

# Administration of Business Rescue: CIPC Perspective

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Companies and Intellectual  
Property Commission

a member of **the dti** group

# Statistics – Business Rescue Started

- In total 1911 proceedings started from inception of business rescue on 1 May 2011 to 30 September 2015 while a total of 838 matters ended.

Operational BR Proceeding Applications	2011 - 2012	2012 - 2013	2013 -2014	2014 -2015	2015-2016	total
<b>Business Rescue Proceedings Started</b>	<b>384</b>	<b>446</b>	<b>411</b>	<b>414</b>	<b>256</b>	<b>1911</b>
Invalid filings	59	23	21	40	6	149
<b>Business Rescue Proceedings Ended</b>	<b>289</b>	<b>244</b>	<b>194</b>	<b>103</b>	<b>8</b>	<b>838</b>
CoR125.2	65	81	60	36	3	245
CoR125.3	65	86	70	17	0	238
Liquidation	50	45	43	25	2	165
CO_Set Aside BR	3	8	2	2	0	15
Nullities (Proceedings started but was declared a nullity)	106	24	19	23	3	175
<b>Active as at 30 September 2015</b>	<b>95</b>	<b>202</b>	<b>217</b>	<b>311</b>	<b>248</b>	<b>1073</b>
<b>Active as at 30 June 2015</b>	<b>96</b>	<b>201</b>	<b>217</b>	<b>314</b>	<b>97</b>	<b>925</b>
<b>Active as at 31 March 2015</b>	<b>102</b>	<b>207</b>	<b>230</b>	<b>344</b>	<b>N/A</b>	<b>883</b>

# Statistics – Business Rescue per Entity Category

<b>BR proceedings started</b>	<b>Total</b>	<b>2011 - 2012</b>	<b>2012 - 2013</b>	<b>2013 - 2014</b>	<b>2014 - 2015</b>	<b>2015- 2016</b>
Public Companies	80	53	10	7	8	2
Private Companies	1186	242	283	259	263	139
Incorporated Companies	5	0	3	0	2	0
Non Profit Companies	2	0	0	1	0	1
Close Corporations	638	89	150	144	141	114
Unknown	0	0	0	0	0	0
<b>Total</b>	<b>1911</b>	<b>384</b>	<b>446</b>	<b>411</b>	<b>414</b>	<b>256</b>

