

STEP BY STEP GUIDE: BENEFICIAL OWNERSHIP FILING (DISCARDING OF DRAFT FILING) V0.0



Step by Step Guide: Beneficial Ownership Filing (Discarding of Draft Filing)

Note:

- Consult the step-by-step guide for Customer Registration for assistance on registering on the new e-services platform.
- When using the new e-services platform, the only payment option is via credit or debit card. Payments will only occur when a customer transacts with CIPC. The deposit system has been phased out, and it is not available for company registration.
- No supporting documents need to be sent via email to CIPC. However, each customer
 must familiarize themselves with the CIPC Terms and Conditions, as they agree with them
 when they register on the new e-services platform.
- CIPC may at any time require any documents that each company must keep record of according to the Companies Act (Act 71 of 2008).

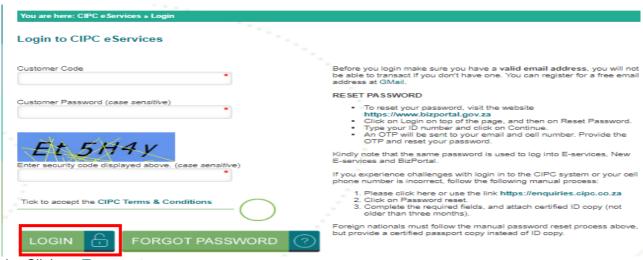
Purpose of Document:

The CIPC is to keep a register of beneficial ownership (BO) for companies and close corporations. The register to be kept is for the applicable companies and close corporations to submit any beneficial ownership information relating to that entity. Anyone with more than 5% beneficial ownership of a company or close corporation must submit (file) with the CIPC, the requisite information. This document is to guide filers and users on the steps for the deletion of DRAFT beneficial ownership details via the online automated process, and to provide legislative and practical guidelines (explanatory notes) on the purpose and process of filing.

<u>Important:</u> In order to file beneficial ownership information, the filer must be a registered customer of the CIPC, with a valid customer code and password.

Guide to Capture Beneficial Ownership Details:

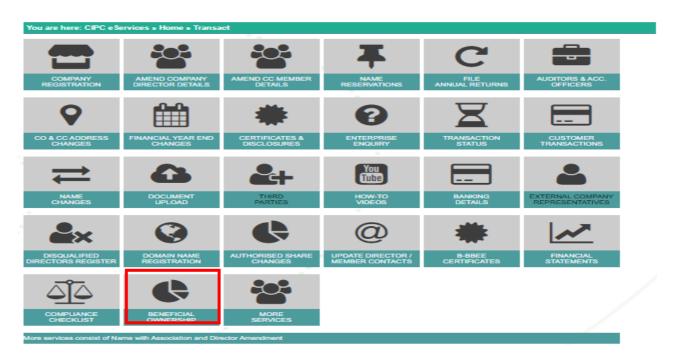
- 1. Visit the CIPC website www.cipc.co.za and click on Online transacting / New E-services or use the following direct link: https://eservices.cipc.co.za/
- 2. Complete your Customer Code, Password and Security Code.
- 3. Tick to accept the CIPC Terms & Conditions. Click on Login



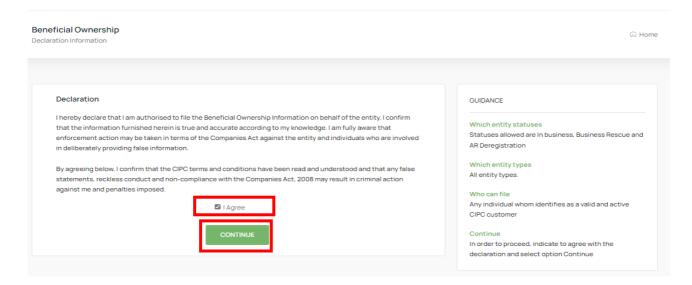
4. Click on Transact.



5. The below screen will reflect the services on the e-services portal. Select **Beneficial Ownership**.

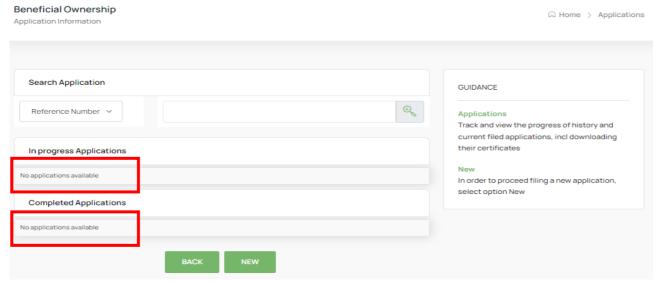


6. The below screen will reflect the Beneficial Ownership Declaration Information, click on the I Agree and click on Continue.

