

23.4 CORPORATE AND BUSINESS REGISTRATION DEPARTMENT

- 23.4.1 Falling under the *aegis* of the Ministry of Finance, Economic Planning and Development, the Corporate and Business Registration Department (CBRD) has, among others, the functions of the incorporation, registration and striking-off of companies; the registration of documents that must be filled under the Companies Act 2001; the provision of company information to the public; the enforcement of compliance with the legal requirements; registration of businesses; the insolvency service; and registration of Limited Partnerships and Foundations. It administers the Companies Act 2001, the Business Registration Act 2002, the Insolvency Act 2009, the Limited Partnerships Act 2011 and the Foundations Act 2012.
- 23.4.2 The department envisions to remain an innovative, ethical and successful organisation by offering quality services to the corporate and business sectors locally and internationally. As such, working arrangements have been reviewed over the years in a bid to provide better services.
- 23.4.3 The Registrar of Companies who is at the apex of the organisation, is assisted by officers in the grades of Deputy Registrar of Companies, Assistant Registrar of Companies; officers of the Compliance and Official Receiver Cadres as well as those of the Technical Cadre and General Services grades.
- 23.4.4 For this review exercise, the main requests of the staff side pertained to, among others, the creation of additional levels in the Compliance Officer Cadre and a grade of Assistant Online Systems Coordinator; Compliance Officers and Principal Compliance Officers to be eligible to either Uniform or Clothing Allowance; payment of an appropriate allowance to Compliance Officers for performing duties related to online systems; and the Chief Compliance Officer to be sponsored to follow specific courses. They additionally requested for Rodriguan candidates to be eligible for appointment to the grade of Compliance Officer.
- 23.4.5 Management, on the other hand, made submissions for a change in the mode of appointment to the grade of Compliance Officer and Deputy Official Receiver; creation of the grade of Online Systems Coordinator and payment of a black jacket allowance to the Official Receiver given incumbent has to attend Court on a regular basis.
- 23.4.6 During consultations, stakeholders were provided relevant information on each of their requests and were advised to have certain proposals to be addressed internally.
- 23.4.7 Following the meeting held at the Bureau, Management submitted proposed schemes of service for the Compliance Officer Cadre which were studied and found to be inconsistent, the *moreso* no consensus was reached by the relevant parties. In addition, we were unable to carry out a fresh job evaluation of the grades given that the Job Description Questionnaires of sampled officers were not submitted. Though we are not in a position at this stage to consider reviewing the existing structure of this Compliance Officer Cadre, this does not preclude the CBRD to consult all

stakeholders and submit proposed schemes of service anew, through established procedures, for consideration by the Bureau on an *ad hoc* basis when the need arises.

23.4.8 As regards the request of Management for the creation of the grade of Online Systems Coordinator, whilst examining the proposed scheme of service, we noted that the duties listed are more related to IT than compliance, hence necessitating certain competency and knowledge in IT from the potential candidates. Moreover, in view of the organisation structure and functions of the CBRD, we hold that creation of a stand-alone grade is not warranted.

23.4.9 In the given circumstances, the Bureau considers that it would be more appropriate for the Management of the CBRD to either liaise with the Ministry of Information Technology, Communication and Innovation to make arrangements for the secondment of an officer in the field of IT on its establishment or allocate the duties of the proposed position of Online Systems Coordinator to senior officers of the Compliance Officer Cadre who are conversant with the online system of the CBRD, against the payment of an appropriate allowance.

Deputy Official Receiver

23.4.10 As per the present scheme of service, the grade of Deputy Official Receiver is filled by selection from among officers in the grade of Chief Compliance Officer who reckon at least three years' service in a substantive capacity in the grade and who possess a Diploma in Law or Legal Studies or Finance or Accountancy or Commerce and also from candidates possessing a Degree in Law or Legal Studies or Finance or Accountancy or Commerce; having a thorough knowledge of the provisions of the Insolvency Act; and reckoning at least three years' experience in insolvency matters.

23.4.11 Management has proposed that the mode of appointment to the grade be reviewed so as to provide another avenue of promotion to officers in the grade of Assistant Registrar of Companies. After thoroughly examining the proposed scheme of service as submitted by Management and through the MPSAIR, we noted some technical inconsistencies and as such, the request is not tenable.