# Statistics - Business Rescue Started per Province

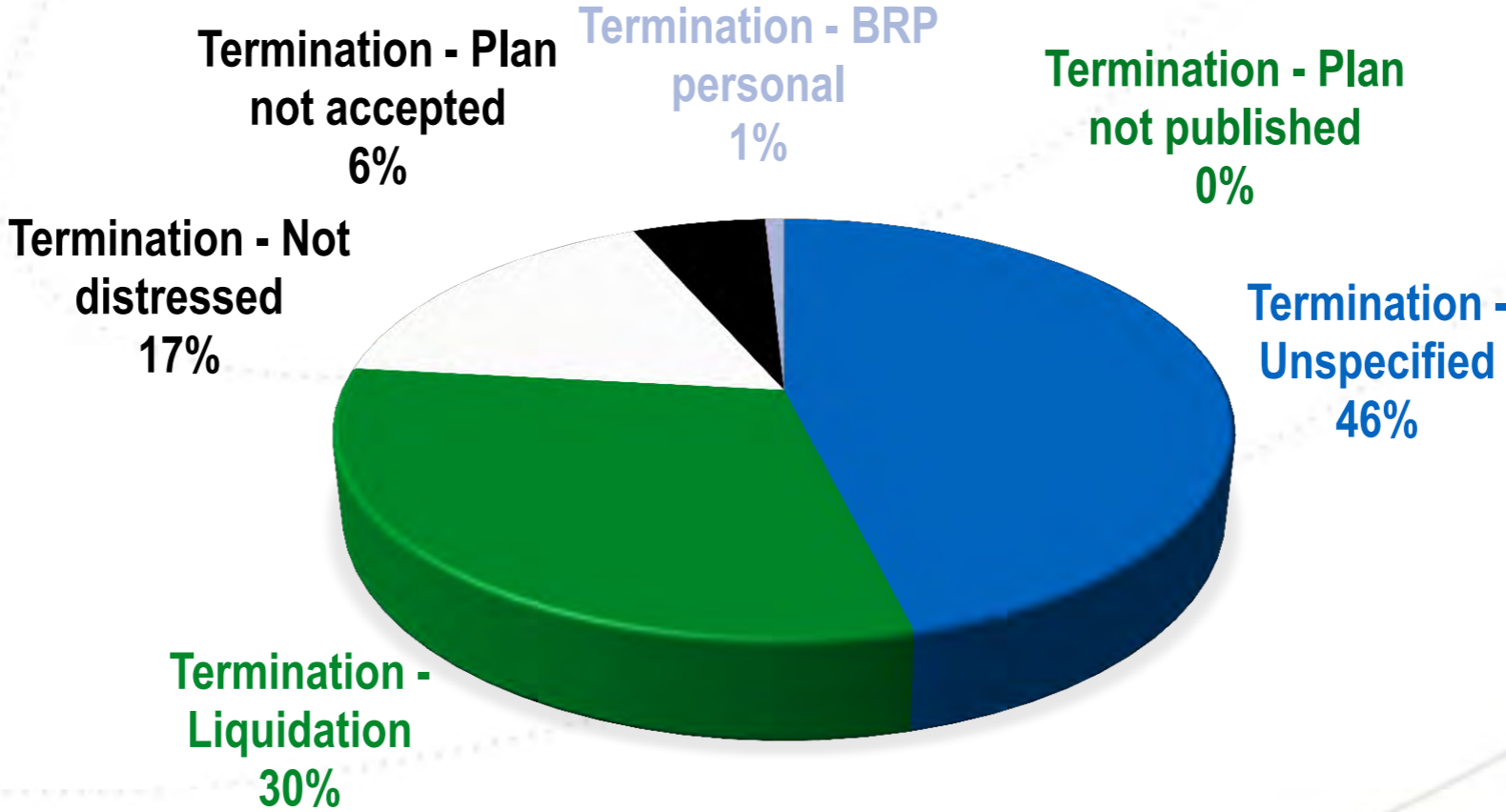
- Majority of proceedings in Gauteng then followed by Western Cape
- Province is not always confirmed with Notice to Start Business Rescue Proceedings

Province (start BR)	Total per Province	2011 - 2012	2012 - 2013	2013 - 2014	2014 - 2015	2015-2016
Gauteng	710	53	103	218	216	120
Free State	57	11	7	14	17	8
Northern Cape	9	1	2	0	3	3
Eastern Cape	72	3	11	23	17	18
Western Cape	248	44	33	50	69	52
North West	65	3	9	24	21	8
Limpopo	36	4	4	6	15	7
Mpumalanga	54	5	11	10	18	10
Kwa-Zulu Natal	118	1	6	53	34	24
Not Provided	542	259	260	13	4	6
<b>Total Per Financial Year</b>	<b>1911</b>	<b>384</b>	<b>446</b>	<b>411</b>	<b>414</b>	<b>256</b>

# Statistics - Termination

- Reason for termination is not always clearly stated
- Content of CoR125.2 limited
- Not all “*Termination – Liquidations*” results in liquidation court order

