



## Media Release

### COVID-19: SAICA highlights important matters relating to the CIPC amid the COVID-19 pandemic

By Juanita Steenekamp, SAICA's Project Director: Governance and Non-IFRS Reporting

**Johannesburg, 30 March 2020** – The South African Institute of Chartered Accountants (SAICA) has been notified by the Companies and Intellectual Property Commission (CIPC) that all services related to companies, close corporation and co-operatives, including call centres and online query and service centres, will be closed from 16:00 on Tuesday, 24 March 2020, in order to bring forward the CIPC's year-end of 31 March 2020.

The CIPC states that as from 1 April 2020 certain limited services will be available on the E-Services and BizPortal, which includes annual returns submissions, the compliance checklist, registering a short standard private company without a name, company and close corporation year end changes, address changes, auditor, accounting office and company secretary changes.

In light of the COVID-19 pandemic and the declaration of a national state of disaster by President Cyril Ramaphosa on Monday, 16 March, the CIPC also extended the submission of annual returns due between 25 March and 15 April 2020, to 30 April 2020. The extension of the filing period also has the effect of deferring penalties, submission of the compliance checklist and submission of annual financial statements accordingly.

- For purposes of deregistration, the CIPC will not take any action to place companies and close corporations into deregistration for non-compliance with the Annual Return or finally deregister companies or close corporations that are currently in the deregistration process due to non-submission of Annual Returns.
- For the purposes of name reservations that fall within the 25 March to 15 April period, this will automatically be extended to 30 April
- For purposes of business rescue, a general extension for business rescue proceedings which commenced but did not complete as required by section 129 of the Companies Act until 30 April 2020.

Auditors, accountants and company secretaries need to take note of the requirements and ensure that, once the declaration of the national state of disaster has been lifted, annual returns, compliance checklists and submissions of audited annual financial statements need to be actioned and completed. This would include companies and close corporations with a year end of 30 September 2019 that would have submitted their annual financial statements by 30 March 2020. This would also include companies with an anniversary date of between 25 February to 15 March so as to submit their annual returns 30 days after the anniversary date.

The Commission has also decided that it will not invoke its powers under section 22 of the Companies Act, 2008, where a company is temporarily insolvent and the Commission believes the insolvency is due to business conditions which were caused by the COVID-19 pandemic. The notice shall lapse 60 days after the declaration of the state of national disaster has been lifted.

The Patents and Design, Copyright and Trade Marks Divisions will be closed to the public from 25 March 2020 until 30 April 2020. All responses to official communication, documents relating to extensions in respect of trademarks and legal proceedings are all extended and will now fall due on 1 May 2020.

SAICA will be providing more information as it becomes available.

#### **Important correspondence as at 26 March 2020:**

##### **CIPC Notices**

- [Notice to Customers: Company, Close Corporations and Co-operative services during government lock down of South Africa](#)
- [Downtime due to National lock down](#)
- [Practice Note 1 of 2020](#)
- [Patents & Designs, Copyright and Trade Marks Divisions National Lock Down](#)

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##### **About SAICA**

The South African Institute of Chartered Accountants (SAICA), South Africa's pre-eminent accountancy body, is widely recognised as one of the world's leading accounting institutes. The Institute provides a wide range of support services to more than 50 000 members and associates who are chartered accountants [CAs(SA)], as well as AGAs(SA) and ATs(SA), who hold positions as CEOs, MDs, board directors, business owners, chief financial officers, auditors and leaders in every sphere of commerce and industry, and who play a significant role in the nation's highly dynamic business sector and economic development.

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