



Companies and Intellectual
Property Commission
a member of **the dtic** group

GUIDANCE NOTE

(Issued in terms of Regulation 4 of the Companies Act Regulations)

CM FORMS vs COR FORMS

It has come to the attention of the Commission that certain financial institutions, foreign embassies and others question the validity of CM forms (issued and applicable in terms of the previous Companies Act, 61 of 1973) when presented by companies incorporated prior to the implementation of the current Companies Act, 71 of 2008.

Schedule 5, Item 2 of the Companies Act (current) states as follows: -

“(1) As of the general effective date, every pre-existing company that was, immediately before that date-

- (a) incorporated or registered in terms of the Companies Act, 1973 (Act 61 of 1973); or*
- (b) recognised as an ‘existing company’ in terms of the Companies Act, 1973 (Act 61 of 1973), continues to exist as a company, as if it has been incorporated and registered in terms of this Act, with the same name and registration number previously assigned to it, subject to item 4.”*

Further to the above, the CM and CoR forms is a reflection of information submitted to the Commission (previously CIPRO) at a specific point in time in either physical or electronic format. Each form under the Companies Acts 1973 and 2008 has its own legal context, provisions and information requirements.

It is clear from the above that companies incorporated in terms of the Companies Act, 1973, with CM forms, remains valid and continue to exist as if it has been incorporated and registered in terms of the Companies Act, 2008. It follows that any issued CM form, applicable to pre-existing companies, must be accepted as valid and binding.

Where there is doubt, any person, organisation or institution may access the CIPC “Enterprise Search” functionality (available via the CIPC website) to ascertain whether an entity is validly registered with the Commission and active.

Adv. Rory Voller
Commissioner: CIPC
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The dtic Campus (Block F - Entfufukweni), 77 Meintjies Street, Sunnyside, Pretoria | P O Box 429, Pretoria, 0001

Call Centre: 086 100 2472

Email: LSteenkamp@cipc.co.za Website: www.cipc.co.za