**BREAKDOWN OF TERMINATIONS (COR125.2) FILED AS AT 30 SEPTEMBER 2015 (EXPRESSED AS %)**



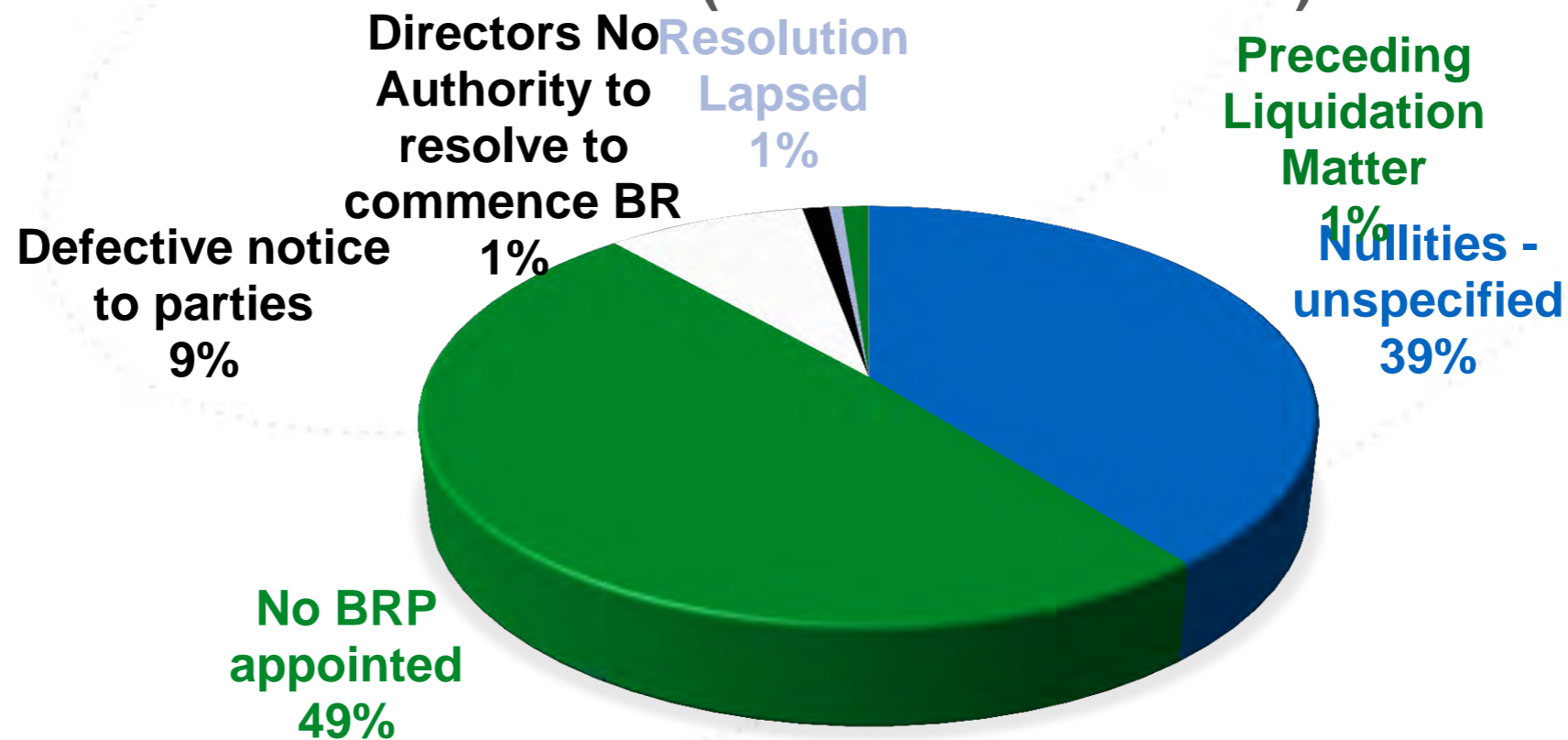
# Statistics – Substantial Implementation

- 238 proceedings was substantially implemented
- Age analysis on substantial implementations:
  - Average duration from commencement to filing substantial implementation – 17 months
  - 11% within 2 months
  - 5% in month 3
  - 8% in month 4
  - 5% in month 5
  - 80% in month 6 or longer

