

RHODES UNIVERSITY



COMMERCIAL LAW 101

GENERAL INFORMATION SHEET

2024



IMPORTANT NOTE

1. LEARNING OBJECTIVES

1.1 Critical Outcomes

The Commercial Law 1 course is designed so that the students should be able to achieve the following outcomes:

- to *communicate* legal issues verbally and in writing accurately;
- to *communicate* effectively in class debate and class assignments;
- to *identify, analyse, extract* and *apply* legal principles to a simple set of facts;
- to *classify* factual situations according to the various branches of the law studied;
- to *identify* and *solve* basic practical legal problems;
- to *organise* and *manage* themselves and their workload;
- to *distinguish* the nature of rights and duties and provide an elementary explanation to a layperson;
- to *cope* with a more detailed study of commercial law; and
- to *use* technology in legal research.

2. CONTENT OF COURSE

Commercial Law 1 consists of two one-credit courses, COL 101 and COL 102.

Commercial Law 101 will cover the following areas of the law:

- Introduction to the nature of law;
- General principles of contract
- The administration of estates;
- The law of insolvency.

Commercial law 102 will cover the following areas of law:

- Introduction to business entities;
- Company law;
- Corporate governance;

Commercial Law 101:

- **Introduction to the nature of law (week 1 - 3)**
approx. 12 lectures – Dr Luyando Katiyatiya

- **General principles of contract, including special contracts (week 4-10)**
approx. 25 lectures – Mr Phumelele Jabavu
- **The administration of estates and the law of insolvency (week 11-13)**
approx. 12 lectures – Mr Hugh Harnett

Commercial Law 102:

- **Introduction to business entities; Company law; corporate governance; black economic empowerment.**

SPECIFIC OUTCOMES

- **Introduction to Law**

Specific outcomes	Assessment criteria
To understand the basic principles of the South African legal system	Understand the concept of law, legal subjects and rights; Understand the general sources of law and our legal system; Know and understand the basic court structures and apply basic principles of jurisdiction; Know the different officers of the court; Understand the basic principles of litigation, arbitration and mediation; Apply relevant principles and examples to short problem questions.
Assessment tasks: <ul style="list-style-type: none"> ● In-class revision questions (formative assessment) ● Tutorial exercises (formative assessment) ● Short assignment (summative assessment) ● Theory questions in the test and exam (summative assessment) 	

- **Law of contract including special contracts**

Specific outcomes	Assessment criteria
To understand the basic principles of a valid contract	Define and explain the essential elements of a contract Apply relevant principles and examples to problem questions; Know, understand and apply the required formalities of a contract; Define and explain the capacity to contract; Define and explain the possibility of performance; Define and explain the concept of certainty, legality and consensus.

	Be able to explain and identify a restraint of trade clause.
To understand and explain the legal obligations that are imposed upon parties to a contract, and the consequences that flow if these duties are breached.	Define and explain the various legal duties of parties to a contract. Identify and explain different breaches of contract; Identify and explain different remedies for a breach of contract
Apply the knowledge acquired during the course to solve practical problems with regard to specific contracts.	Identify and discuss the relevant legal problem or issue. Apply the applicable law to the legal problem or issue. Conclude with reference to remedies available, if appropriate.
To understand the basic principles of an agency agreement	Define and explain the essential elements of an agency agreement Apply relevant principles and examples to problem questions;
Assessment tasks: <ul style="list-style-type: none"> ● Class and tutorial exercises (formative assessment) ● Theory questions in the test and exam (summative assessment) ● Assignment 2 (summative assessment) ● Problem and application questions in the test and exam (summative assessment) 	

● **The administration of deceased estates and the law of insolvency**

Specific outcome	Assessment criteria
To understand the basic principles of the law of insolvency	<ul style="list-style-type: none"> ● Define and explain the essential concepts relating to insolvency;
To understand the basic principles of the administration of diseased estates.	<ul style="list-style-type: none"> ● Define and explain the essential concepts relating to the administration of estates;
Assessment tasks: <ul style="list-style-type: none"> ● Class and tutorial exercises (formative assessment) ● Theory and application questions in the test and exam (summative assessment) 	

3. CONTACT DETAILS

- | | |
|--------------------------------|--|
| ● Dr Luyando Katiyatiya | luyando.katiyatiya@ru.ac.za |
| ● Mr Phumelele Jabavu | p.jabavu@ru.ac.za |
| ● Mr Hugh Harnett | h.harnett@ru.ac.za |

4. LECTURE TIMES AND VENUES

Please note that the following lecture slots have been allocated to Commercial Law 1 in the timetable and that tutorials in other subjects should not be scheduled for these times.

MONDAY	12:20 -13:05 Barratt 2	(6)
TUESDAY	12:20 -13:05 Barratt 2	(6)
WEDNESDAY	12:20 -13:05 Barratt 2	(6)
FRIDAY	12:20 -13:05 Barratt 2	(6)

5. THE TUTORIAL SYSTEM

During the first two weeks of term, students will be allocated to a tutorial group (please check your timetable and notices on RUconnected). The Graduate Assistant (GA) will deal with all the tutorial administration.