Official Receiver

23.4.12 At present, appointment to the grade of Official Receiver is made by promotion, on the basis of merit and experience, of an officer in the grade of Deputy Official Receiver reckoning at least two years' service in a substantive capacity in the grade and who reckons at least five years' practical experience in insolvency and liquidation matters.

23.4.13 After examining the qualifications requirement, duties and level of responsibility of the grade, we consider that the level of the Official Receiver warrants the possession of a Degree in Law or an equivalent qualification and thorough knowledge of legislations with respect to the Companies Act, Bankruptcy Act and Insolvency Act, to enable the department to better attain its set objectives.

Recommendation 28

23.4.14 We recommend that, in future, the grade of Official Receiver should be filled by promotion, on the basis of experience and merit, of officers in the grade of Deputy Official Receiver possessing a Degree in Law or an equivalent qualification and having thorough knowledge of the laws governing the Companies Act, Bankruptcy Act and Insolvency Act and reckoning at least five years' practical experience in insolvency and liquidation matters.

23.4.15 We further recommend that prior to implementing the above recommendation, Management should sponsor officers in the grade of Deputy Official Receiver in post as at eve of the publication of this Report who do not possess the Degree qualification in the required field, to follow a top-up course leading to the obtention of a Degree in the relevant field. This element has been taken into consideration in arriving at the recommended salary scale of the grade.

**Document Processing Officer
formerly Photocopyist**

23.4.16 As regards the grade of Photocopyist, representations from staff side were geared, among others, towards creation of a senior level; provision of training in information technology and occupational safety and health to incumbents; restyling of the grade; amendment of its scheme of service; and upgrading of salary.

23.4.17 During consultation, union members were apprised of the general policy regarding amendment of scheme of service and upgrading of salary. On the issue of training, Management averred that needful has been done at their level in the training plan. The request for restyling of the grade of Photocopyist was supported by Management on account of a significant reduction in photocopying which no longer reflects the appellation of the job.

23.4.18 After examining the newly filled-in Job Description Questionnaires, it was observed that there has been an evolution in the nature and complexity of the duties of the grade. Additionally, as the element of supervision is being exercised by an Office Management Executive, the Bureau considers that creation of a senior level is not warranted. We are, however, compensating incumbents in terms of career earnings on the basis that, in future, no supervisory position would be required. We are also restyling the grade to a more appropriate appellation and **Management is advised to amend the scheme of service accordingly to reflect the actual requirements of the job.**

Recommendation 29

23.4.19 We recommend that the grade of Photocopyist be restyled Document Processing Officer.

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SALARY SCHEDULE

Salary Code	Salary Scale and Grade
18 000 111	Rs 122625 Registrar of Companies
18 091 102	Rs 68000 x 1800 - 69800 x 2000 - 75800 x 2150 - 82250 x 3000 - 88250 x 3125 - 94500 Deputy Registrar of Companies
01 062 092	Rs 30700 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 54200 x 1700 - 64400 x 1800 - 69800 Manager, XBRL
18 072 090	Rs 39350 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 54200 x 1700 - 64400 x 1800 - 66200 Assistant Registrar of Companies
18 068 085	Rs 35650 x 900 - 37450 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 54200 x 1700 - 57600 Chief Compliance Officer
18 062 081	Rs 30700 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 50900 Principal Compliance Officer
18 036 071	Rs 18375 x 275 - 18925 x 300 - 19525 x 325 - 21475 x 375 - 22225 x 400 - 23425 x 525 - 26050 x 675 - 27400 x 825 - 35650 x 900 - 37450 x 950 - 38400 Compliance Officer
12 073 092	Rs 40300 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 54200 x 1700 - 64400 x 1800 - 69800 Official Receiver

Salary Code	Salary Scale and Grade
12 061 088	Rs 29875 x 825 - 35650 x 900 - 37450 x 950 - 42200 x 1300 - 46100 x 1575 - 49250 x 1650 - 54200 x 1700 - 62700 Deputy Official Receiver
08 025 064	Rs 15485 x 260 - 17825 x 275 - 18925 x 300 - 19525 x 325 - 21475 x 375 - 22225 x 400 - 23425 x 525 - 26050 x 675 - 27400 x 825 - 32350 Document Processing Officer <i>formerly Photocopyist</i>
24 025 058	Rs 15485 x 260 - 17825 x 275 - 18925 x 300 - 19525 x 325 - 21475 x 375 - 22225 x 400 - 23425 x 525 - 26050 x 675 - 27400 Driver