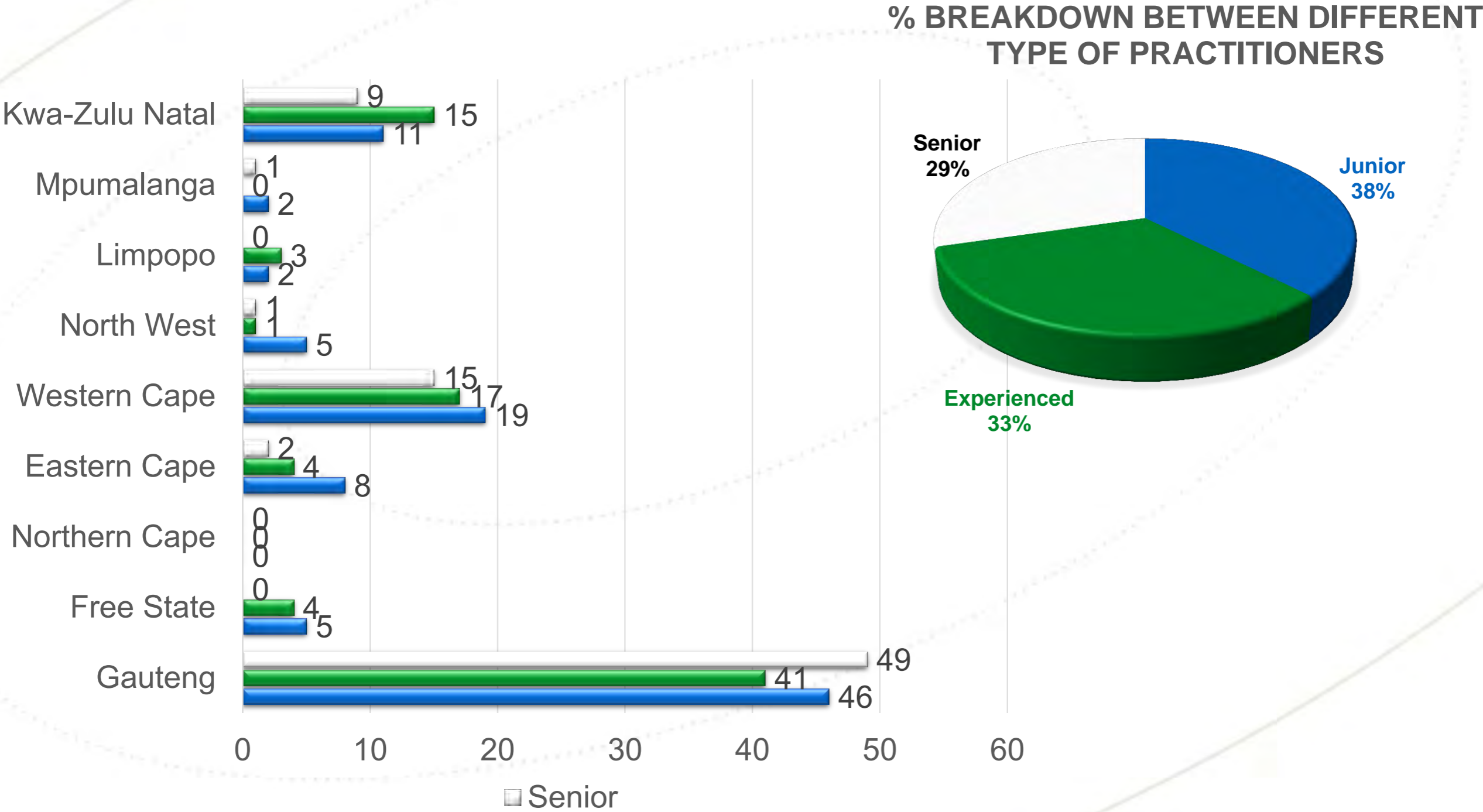
# Statistics – Nullities

- From 1911 commenced proceedings, 175 declared a nullity
- Thus 9.2% of all commenced proceedings ended in a nullity

