

(COOPERATIVE BILL)**Amendments to Document F2 – as discussed at Committee meeting on
2012.10.17****1. Minority protection**

(Taken from the Companies Act – section 163)

“Relief from oppressive or prejudicial conduct

163. (1) A member or a director of a co-operative may apply to a court or to the Tribunal for relief if:

(a) any act or omission of the co-operative is or has had a result that is oppressive or unfairly prejudicial to, or that unfairly disregards the interests of, the applicant;

(b) the business of the co-operative is being or has been carried on or conducted in a manner that is oppressive or unfairly prejudicial to, or that unfairly disregards the interests of, the applicant; or

(c) the powers of a director of the co-operative are being or have been exercised in a manner that is oppressive or unfairly prejudicial to, or that unfairly disregards the interests of, the applicant.

(2) Upon considering an application in terms of subsection (1), the court or Tribunal may make any interim or final order it considers fit.

2. Establishment of the National Apex Co-operative**Amendment of section 6 of Act 14 of 2005**

6. Section 6 of the principal Act is hereby amended—

(b) by the addition in subsection (1) of the following paragraph:

“(d) a minimum of –

(i) three operational national sectoral tertiary co-operatives that represents co-operatives on a national level; and

(ii) a minimum of five operational multi-sectoral provincial or district or local tertiary co-operatives that represents co-operatives on a provincial, district or local level.