

## SECTIONS OF THE COMPANIES ACT NO. 71 (2008) (AS AMENDED)

### 29. Financial statements.

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(1) If a company provides any financial statements, including any annual financial statements, to any person for any reason, those statements must-

- (a) satisfy the financial reporting standards as to form and content, if any such standards are prescribed;
- (b) present fairly the state of affairs and business of the company, and explain the transactions and financial position of the business of the company;
- (c) show the company's assets, liabilities and equity, as well as its income and expenses, and any other prescribed information;
- (d) set out the date on which the statements were published, and the accounting period to which the statements apply; and
  - [\[Para. \(d\) substituted by s. 19 \(a\) of Act No. 3 of 2011.\]](#)
- (e) bear, on the first page of the statements, a prominent notice indicating-
  - (i) whether the statements-
    - (aa) have been audited in compliance with any applicable requirements of this Act; (bb) if not audited, have been independently reviewed in compliance with any applicable requirements of this Act; or
    - (cc) have not been audited or independently reviewed; and
  - (ii) the name, and professional designation, if any, of the individual who prepared, or supervised the preparation of, those statements.

(2) Any financial statements prepared by a company, including any annual financial statements of a company as contemplated in [section 30](#), must not be-

- (a) false or misleading in any material respect; or
- (b) incomplete in any material particular, subject only to [subsection \(3\)](#).

(3) A company may provide any person with a summary of any particular financial statements, but-

- (a) any such summary must comply with any prescribed requirements; and
- (b) the first page of the summary must bear a prominent notice-
  - (i) stating that it is a summary of particular financial statements

prepared by the company, and setting out the date of those statements;

(ii) stating whether the financial statements that it summarises have been audited, independently reviewed, or are unaudited, as \_\_\_\_\_ contemplated in [subsection \(1\) \(e\)](#);

(iii) stating the name, and professional designation, if any, of the individual who prepared, or supervised the preparation of, the financial statements that it summarises; and

(iv) setting out the steps required to obtain a copy of the financial statements that it summarises.

(4) Subject to [subsection \(5\)](#), the Minister, after consulting the Council, may make regulations prescribing-

(a) financial reporting standards contemplated in this Part; or

(b) form and content requirements for summaries contemplated in [subsection \(3\)](#).

(5) Any regulations contemplated in [subsection \(4\)](#)-

(a) must promote sound and consistent accounting practices;

(b) in the case of financial reporting standards for public companies, must be in accordance with the International Financial Reporting Standards of the International Accounting Standards Board or its successor body; and  
- [\[Para. \(b\) substituted by s. 19 \(b\) of Act No. 3 of 2011.\]](#)

(c) may establish different standards applicable to-

(i) profit and non-profit companies; and

(ii) different categories of profit companies.

(6) Subject to [section 214 \(2\)](#), a person is guilty of an offence if the person is a party to the preparation, approval, dissemination or publication of-

(a) any financial statements, including any annual financial statements contemplated in [section 30](#), knowing that those statements-

(i) fail in a material way to comply with the requirements of [subsection \(1\)](#);

or [\[Sub-para. \(i\) substituted by s. 19 \(c\) of Act No. 3 of 2011.\]](#)

(ii) are materially false or misleading, as contemplated in [subsection \(2\)](#); or

(b) a summary of any financial statements, knowing that-

(i) the statements that it summarises do not comply with the requirements of [subsection \(1\)](#), or are materially false or misleading, as contemplated in [subsection \(2\)](#); or

(ii) the summary does not comply with the requirements of [subsection \(3\)](#), or is materially false or misleading.

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