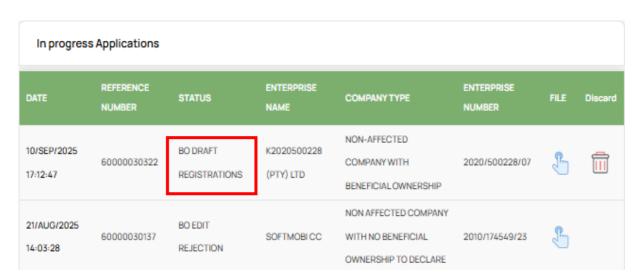


- 7. The below "GRIDS" will be displayed, either with NO information in or with filings done before.
 - a) In Progress Applications
 - i. In progress applications is where the filer has not completed the BO-filings done before/prior and just closed the application
 - b) Nullified / Rejected Applications
 - Nullified applications are where the filing does not comply with the required regulations / Act

- ii. Rejected applications is where Back office has rejected the application due to outstanding/incomplete or wrong information received
- c) Draft / Pending Applications
 - Draft applications are where the filer have started but not complete the filing process
 - ii. Pending applications is where the filer is waiting for the OTPs to finalise the filing process.
- d) Completed Applications
 - This will reflect all the filings that was completed by the declaring company or their mandated filer.
 - a) BO Complete Registrations
 - b) BO Amendment Registrations



- 8. If the Filer want to "discard" a beneficial ownership filing, the company in question will be under, In progress application.
 - a) Only beneficial ownership filings reflect as a **Draft** can be Discarded.



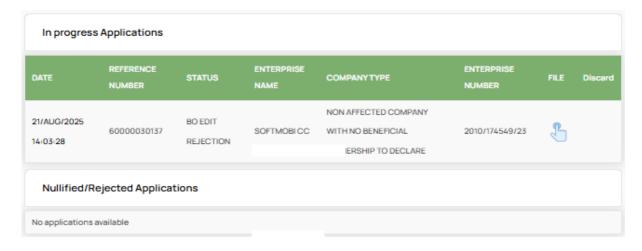
9. To cancel the incomplete beneficial ownership filing, click on the "trash can" under **DISCARD**.



When you have clicked on Discard, then the screen below will come up, click on OK to proceed.



11. When you have click on **OK** then the **DRAFT** beneficial ownership filing will no longer reflect under **in progress applications "GRID"**.



End of the "discarding" process, the Filer may proceed to file a New beneficial ownership filing.

EXPLANATORY NOTES & LEGISLATIVE GUIDELINE:

1. Mandate

Explanatory Note:

It is accepted that the filer responsible for filing beneficial ownership information of any applicable entity has been mandated in writing by the company or close corporation, to tend to same on behalf of the entity. This written and signed mandate, received by the filer, also forms part of the supporting documentation that must be uploaded to the Commission, upon filing of the BO-information. It is accepted that the filer has been provided with the full information required to tend to the BO-filing on behalf of the entity, and the agreement above relates to the filer confirming that he/she is attending to the instructions of the entity on whose behalf they are filing.

A. Content of mandate:

The written mandate provided by the declaring entity to an individual (filer) to submit beneficial ownership information to the CIPC, needs to comply with certain requirements in order to be accepted as a valid, lawful and binding document. Although there exists no specific template for the mandate itself, below serves as a guide with regards to minimum content: -

- a. The mandate may in the form of a <u>letter, a resolution or power of attorney</u>, providing a specific mandate by the declaring entity to an individual (natural person) to submit beneficial ownership information, together with mandatory supporting documents, to the CIPC. The mandate must be on a <u>company / close corporation letterhead</u> of the declaring entity.
- b. The mandate must be provided to a <u>natural person</u> (not a juristic person) who is in possession of a valid CIPC customer code, to be used when filing. The <u>full name, surname</u> <u>and ID number</u> of the mandated person (filer) must be indicated in the mandate, accompanied by a certified ID copy of the filer.
- c. Also, the mandate must be signed by at least 50% +1 of the directors of the company (ordinary resolution requirements), and all the members of the CC.

Legislative Guideline:

When transacting with the CIPC it is accepted that the CIPC Terms & Conditions, as well as Privacy Policy (available on the CIPC website homepage) have been thoroughly read and the content thereof accepted.

Section 214 of the Companies Act, provides for criminal prosecution of individuals as well as juristic persons in the event of reckless conduct, non-compliance with the Act, as well as providing false statements.

2. GRIDS: - BO Applications

Explanatory Note:

The system will display 4 (four) GRIDS.

- a. In Progress Applications
 - i. In progress applications are where the filer has not completed the BO-filings done before/prior and just closed the application
- b. Nullified / Rejected Applications

- Nullified applications are where the filing does not comply with the required regulations / Act
- ii. Rejected applications is where Back office has rejected the application due to outstanding/incomplete or wrong information received
- c. Draft / Pending Applications
 - Draft applications are where the filer have started but not complete the filing process
 - ii. Pending applications are where the filer is waiting for the OTPs to finalise the filing process.
- d. Completed Applications

Applications in progress do not constitute a valid filing of beneficial ownership information and require filings to be submitted (and confirmation received thereof), before it is accepted as complete.

3. Login

Explanatory Note:

Upon login, the system will provide the filer with a list of all entities associated with such customer code, for ease of reference. Any one of the listed entities may be selected to tend to file, OR the search option may be selected to search for a specific entity to file its BO-information.

Should a filer be mandated to submit BO-information on behalf of an entity, which is not associated with his/her customer code, simply make use of the "search" option mentioned above.