Die staat van die toestand van die sake van 'n maatskappy in artikel 363 van die Wet bedoel moet wesenlik in die vorm uiteengesit in Aanhangsel CM 100 wees.

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(2) The account referred to in section 403 of the Act shall be substantially in the form set out in Annexure CM 101.

(3) The affidavit referred to in section 403 (2) of the Act shall be substantially in the form set out in Annexure CM 102.

REPEAL OF REGULATIONS

26. Rules 1 to 15 inclusive and rules 24 to 49 inclusive as published in Government Notice 2270 of 1926, as amended by Government Notices 1250 of 1939 and 239 of 1953, and the fourth and fifth tables of the Third Schedule and Forms N to Q inclusive of the Fourth Schedule to the Companies Act, 1926 (Act 46 of 1926), are hereby repealed.

(2) Die rekening in artikel 403 van die Wet bedoel moet wesenlik in die vorm uiteengesit in Aanhangsel CM 101 wees.

(3) Die beëdigde verklaring in artikel 403 (2) van die Wet bedoel, moet wesenlik in die vorm uiteengesit in Aanhangsel CM 102 wees.

HERROEPING VAN REGULASIES

26. Reëls 1 tot en met 15 en reëls 24 tot en met 49 soos afgekondig in Goewermentskennisgewing 2270 van 1926, soos gewysig, by Goewermentskennisgewing 1250 van 1939 en 239 van 1953, en die vierde en vyfde tabelle van die Derde Bylae en vorms N tot en met Q van die Vierde Bylae van die Maatskappywet, 1926 (Wet 46 van 1926), word hiermee herroep.

ANNEXURE CM 100

Master's Reference No.....

STATEMENT OF AFFAIRS

(Section 363 of the Act)

Name of company.....
Date of winding-up order.....
Name and address of liquidator.....
.....
.....

Statement of affairs on the..... day of.....19....., the date of the winding-up order.

I. AS REGARDS CREDITORS

Liabilities	R c	Assets	R c
Debts and liabilities:		(a) Property as per List C.....	.....
(i) Unsecured creditors and claimants as per List A.....	.....	(b) Book debts as per List D:	
(ii) Secured and preferent creditors as per List B	.....	Recoverable..... R.....	.....
		Doubtful..... R.....	.....
		Irrecoverable..... R.....	.....
Estimated surplus (if any) after meeting liabilities of company, subject to costs of liquidation.....	.....	Estimated to realise.....	.....
		(c) Bills of exchange or other similar securities as per List E:	
		Estimated to realise.....	.....
		(d) Unpaid share capital as per List F:	
		Estimated to realise.....	.....
		Estimated deficiency of assets to meet liabilities and costs of liquidation.....	.....
R	.....	R	.....

The nominal amount of unpaid capital liable to be called up is R.....

II. AS REGARDS CONTRIBUTORIES

	R c	R c		R c
Capital issued and allotted:			Estimated surplus as above (if any), subject to costs of liquidation.....	.....
Founder's share of R..... per share	.....			
Ordinary shares of R..... per share	.....			
Preference shares of R..... per share	.....			
Particulars of any other capital.....	.....			
.....	.....			
	.....			
Less unpaid calls estimated to be irrecoverable.....	.....			
		.....		
Add deficiency to meet liabilities as above.....		.....	Total deficiency*.....	.....
		R		R .....

I, ..., of....., being a director, and I, ..., of....., being the secretary of the above-named company make oath/truly affirm and say that the above statement and the several lists hereunto annexed, marked....., are to the best of our knowledge and belief a complete and true statement of the affairs of the said company on the.....day of.....19....., the date of the winding-up order.

.....
Director

.....
Secretary

The deponents have acknowledged that they know and understand the contents of this affidavit/declaration.
Signed and sworn to/declared before me at..... this.....day of.....19.....

.....
Signature

Exempt from stamp duty.

*If the Master so directs, this deficiency is to be explained by Statement G or in such other manner as the Master may require.

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LIST A

UNSECURED CREDITORS

The names must be numbered consecutively, creditors for R20 and upwards being placed first.

NOTES

1. If any creditor of the company is also a debtor thereof, but for an amount less than the amount of his claim against the company, the gross amount due to the creditor and the amount of his counter-claim must be shown in the third column, and the balance only be inserted under the heading "Amount of Debt", as follows:

	R c
Gross amount due to creditor	
Less counter-claim	

Such set-off must not be included in List D.

2. Particulars of any bills of exchange and promissory notes in possession of a creditor must be inserted under the heading "Remarks".

3. The names of any creditors who are also contributories or alleged contributories of the company, must be shown separately and described as such at the end of the list.

No.	Name	Address and occupation	Amount of debt	Remarks
			R c	

LIST B

LIST OF SECURED AND PREFERENT CREDITORS

The names must be arranged in alphabetical order and numbered consecutively.

No.	Name of creditor	Address	Occupation	Amount	Particulars, extent and date of security
				R c	

LIST C

PROPERTY

Full particulars of every description of property not included in any other list are to be set forth herein.

Full statement and nature of property	Estimated to realise
	R c
(a) Cash at bank (as per bank certificate attached)	
(b) Cash in hand	
(c) Stock-in-trade at ..... (as per valuation attached*)	
(d) Machinery at ..... (as per valuation attached*)	
(e) Trade fixtures, office furniture, utensils, etc	
†(f) Investments in stocks or shares	
†(g) Loans for which mortgage or other security held	
†(h) Other property (excluding book debts, bills of exchange or unpaid calls)	

* The valuation must be made by a person approved by the Master.