## BREAKDOWN OF NULLITIES FILED AS AT 30 SEPTEMBER 2015 (EXPRESSED AS A %)



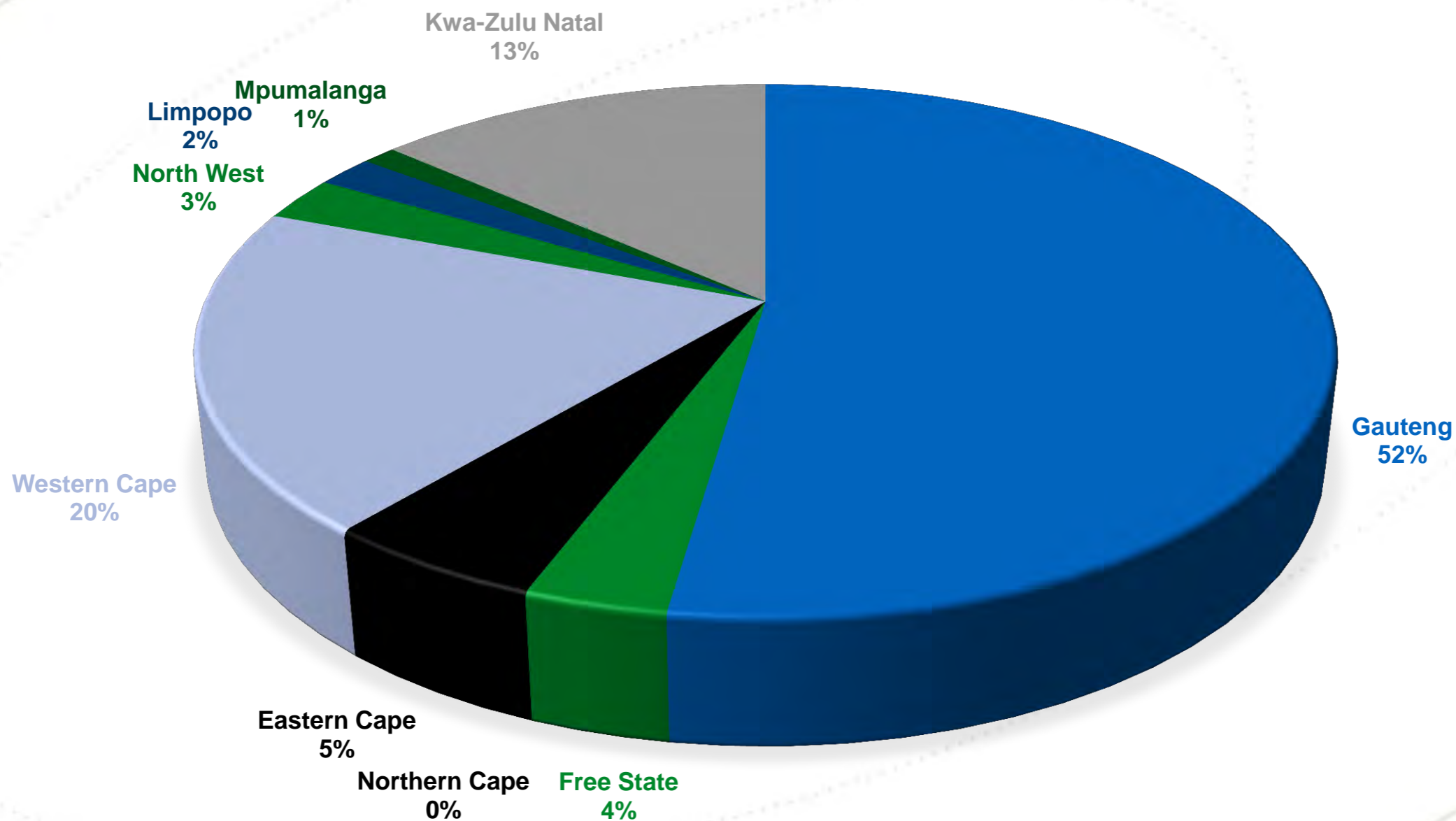
# Statistics – Category of Practitioners per Province





