



Companies and Intellectual  
Property Commission

a member of the dti group

**21 September 2017**

The Chairperson of Standing Committee of Finance  
Parliament of South Africa

Per e-mail: [awicomb@parliament.gov.za](mailto:awicomb@parliament.gov.za)

Dear Chairperson

**APPOINTMENT OF MS MYENI AS SAA BOARD CHAIRPERSON**

The Companies and Intellectual Property Commission ("Commission") received a request from the Shadow Deputy Minister of Finance, Mr RA Lees MP for a copy of the letter the Commission forwarded to the Minister of Finance, attached as **Annexure A**, in respect of the appointment of Ms Myeni as the Chairperson of the South African Airways as from 1 September 2017. Please see attached as **Annexure B** Mr Lees' letter.

Mr Lees suggested I forwarded the letter to you and provided the Committee Secretary's email address for this purpose.

Yours faithfully

**Adv Rory Voller  
Commissioner**

CC: Mr RA Lees MP, Shadow Deputy Minister of Finance  
Per email: [alf@leeskzn.co.za](mailto:alf@leeskzn.co.za)



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Mr Malusi Gigaba, MP  
Minister of Finance

Per Email: [minreg@treasury.gov.za](mailto:minreg@treasury.gov.za)

Dear Minister

**COMPLIANCE WITH COMPANIES ACT NO. 71 OF 2008 (AS AMENDED) - SOUTH AFRICAN AIRWAYS SOC LTD (1997/022444/30)**

1. Section 187 (2) (b) of the Companies Act No. 71 of 2008 ("Act") empowers the Companies and Intellectual Property Commission ("CIPC") to monitor proper compliance with this Act. It is the CIPC's understanding that Ms DC Myeni's term of office as a director and the Chairperson of South African Airways SOC Ltd ("SAA") has been extended.
2. This is a courtesy letter to inform you of the following:
  - 2.1 Clause 13.4.1 of SAA's Memorandum of Incorporation ("MOI"), states that a non-executive director shall hold office for a term of three (3) years and shall not hold office for more than three (3) consecutive terms. It is the CIPC's understanding that Ms Myeni has served her three consecutive terms.
  - 2.2 Section 70 (1) of the Act states that a person ceases to be a director when the person's term of office as a director expires and in terms of Section 70 (6) of the Act, every company must file a notice with the CIPC within 10 business days after a person ceases to be a director of the company. To date the CIPC has not received this notification.
  - 2.3 Therefore in terms of the law, Ms Myeni's term of office has expired and the CIPC wishes to advise that SAA must file the said notice with the CIPC. Ms Myeni's continued occupation of the position of director and Chairperson of the Board of SAA is deemed to be illegal.



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3. Should you require any additional information kindly refer all queries to Ms. Lana Van Zyl, Senior Manager: Governance Surveillance and Enforcement. Her contact details are:  
Telephone number: (012) 394 1511  
Cell: 0827737625  
E-mail: [L.vanzyl@cipc.co.za](mailto:L.vanzyl@cipc.co.za)

Yours faithfully

2017/9/14

ANDRE KRITZINGER  
ACTING COMMISSIONER

.....14 September 2017

Cc: THE BOARD OF DIRECTORS  
SOUTH AFRICAN AIRWAYS SOC LTD (1997/022444/30)  
C/O COMPANY SECRETARY

Annexure "B"



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

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16<sup>th</sup> September 2017

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Dear Adv Voller

**APPOINTMENT OF MS MYENI AS SAA BOARD CHAIR**

I have read in the media a report that indicates that you or the CIPC have written to the Minister of Finance to point out that his appointment of Ms Myeni as the chair of the South African Airways board of directors for an additional term from the 1<sup>st</sup> of September 2017 was irregular.

The Standing Committee of Finance (SCOF) as well as South Africans in general have been seized with the matter of Ms Myeni's appointment for some some time and despite numerous requests for intervention there has not be a resolution of the matter.

I therefore write to you to request that you provide me, or if you consider more appropriate the SCOF (email of committee secretary is [awicomb@parliament.gov.za](mailto:awicomb@parliament.gov.za)), with a copy of the letter that you are reported to have sent to the Finance Minister.

I look forward to receiving a copy of your letter or your notification that the copy has been submitted to the SCOF.

Yours faithfully

RA Lees MP

**RA Lees MP**  
**Shadow Deputy Minister of Finance**

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