† State particulars.

LIST D

DEBTS DUE TO THE COMPANY

The names must be numbered consecutively.

Note.—If any debtor of the company is also a creditor thereof, but for an amount less than his indebtedness, the gross amount due to the company and the amount of the counter-claim must be shown in the third column, and the balance only be inserted under the heading "Amount of Debts", as follows:

	R c
Gross amount due to company	
Less counter-claim	

Such set-off must not be included in List A.

No.	Name of debtor	Address and occupation	Amount of debt			Particulars of any securities held for debt
			Recoverable	Doubtful	Irrecoverable	
			R c	R c	R c	

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LIST E

BILLS OF EXCHANGE, PROMISSORY NOTES, ETC., ON HAND AND AVAILABLE AS ASSETS

No.	Name of acceptor or maker	Address	Amount	Due date	Particulars of any property held as security for payment of bill or note
			R c		

LIST F

UNPAID SHARE CAPITAL

Number in share register	Name of shareholder	Address and occupation	Number of shares held	Amount due on each share	Total amount due	Estimated to realise
				R c	R c	R c

STATEMENT G

DEFICIENCY ACCOUNT

(*N.B.*—This account is prepared only at the request of the Master)

(1) Deficiency account where the winding-up order has been made within three years of formation of company.

	R c		Amount discharged	Amount due at date of winding-up order	R c
I.—Gross profit (if any) arising from carrying on business from date of formation of company to date of winding-up order (as per trading account annexed).....		I.—Expenditure in carrying on business from date of formation of company to date of winding-up order:			
II.—Receipts (if any) during the said period from undermentioned sources:			R c	R c	
Interest on loans.....		General expenditure:			
Interest on deposits.....		Salaries.....			
Transfer fees.....		Wages not charged in trading account			
Amount paid on shares issued and subsequently forfeited (as per list annexed).....		Rent.....			
		Rates and taxes.....			
		Legal expenses.....			
		Commission.....			
		Interest on loans.....			
		Interest on debentures.....			
		Miscellaneous expenditure (as per list annexed).....			
III.—Other receipts (if any) during the said period not included under any of the above headings:		II.—Directors' fees from date of formation of company to date of winding-up order....			
.....		III.—Dividends declared during the said period			
.....					
IV.—Deficiency as per statement of affairs (Part II).....		IV.—Losses and depreciation written off in the company's books:*			
		Irrecoverable debts.....			
		Losses on investments.....			
		Depreciation on property.....			
		Preliminary expenses.....			
		V.—Losses and depreciation not written off in the company's books, now written off by the directors:*			
		Irrecoverable debts.....			
		Losses on investments.....			
		Depreciation on property.....			
		Preliminary expenses.....			
		VI.—Other losses and expenses:			
		.....			
		.....			
Total amount to be accounted for..†R		Total amount to be accounted for.....†R			

* Lengthy particulars must be entered in a separate schedule.

† These figures must agree.

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STATEMENT G

DEFICIENCY ACCOUNT (*continued*)

(*N.B.*—This account is prepared only at the request of the Master)

(2) Deficiency account where winding-up order has been made more than three years after the formation of the company.

	R c			R c
I.—Excess (if any) of assets over capital and liabilities on the *.....day of.....19....., as per the company's balance sheet (this and any previous balance sheets to to annexed).....	.....	I.—Excess (if any) of capital and liabilities over assets on the*.....day of.....19....., as per the company's balance sheet (this and any previous balance sheets to be annexed).....		.....
II.—Gross profit (if any) arising from carrying on business from the *.....day of.....19..... to date of winding-up order (as per trading account annexed)		II.—Expenses of carrying on business from the *.....day of.....19..... to date of winding-up order:		
			Amount discharged	Amount due at date of winding-up order
			R c	R c
III.—Receipts (if any) during the said period from undermentioned sources:				
Interest on loans.....	.....	General expenditure:		
Interest on deposits.....	.....	Salaries.....	.....	.....
Transfer fees.....	.....	Wages not charged in trading account	.....	.....
Amount paid on shares issued and subsequently forfeited (as per list annexed).....	.....	Rent.....	.....	.....
		Rates and taxes.....	.....	.....
IV.—Other receipts (if any) during the said period not included under any of the above headings.....	.....	Legal expenses.....	.....	.....
		Commission.....	.....	.....
		Interest on loans.....	.....	.....
		Interest on debentures.....	.....	.....
		Miscellaneous expenditure (as per list annexed).....	.....	.....
V.—Deficiency as per statement of affairs (Part II).....	.....	III.—Directors' fees from the *.....day of.....19..... to date of the winding-up order.....	.....	.....
		IV.—Dividends declared during the said period	.....	.....
		V.—Losses and depreciation from the *.....day of.....19....., to date of the winding-up order written off in the company's books:†		
		Irrecovreable debts.....		.....
		Losses on investments.....		.....
		Depreciation of property.....		.....
		Preliminary expenses.....		.....
		VI.—Losses and depreciation not written off in the company's books, now written off by directors:†		
		Irrecoverable debts.....		.....
		Losses on investments.....		.....
		Depreciation of property.....		.....
		Preliminary expenses†.....		.....
		VII.—Other losses and expenses:†		
		.....		.....
		.....		.....
Total amounted to be accounted for..‡R	.....	Total amount to be accounted for.....‡R		.....