# Statistics – Practitioners per Province

**% TOTAL BRP PER PROVINCE AS FROM 2011 - 2015**



# Statistics – Practitioners per Profession

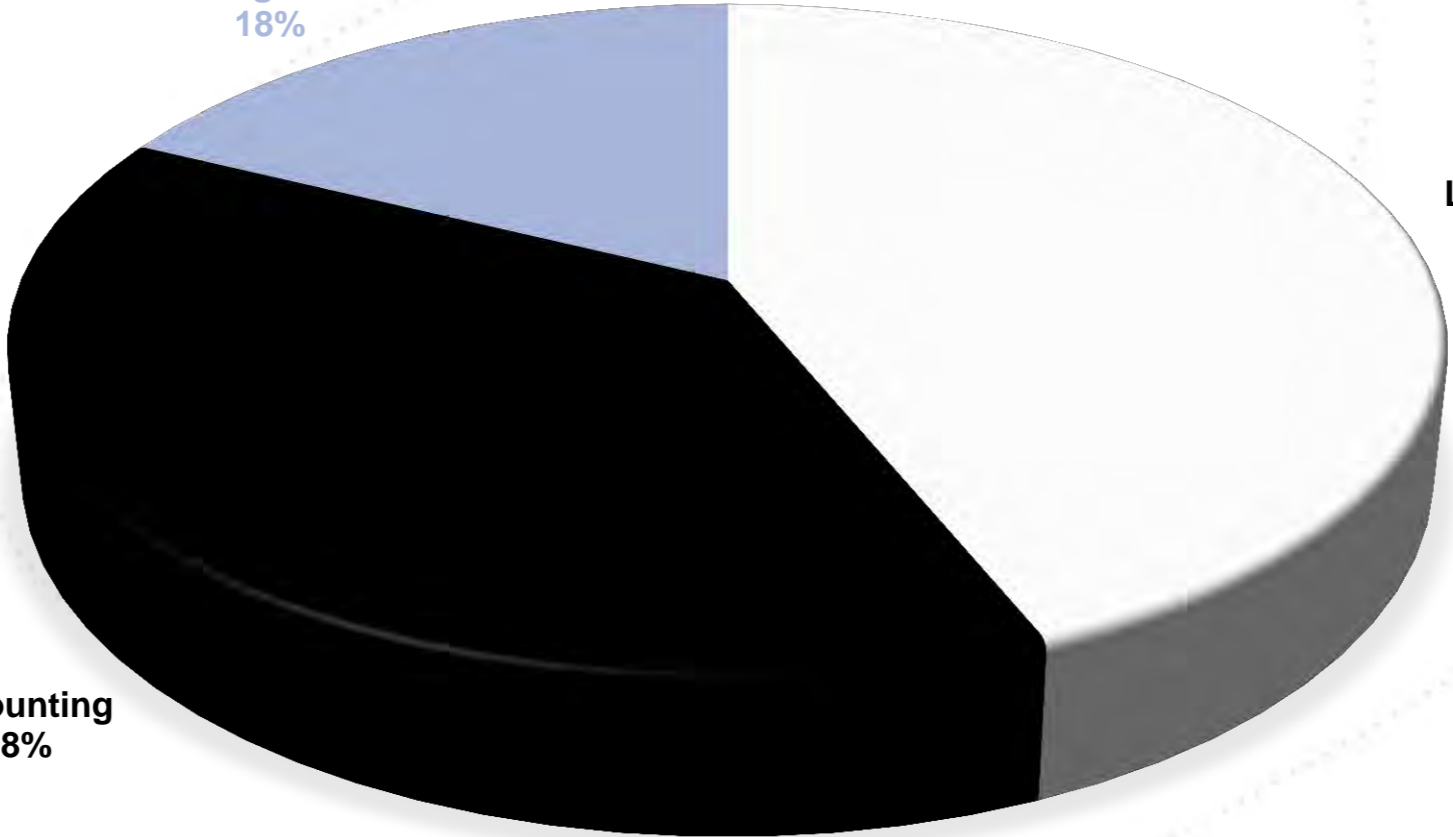
## % PROFESSIONS SINCE 2011 - 2015

Professions (2011 - 2015)  
0%

Business Management  
18%

Legal  
44%

Accounting  
38%



# Questions

Adv Rory Voller

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CIPC

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