

**COMPANIES TRIBUNAL**

**REPUBLIC OF SOUTH AFRICA**

**Case: CT032MAY2016**

**Ex parte Application**

**In re;**

**COMPUTERSHARE INVESTOR SERVICES (PTY) LTD**

**Applicant**

**Registration number; 2004/003647/07**

**Presiding Member of the Tribunal: Lucia Glass**

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**DECISION (Reasons and Order)**

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- 1) This is an ex parte Application for an order granting the Applicant extension of time to prepare its annual financial statements. The reasons being that the Applicant's annual financial statements for the year end 3<sup>rd</sup> June 2015 have been drafted but cannot be completed until such time that clarification has been finalized relating to the tax treatment of selected share option staff schemes within the applicant and the group.
- 2) The Applicant does not specify in terms of what Section of the Companies Act 71 of 2008 (the Act) it makes this Application to the Tribunal and specifically under what Section of the Act the Tribunal has jurisdiction to hear and grant this Application.

- 3) It is my understanding of the Act that it does not make allowance for the Tribunal to hear or grant such an Application sought by the Applicant.
- 4) Section 30 (1) of the Act states that a Company is to prepare its Annual Financial Statements each year, within six months after the end of its financial year, or such shorter period as may be appropriate to provide the required notice of an annual general meeting in terms of section 61 (7).
- 5) It is my understanding that the Act does not make provisions for the Applicant to apply to the Companies Tribunal for an extension of time, in the instance where the Company fails to prepare its Annual Financial Statements within six months after the end of its financial year end.
- 6) Furthermore that if the Tribunal is not empowered by a certain Section of the Act to adjudicate on a matter specifically mentioned in the Act, then the Tribunal does not have jurisdiction to hear or grant an order on such an Application such as this, made to the Tribunal.

It is my view that the Tribunal does not have jurisdiction to preside over the matter.

The Application is dismissed.

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LUCIA GLASS

(MEMBER OF COMPANIES TRIBUNAL OF SOUTH AFRICA)

29<sup>th</sup> June 2016.