* Three years before date of the winding-up order.
† Lengthy particulars must be entered in separate schedule.
‡ These figures must agree.

AANHANGSEL CM 100

Meester se verwysingsno.....

STAAT VAN TOESTAND VAN SAKE

(Artikel 363 van die Wet)

Naam van maatskappy.....

Datum van likwidasie-order.....

Naam en adres van likwidateur.....

.....

.....

Staat van aangeleenthede op die.....dag van.....19....., die datum van die likwidasie-order.

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I. AANGAANDE SKULDEISERS

Laste	R c	Bate	R c
Skulde en laste:			
(i) Onversekerde skuldeisers en eisers ooreenkomstig lys A		(a) Eiendomme ooreenkomstig lys C	
(ii) Versekerde en preferente skuldeisers ooreenkomstig lys B		(b) Boekskulde ooreenkomstig lys D:	
		Invorderbare R	
		Onsekere R	
		Oninvorderbare R	
		Geraamde opbrengs	
Geraamde surplus (as daar is) na vereffening van maatskappy se verpligtings, onderworpe aan likwidasiekoste		(c) Wissels of ander dergelike sekuriteite ooreenkomstig lys E: Geraamde opbrengs	
		(d) Onopbetaalde aandelekapitaal ooreenkomstig lys F: Geraamde opbrengs	
		Geraamde tekort aan bates om laste en likwidasiekoste te dek	
R		R	

Die nominale bedrag van onopbetaalde kapitaal wat opgevorder kan word is R.....

II. AANGAANDE KONTRIBUANTE

Uitgereikte en toegekende kapitaal:		R c	Geraamde surplus (as daar is) soos hierbo, onderworpe aan likwidasiekoste	R c
Oprigtersaandele van R..... per aandeel				
Gewone aandele van R.....per aandeel				
Preferente aandele van R.....per aandeel				
Besonderhede van enige ander kapitaal..				
Min onbetaalde vorderings wat na beraming nie invorderbaar is nie				
Tel by die bogenoemde tekort om laste te dek			Totale tekort*	
R			R	

Ek,....., van....., synde 'n direkteur en ek,....., van....., synde die sekretaris van die bogenoemde maatskappy verklaar onder eed/bevestig opreg dat bostaande staat en die lyste hierby aangeheg, gemerk....., na ons beste wete en oortuiging 'n volledige en ware staat van die aangeleenthede van genoemde maatskappy is op die.....dag van.....19....., die datum van die likwidasie-order.

.....
Direkteur

.....
Sekretaris

Die verklaarders het erken dat hulle ten volle vertroud is met die inhoud van hierdie beëdigde verklaring/bevestiging en dit begryp.
Geteken en beëdig/bevestig voor my te.....op hede die.....dag van.....19.....

.....
Handtekening

Vrygestel van seëlregte.

*Indien die Meester dit verlang moet hierdie tekort verduidelik word deur middel van Staat G of op sodanige ander wyse wat die Meester mag verlang.

LYS A

ONVERSEKERDE SKULDEISERS

Die name moet in volgorde genommer en skuldeisers van R20 of meer moet eerste geplaas word.

OPMERKINGS

1. Indien enige skuldeiser van die maatskappy ook 'n skuldenaar daarvan is, maar vir 'n bedrag minder as die bedrag van sy eis teen die maatskappy, moet die bruto bedrag verskuldig aan die skuldeiser en die bedrag van sy teeneis in die derde kolom soos volg aangedui en slegs die balans onder die opskrif "Skuldbedrag" geplaas word:

	R c
Bruto bedrag verskuldig aan skuldeiser	
Min teeneis	

Sodanige verrekening moet nie by Lys D ingesluit word nie.
2. Besonderhede aangaande enige wissels en promesses in besit van 'n skuldeiser moet onder die opskrif "Opmerkings" geplaas word.
3. Die name van skuldeisers wat ook kontribuante of beweerde kontribuante van die maatskappy is, moet afsonderlik aangedui en as sodanig aan die end van die lys beskryf word.

No.	Naam	Adres en beroep	Skuldbedrag R c	Opmerkings

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LYS B

LYS VAN VERSEKERDE EN PREFERENTE SKULDEISERS

Die name moet alfabeties gerangskik en in volgorde genommer word.

No.	Naam van skuldeiser	Adres	Beroep	Bedrag	Besonderhede, omvang en datum van sekerheidstelling
				R c	

LYS C

EIENDOM

Volledige besonderhede van alle soorte eiendomme wat nie by enige ander lys ingesluit is nie, moet hierin verstrek word.

Volledige beskrywing en aard van eiendom	Geraamde opbrengs
	R c
(a) Kontant in bank (volgens aangehegte banksertifikaat)	
(b) Kontant voorhande	
(c) Handelsvoorraad te ... (volgens aangehegte waardasie*)	
(d) Masjinerie te ... (volgens aangehegte waardasie*)	
(e) Vaste en los bedryfstoebehore, kantoormeubels, gereedskap, ens.	
†(f) Beleggings in effekte of aandele	
†(g) Lenings ten opsigte waarvan verband of ander sekuriteit gehou word	
†(h) Ander eiendom (uitsluitende boekskulde, wissels of uitstaande vorderings)	

* Die waardasie moet deur iemand wat deur die Meester goedgekeur is, gemaak word.
† Verstrek besonderhede.

LYS D

SKULDE BETAALBAAR AAN DIE MAATSKAPPY

Die name moet in volgorde genommer word.

Opmerking.—Indien enige skuldenaar van die maatskappy ook 'n skuldeiser daarvan is, maar vir 'n bedrag minder as die bedrag van sy skuld, moet die bruto bedrag verskuldig aan die maatskappy en die bedrag van die teeneis in die derde kolom soos volg aangedui en slegs die balans onder die opskrif "Skuldbedrag" geplaas word:

	R c
Bruto bedrag verskuldig aan maatskappy	
Min teeneis	

Sodanige verrekening moet nie by Lys A ingesluit word nie.

No.	Naam van skuldenaar	Adres en beroep	Skuldbedrag			Besonderhede van enige sekuriteite gehou vir skuld
			Invorderbaar	Onseker	Oninvorderbaar	
			R c	R c	R c	

LYS E

WISSELS, PROMESSES, ENS. VOORHANDE EN AS BATES BESKIKBAAR

No.	Naam van akseptant of maker	Adres	Bedrag	Vervaldag	Besonderhede van enige eiendom wat gehou word as sekuriteit of betaling van wissel of promesse
			R c		

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LYS F

ONOPBETAALDE AANDELEKAPITAAL

No. in aandeel-register	Naam van aandeelhouer	Adres en beroep	Getal aandele gehou	Bedrag verskuldig op elke aandeel		Totale bedrag verskuldig		Geraamde opbrengs	
				R	c	R	c	R	c

STAAT G

REKENING VAN TEKORTE

(*N.B.*—Hierdie rekening word slegs op versoek van die Meester opgestel)

(1) Rekening van tekorte waar die likwidasie-order binne drie jaar vanaf die oprigting van die maatskappy verleen is.

	R	c		Bedrag betaal R	Bedrag betaal c	Bedrag verskuldig op datum van likwidasie-order R	Bedrag verskuldig op datum van likwidasie-order c	R	c
I.—Bruto wins (as daar is) wat afgewerp is as gevolg van die dryf van die besigheid vanaf datum van oprigting van die maatskappy tot datum van likwidasie-order (ooreenkomstig die aangehegte handelsrekening).....			I.—Uitgawe in verband met die dryf van die besigheid vanaf datum van oprigting van die maatskappy tot op die datum van likwidasie-order:						
II.—Ontvangste (as daar is) gedurende genoemde tydperk uit ondergenoemde bronne:									
Rente op lenings..... •			Algemene uitgawe:						
Rente op deposito's.....			Salarisse.....						
Oordraggelde.....			Loon wat nie in handelsrekening opgeneem is nie.....						
Bedrag betaal op uitgereikte en later verbeurde aandele (ooreenkomstig aangehegte lys)...			Huur.....						
			Belasting: Plaaslik en algemeen....						
			Regskoste.....						
			Kommissie.....						
			Rente op lenings.....						
			Rente op skuldbriewe.....						
			Algemene uitgawe (ooreenkomstig aangehegte lys).....						
III.—Ander ontvangste (as daar is) gedurende genoemde tydperk wat nie by bostaande hoofde ingesluit is nie:			II.—Direkteursgelde vanaf datum van oprigting van die maatskappy tot datum van die likwidasie-order.....						
.....			.....						
.....			III.—Diwidende verklaar tydens genoemde tydperk.....						
IV.—Tekort ooreenkomstig die staat van aangeleenthede (Deel II)...			IV.—Verliese en waardevermindering wat in die boeke van die maatskappy afgeskryf is:*						
			Oninvorderbare skulde.....						
			Verliese op beleggings.....						
			Waardevermindering van eiendom.....						
			Voorlopige uitgawe.....						
			V.—Verliese en waardevermindering wat nie in die boeke van die maatskappy afgeskryf is nie en nou deur die direkteure afgeskryf word:*						
			Oninvorderbare skulde.....						
			Verliese op beleggings.....						
			Waardevermindering van eiendom.....						
			Voorlopige uitgawe.....						
			VI.—Ander verliese en uitgawe:						
			.....						
			.....						
Totale bedrag waarvan rekenskap gegee moet word.....†R			Totale bedrag waarvan rekenskap gegee moet word....†R						

• Uitvoerige besonderhede moet in aparte bylaes opgeneem word.
† Hierdie bedrae moet ooreenstem.

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STAAT G

REKENING VAN TEKORTE (*vervolg*)

(*N.B.*—Hierdie rekening word slegs op versoek van die Meester opgestel)

(2) Rekening van tekorte waar die likwidasie-order meer as drie jaar na die oprigting van die maatskappy verleen is.

	R c		R c
I.—Surplus (as daar is) van bates oor kapitaal en laste op die *..... dag van.....19..... ooreenkomstig die maatskappy se balansstaat (hierdie en enige vorige balansstate moet aangeheg word).....	.....	I.—Surplus (as daar is) van kapitaal en laste oor bates op *..... dag van.....19..... ooreenkomstig die maatskappy se balansstaat (hierdie en enige vorige balansstate aangeheg te word).....	.....
II.—Bruto wins (as daar is) wat afgewerp is as gevolg van die dryf van die besigheid vanaf die *..... dag van.....19..... tot die datum van die likwidasie-order (ooreenkpmstig aangehegte handelsrekening).....		II.—Bedryfskoste vanaf die *.....dag van.....19..... tot die datum van likwidasie-order:	
III.—Ontvangste (as daar is) gedurende genoemde tydperk uit ondergenoemde bronne:			
Rente op lenings.....	.....		
Rente op deposito's.....	.....		
Oordraggelde.....	.....		
Bedrag betaal op uitgereikte en later verbeurde aandele (ooreenkomstig aangehegte lys).....	.....		
IV.—Ander ontvangste (as daar is) gedurende genoemde tydperk wat nie by bostaande hoofde ingesluit is nie.....	.....		
V.—Tekort ooreenkomstig staat van aangeleenthede (Deel II).....	.....		
Totale bedrag waarvan rekenskap gegee moet word.....‡R	.....	Totale bedrag waarvan rekenskap gegee moet word.....‡R	.....

	Bedrag betaal	Bedrag verskuldig op datum van likwidasie-order
	R c	R c
Algemene uitgawe:		
Salarisse.....		
Loon wat nie in handelsrekening opgeneem is nie.....		
Huur.....		
Belasting: plaaslike en algemeen....	.....	.....
Regskoste.....	.....	.....
Kommissie.....	.....	.....
Rente op lenings.....	.....	.....
Rente op skuldbriewe.....	.....	.....
Algemene uitgawe (ooreenkomstig aangehegte lys).....	.....	.....
III.—Direkteursgelde vanaf die *.....dag van.....19..... tot datum van die likwidasie-order.....	.....	.....
IV.—Diwidende verklaar gedurende genoemde tydperk.....	.....	.....

V.—Verliese en waardevermindering van die *.....dag van .....19..... tot datum van die likwidasie-order wat in die boeke van die maatskappy afgeskryf is†:

Oninvorderbare skulde.....	.....
Verliese op beleggings.....	.....
Waardevermindering van eiendom.....	.....
Voorlopige uitgawe.....	.....

VI.—Verliese en waardevermindering wat nie in die boeke van die maatskappy afgeskryf is nie en nou deur die direkteure afgeskryf word†:

Oninvorderbare skulde.....	.....
Verliese op beleggings.....	.....
Waardevermindering van eiendom.....	.....
Voorlopige uitgawe†.....	.....
VII.—Ander verliese en uitgawe†.....	.....
.....	.....
.....	.....

* Drie jaar voor datum van dielikwidasie-order.
† Uitvoerige besonderhede moet in 'n aparte bylae opgeneem word.
‡ Hierdie bedrae moet ooreenstem.

ANNEXURE CM 101

Master's Reference No.....

ACCOUNTS

(Section 403 of the Act)

GENERAL DIRECTIONS

FORM AND CONTENTS OF ACCOUNTS

1. The accounts must be lodged in duplicate on A4 standard paper.

2. A detailed account of all the liquidator's receipts and payments in respect of the company must be given. The account of receipts must contain a record of all receipts derived from the realisation of assets existing at the date of the winding-up order or resolution including any balance in the bank, book debts and calls collected, property sold, etc. The account of payments must contain a record of all payments made in respect of costs and charges and of payments to creditors or contributories. Where property has been realised, the gross proceeds of the sale must be entered as a receipt and the necessary payments incidental to the sale must be entered as a payment. This account must not contain payments into or withdrawals from the bank, which must be shown separately by means of a bank statement.

Receipts and payments must be supported by satisfactory vouchers numbered consecutively in the top right-hand corner by reference to the number appearing in the account opposite the relative item.

Each receipt and payment, and the date thereof, must be entered in the account in such a manner as sufficiently to explain its nature. Receipts and payments must be numbered consecutively with reference to the number of the relative vouchers and must be added up separately at the foot of each sheet.

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TRADING ACCOUNT

3. When the liquidator carries on the business, a separate trading account, including the following items only, must be submitted:

(a) The value of the stock on hand at the date of the winding-up order shown on the credit side;
(b) the daily totals of receipts and payments on the trading account; and
(c) the value of stock on hand at the date on which the account is completed shown on the debit side.

DIVIDENDS, ETC.

4. When dividends or instalments of compositions are payable to creditors, or a return of surplus assets is to be made to contributories, the total amount of all such dividends, instalments and returns must be shown in the account of payments as a balance available for distribution. The liquidator's account must be supported by separate accounts showing the amount of the claim of each creditor, the amount of dividend payable to or contribution payable by each creditor and the amount payable to each contributory from surplus assets.

5. The account of payments may provisionally be credited with the amount claimed in respect of liquidator's remuneration, but no such remuneration or part thereof shall, except by permission of the Master of the Supreme Court or the Court, be drawn until the account in which it appears has been confirmed.

LIQUIDATOR'S LIQUIDATION, DISTRIBUTION AND CONTRIBUTION ACCOUNT

Name of company.....
Nature of proceedings (whether wound up by the Court or voluntarily).....
.....
Name and address of liquidator.....
.....

LIQUIDATOR'S ACCOUNT

Receipts					Payments				
Date	From whom received	Nature of assets realised	No. of voucher	Amount	Date	To whom paid	Nature of payments	No. of voucher	Amount
				R c					R c
		Balance.....R					Balance.....R		
				R					R

RECONCILIATION STATEMENT

	R c
Total receipts.....	
Total payments.....	
Balance.....R	
Balance as per bank statement at date of the liquidation account.....R	

DETAILED LIST OF UNREALISED ASSETS (IF ANY)

Description of Assets	Estimated value
	R

Date.....

.....
Liquidator

LIST A

DISTRIBUTION AND CONTRIBUTION ACCOUNT

Master's Reference No.....
Name of company.....

No. of claim	Name of creditor		Address	Secured and preferent creditors		Concurrent creditors		Contribution	Deficiency
	Surname	Christian names		Claim	Award	Claim	Award	Amount	Amount
				R c	R c	R c	R c	R c	R c

The respective vouchers must accompany this statement.

Date.....

.....
Liquidator

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LIST B

Master's Reference No.....
Name of company.....

LIST OF AMOUNTS RETURNABLE TO CONTRIBUTORIES

Name of contributory		Number of shares held	Amount returnable to contributory at ..... in the R1
Surname	Christian names		R c

Date.....

.....
Liquidator

The Companies Act, 1973
Master's Reference No.....

LIQUIDATOR'S TRADING ACCOUNT

Name of company.....
Name of liquidator.....

Dr. Receipts			Payments		Cr.
Date.....	R	c	Date.....	R	c
To stock on hand at this date.....			By stock on hand on the.....day of.....19....., the date of the winding-up order.....		
R			R		

Date.....

.....
Liquidator

AANHANGSEL CM 101

Meester se verwysingsno.....

REKENINGE
(Artikel 403 van die Wet)

ALGEMENE VOORSKRIFTE

VORM EN INHOUD VAN REKENINGS

1. Die rekenings moet in tweevoud op A4-standaardpapier ingedien word.

2. 'n Gedetailleerde rekening van die likwidateur se ontvangste en uitbetalings in verband met die maatskappy moet gelewer word. Die rekening van ontvangste moet 'n weergawe bevat van alle ontvangste verkry uit die tegeldemaking van bates wat bestaan het op die datum van die likwidasie-order of besluit, insluitende die bankbalans, boekskulde, geïnde opvorderings, verkoopte eiendom, ens. Die rekening van uitbetalings moet 'n weergawe van alle betalings gedoen ten opsigte van koste en vorderings en van betalings aan skuldeisers en kontribuante bevat. Indien eiendom te geld gemaak is moet die bruto opbrengs van die verkoop as ontvangste en die nodige betalings verbonde aan die verkoop as 'n betaling aangedui word. Hierdie rekening moet nie inbetalings in en onttrekkings uit die bank, wat afsonderlik deur middel van 'n bankstaat aangedui moet word, bevat nie.

Ontvangste en uitbetalings moet gestaaf word deur bevredigende bewysstukke wat in die boonste regterhoek opeenvolgend genommer is met die nommer wat in die rekening teenoor die betrokke item voorkom.

Alle ontvangste en uitbetalings en die datum daarvan moet so in die rekening aangedui word dat die aard daarvan duidelik blyk. Ontvangste en uitbetalings moet in volgorde genommer word met verwysing na die betrokke bewysstuknommer en moet afsonderlik onder aan elke vel opgetel word.

HANDELSREKENING

3. Indien die likwidateur die besigheid dryf moet 'n afsonderlike handelsrekening wat slegs die volgende items bevat, voorgelê word:

(a) Die waarde van die goedere voorhande op die datum van die likwidasie-order aangedui op die kredietsy;
(b) die daaglikse totale van ontvangste en uitbetalings in verband met die handelsrekening; en
(c) die waarde van die goedere voorhande op die datum waarop die rekening voltooi is, aangedui op die debietsy.

DIVIDENDE, ENSOVOORTS

4. Indien dividende of paaiemente ooreenkomstig 'n skikking aan skuldeisers betaalbaar is, of surplusbates aan kontribuante terugbetaal moet word, moet die totale bedrag van al sodanige dividende, paaiemente en terugbetalings in die rekening van uitbetalings as 'n balans wat vir verdeling beskikbaar is, aangedui word. Die likwidateur se rekening moet gestaaf word deur afsonderlike rekenings wat die eis van elke skuldeiser, die dividendbedrag betaalbaar aan of kontribusie betaalbaar deur elke skuldeiser en die bedrag betaalbaar aan elke kontribuant uit surplusbates aandui.

5. Die rekening van uitgawes kan voorlopig gekrediteer word met die bedrag wat as likwidateursbesoldiging geëis word, maar geen sodanige besoldiging of 'n deel daarvan kan, tensy die Meester van die Hooggeregshof of die Hof daartoe instem, getrek word alvorens die rekening waarin dit voorkom, goedgekeur is nie.

LIKWIDASIE-, DISTRIBUSIE- EN KONTRIBUSIEREKENING VAN DIE LIKWIDATEUR

Naam van maatskappy.....
Aard van verrigtings (òf deur die Hof òf vrywillig gelikwideer).....
.....
Naam en adres van likwidateur.....
.....

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LIKWIDASIEREKENING

Ontvangste					Uitgawes				
Datum	Van wie ontvang	Aard van bates te gelde gemaak	No. van bewysstuk	Bedrag	Datum	Aan wie betaal	Aard van uitbetalings	No. van bewysstuk	Bedrag
				R c					R c
		Balans.....R					Balans.....R		
			R					R	

REKONSILIASIESTAAT

	R c
Totale ontvangste.....	
Totale uitgawes.....	
Balans.....R	
Balans ooreenkomstig bankstaat op datum van die likwidasierekening.....R	

GEDETAILLEERDE LYS VAN BATES WAT NIE TE GELD GEMAAK IS NIE (AS DAAR IS)

Beskrywing van bates	Geraamde waarde
	R

Datum.....

.....
Likwidateur

LYS A

DISTRIBUSIE- EN KONTRIBUSIEREKENING

Meester se verwysingsno.....
Naam van maatskappy.....

No. van eis	Naam van skuldeiser		Adres	Versekerde en preferente skuldeisers		Konkurrente skuldeisers		Kontribusie	Tekort
	Van	Voorname		Eis	Toegeken	Eis	Toegeken	Bedrag	Bedrag
				R c	R c	R c	R c	R c	R c

Die onderskeie bewysstukke moet hierdie staat vergesel.

Datum.....

.....
Likwidateur

LYS B

Meester se verwysingsno.....
Naam van maatskappy.....

LYS VAN BEDRAE TERUGBETAALBAAR AAN KONTRIBUANTE

Naam van kontribuant		Getal aandele gehou	Bedrag terugbetaalbaar aan kontribuant teen ..... in die R1
Van	Voorname		R c

Datum.....

.....
Likwidateur

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DIE MAATSKAPPYWET, 1973

Meester se verwysingsno.....

HANDELSREKENING VAN LIKWIDATEUR

Naam van maatskappy.....
Naam van likwidateur.....

Dt. Ontvangste			Uitbetalings			Kt.
Datum.....	R	c	Datum.....	R	c	
Aan voorraad voorhande op hierdie datum....			Per voorraad voorhande op die.....dag van.....19..... die datum van die likwidasie-order.....			
R			R			

Datum..... .....
Likwidateur

ANNEXURE CM 102

[Section 403 (2) of the Act]

Master's Reference No.....

AFFIDAVIT/AFFIRMATION VERIFYING THE LIQUIDATOR'S ACCOUNT

Name of company.....
.....

I, ... of, ...
the liquidator of the above-named company, make oath and declare/hereby affirm that the account hereunto annexed contains a full and true account of my administration of the company up to the date of the account, that so far as I am aware all the assets of the company have been disclosed in the account, and that the particulars contained in the attached trading account are true to the best of my knowledge and belief.

.....
Liquidator

The deponent has acknowledged that he knows and understands the contents of this affidavit/declaration.
Signed and sworn to/declare before me at ....., this .....day of.....19.....

Exempt from stamp duty.

.....
Signature

AANHANGSEL CM 102

[Artikel 403 (2) van die Wet]

Meester se verwysingsno.....

BEËDIGDE VERKLARING/BEVESTIGING TER STAWING VAN DIE LIKWIDASIEREKENING

Naam van maatskappy.....
.....

Ek,.....,
van.....,
die likwidateur van bogenoemde maatskappy, verklaar onder eed/bevestig opreg dat die aangehegte rekening 'n volledige en juiste verslag van my administrasie van die maatskappy tot op die datum van die rekening bevat, dat sover ek weet al die bates van die maatskappy in die rekening uiteengesit is en dat die besonderhede wat in die aangehegte handelsrekening vervat is na die beste van my wete en oortuiging waar is.

.....
Likwidateur

Die verklaarder het erken dat hy ten volle vertroud is met die inhoud van hierdie beëdigde verklaring/bevestiging en dit begryp.
Geteken en beëdig/bevestig voor my te.....op hede die.....dag van.....19.....

.....
Vrygestel van seëlregte. Handtekening

ANNEXURE CM 103

MASTER'S FEES OF OFFICE

[Section 15 (g) of the Act]

1. On all companies in liquidation or under judicial management the gross value of the assets of which—

	R
(a) is R1 000 or more but les than R4 000	8,00
(b) is R4 000 or more for each complete R2 000	8,00
subject to a maximum fee of	25 000,00

2. (a) For a copy of an extract made in the office of a Master from any document, for every hundred words or part thereof (including certification of such copy or extract) 0,20
(b) For certifying a copy or an extract from a document, when such copy or extract was not made in such office, for every hundred words or part thereof 0,40

3. On any amount paid by the liquidator or judicial manager into the Guardian's Fund for account of members, creditors, contributories or debenture-holders of a company a commission upon the amount paid in of five per cent shall be payable in cash and be deducted from the unclaimed moneys so paid into the Guarian's Fund.

4. (a) The fees referred to in paragraph 1 shall be assessed by the Master and shall be payable to any receiver of revenue. Proof of such payment shall be submitted by the liquidator or judicial manager, as the case may be, to the Master.

(b) The fees referred to in paragraph 2 shall be payable by means of revenue stamps affixed to an application made to the Master, in writing, for the required service.

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AANHANGSEL CM 103

TARIEF VAN MEESTERSGELDE

[Artikel 15 (g) van die Wet]

1. Op alle maatskappye in likwidasie of onder geregtelike bestuur waarvan die bruto waarde van die bates—

	R
(a) R1 000 of hoër maar minder as R4 000 is	8,00
(b) R4 000 of hoër is vir elke volle R2 000	8,00
met 'n maksimum geld van	25 000,00

2. (a) Vir 'n afskrif of uittreksel, wat in die kantoor van 'n Meester van enige dokument gemaak is, vir elke honderdtal of deel van 'n honderdtal woorde (met inbegrip van waarmerking van sodanige afskrif of uittreksel) 0,20

(b) Vir waarmerking van 'n afskrif of uittreksel wanneer sodanige afskrif of uittreksel nie in sodanige kantoor gemaak is nie, vir elke honderdtal of deel van 'n honderdtal woorde 0,40

3. Op enige bedrag wat deur die likwidateur of geregtelike bestuurder op rekening van lede, skuldeisers, kontribuante of skuldbriefhouers van 'n maatskappy in die Voogdyfonds gestort word is kommissie van vyf persent op die bedrag wat inbetaal word in kontant betaalbaar, wat van die gelde wat aldus in die Voogdyfonds gestort is, afgetrek word.

4. (a) Die gelde in paragraaf 1 bedoel, word deur die Meester aangeslaan en moet by enige ontvanger van inkomste betaal word. Bewys van sodanige betaling moet deur die likwidateur of geregtelike bestuurder, na gelang van die geval, aan die Meester gelewer word.

(b) Die gelde in paragraaf 2 bedoel, word betaal deur middel van inkomsteseëls geheg aan 'n skriftelike aanvraag aan die Meester gerig om die verlangde diens.

ANNEXURE CM 104

TARIFF OF FEES PAYABLE TO LIQUIDATORS

[Pursuant to section 15 (1) (h) of the Act]

I. Where the appointment is provisional; and

(a) the petition is withdrawn or dismissed; or

(b) a winding-up order is made but the provisional liquidator does not continue as liquidator— a fee to be taxed by the Master with due regard to the special circumstances of the case.

II. Where a liquidator is appointed to liquidate the company, the tariff of remuneration for trustees of insolvent estates in force for the time being.

III. 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 realization 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	½ per cent.
On the next R50 000 or fraction thereof	¼ per cent.
On the next R100 000 or fraction thereof	⅛ per cent.
Thereafter	1/16 per cent.

AANHANGSEL CM 104

AAN DIE LIKWIDATEUR BETAALBAAR

[Kragtens artikel 15 (1) (h) van die Wet]

I. By voorlopige benoeming; en

(a) die versoekskrif teruggetrek of van die hand gewys is; of

(b) 'n likwidasie-order verleen word maar die voorlopige likwidateur nie verder as likwidateur benoem word nie, 'n fooi wat die Meester met inagneming van die besondere omstandighede van die saak, takseer.

II. Indien 'n likwidateur benoem is om die maatskappy te likwideer, die besoldigingstarief vir kuratore van insolvente boedels wat tot tyd en wyl van krag is.

III. Indien 'n likwidateur benoem is om 'n skema uit te voer vir die rekonstruksie van die maatskappy of andersins, waardeur die maatskappy gelikwideer word sonder dat die bate te gelde gemaak en uitgedeel word:

Op die in die staat van aangeleenthede geskatte waarde van die eiendom van die maatskappy:

Op die eerste R10 000 of deel daarvan	1 persent.
Op die daaropvolgende R40 000 of deel daarvan	½ persent.
Op die daaropvolgende R50 000 of deel daarvan	¼ persent.
Op die daaropvolgende R100 000 of deel daarvan	⅛ persent.
Op die res	1/16 persent.

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Useful Hints–

1. Address all mail fully, clearly and without misleading abbreviations.
2. Place your own address on the back of the envelope or wrapper.
3. Do not enclose coins or other hard objects in letters.
4. Send remittances by Postal Order or Money Order.
5. Pack parcels properly, using strong containers and heavy paper. Tie securely.
6. Prepay postage fully.
7. Place postage stamps in the upper right hand corner of the envelope or wrapper.
8. Insure your parcels and register valuable letters. Documents which can only be replaced at considerable cost should preferably be insured.
9. Post early and often during the day. Mail held until the last moment may cause delay.
10. Give your correspondents your correct post office address including your box number where applicable.

Nuttige wenke–

1. Adresseer alle posstukke volledig, duidelik en sonder misleidende afkortings.
2. Plaas u eie adres agterop die koevert of omslag.
3. Moenie muntstukke of ander harde artikels in briewe insluit nie.
4. Gebruik posorders of poswissels wanneer geld deur die pos gestuur word.
5. Verpak pakkette behoorlik. Gebruik sterk houers en dik papier en bind dit stewig vas.
6. Maak seker dat die posgeld ten volle vooruitbetaal is.
7. Plak die posseëls in die boonste regterhoek van die koevert of omslag.
8. Verseker u pakkette en registreer waardevolle briewe. Dokumente wat slegs teen hoë koste vervang kan word, moet verkieslik verseker word.
9. Pos vroegtydig en dikwels gedurende die dag. Posstukke wat tot op die laaste oomblik teruggehou word kan vertraging veroorsaak.
10. Verstrek u volledige posadres aan u korrespondente asook u posbusnommer waar van toepassing.

Use it.
Don't abuse it.
water is for everybody

Werk mooi daarmee.
Ons leef daarvan

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