Please make very sure that your tutorials do not clash with any academic commitments you have. Please check the RUconnected course page for Commercial Law 1 to see your tutorial group allocation, venue and tutor. You may NOT CHANGE YOUR TUTORIAL GROUP without the express permission of the Graduate Assistants who will do the tutorial group allocation, and this will only be done in exceptional circumstances on written application. **Tutorial attendance is a DP requirement for the course, and students who do not attend tutorials may face losing their DP for the course.**

Any queries as to tutorial groups must be addressed by e-mail to the Graduate Assistant:

Sphamandla Moyo
g21m8673@campus.ru.ac.za

Tutors:	Email:
Simphiwe Sabelo	simphiwesabelo727@gmail.com
Sithembile Gayeni	g20g1407@campus.ru.ac.za
Ayabonga Ndzuse	ndzusea@gmail.com

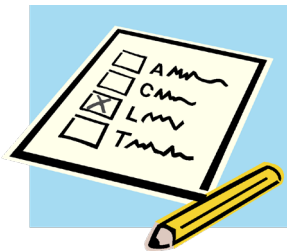
Kgaogelo Rasehote	g21r7890@campus.ru.ac.za
Yandisa Ntunja	g19n4795@campus.ru.ac.za

6. COURSE MARK



The course mark for Commercial Law is 40%. The two short assignments and the two tests will each count 10% towards the total course mark of 40%. The examination for Commercial Law 101 will therefore be worth 60% of the final mark. Please note that both the tests as well as the exam are sit-down.

7. Assignments and exercises



A variety of formative (not for marks) and summative (for marks) assessments (like assignments, quizzes, exercises and other tasks) will be conducted. Information will be communicated to students. Just because an assignment might be submitted online, students must still take note of the due dates. The **due dates** thereof will still be **STRICTLY ENFORCED**. You must apply for an LOA (Leave of Absence) if you submit your assignment or task late. If an LOA is granted for an assignment, students are still required to submit the assignment within one week after the period for which the LOA has been granted. Failure to do so will result in a student being awarded a mark of zero for the assignment.

Assignments are due on the date and at the time stipulated by the lecturer for the course. Late assignments shall be subject to a penalty of 20% per day, or part of a day. For example: an assignment is due at 8am on 16 February 2024.

- Student A submits his/her assignment at 8.30am on that date. S/he would have received 75% for the assignment had s/he submitted on time, but because it was submitted after 8am on the due date, but less than 24 hours after the due date, student A will instead receive 55% for the assignment on his/her course record.

- Student B submits his/her assignment for the same course at 4pm on 17 February 2024 and would have received 57% for the assignment if it had been submitted on time. In these circumstances, s/he will receive 17% for the assignment on his/her course record.

Please note: these penalties will be strictly enforced. Assignments that arrive only a few minutes after the time at which they are due are liable to receive the 20% penalty. It is therefore in your interests to manage your time effectively and not to leave your printing until the last minute.

Only an LOA which is valid for the due date of the assignment will negate the penalty for late submission. Where a student has a valid LOA for the due date of the assignment, that student's assignment shall be due 24 hours following the expiration of the LOA. Late submission after this date shall be subject to the 20% per day penalty as outlined above.

There will be **4 summative (for marks)** tasks for semester 1 for Col 101, two short assignments, and two tests. These tasks are **FOR MARKS** and will each count 10% towards the total course mark of 40%. The 2 assignments will be marked by your tutor. The two tests will be marked by the lecturer. The assignment dates are as follows:

Assignment/task 1 Friday 1st March (Intro to Law – Dr Katiyatiya)
Due @ 17:00

Assignment/task 2 Friday 22 March (Contract – Mr Jabavu)
Due @ 17:00

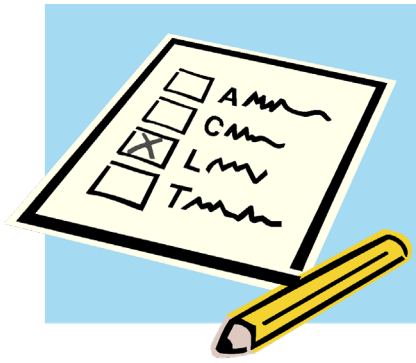
ONLINE EXERCISES

You will do **five online exercises/quizzes** (not for marks) to practice and revise your work. These will be drafted by your lecturer and will be discussed either in class by your lecturer or by your tutor in your tutorial.

The dates for the quizzes are indicated on the calendar and are as follows:

- Exercise/Quiz 1 Wednesday 22 February Intro to Law
- Exercise/Quiz 2 Wednesday 8 March Intro to Law
- Exercise/Quiz 3 Wednesday 12 April Contract
- Exercise/Quiz 4 Wednesday 26 April Contract
- Exercise/Quiz 5 Wednesday 17 May Insolvency/Admin of Est

8. TESTS



Two tests will be written each semester. These will take a combination of multiple-choice and shorter/problem questions or such format decided on by the lecturer concerned and discussed in class. Writing of tests is compulsory unless a leave of absence certificate has been granted. Should a leave of absence be granted, the test will not be considered when a students' 40% course mark is calculated, but the course- and exam mark will be adjusted accordingly. **Note: NO MAKE-UP TESTS WILL BE SET FOR STUDENTS WHO MISS TESTS FOR ANY REASON.**

TEST DATES:

Test 1 **Monday 8 April 2024 (Intro to Law)**
(Time and Venue to be determined)

Test 2 **Tuesday 30th April 2024 (Contract & Insolvency/Admin of Est)** (Time and venue to be determined)

9. EXAMINATIONS



There will be a summative exam for Commercial Law 101 in June. This will cover the work done in the first semester and will count as a write-off course. ***PLEASE NOTE THAT THIS EXAM WILL BE A SIT-DOWN EXAM DURING THE JUNE EXAMINATION PERIOD.***

- A pass in Commercial Law 1 counts as a credit towards a B Com, B Bus Sci, B Soc Sci and B Sc degrees.
- Commercial Law 101 and 102 are separate courses and a pass in either gives a student a half credit towards a degree. A credit in either course is

not contingent upon passing the other. However, one must pass both courses, or obtain an aggregate (ACR) for Commercial Law 1, in order to proceed to Commercial Law 2.

- **A student will obtain a credit for Commercial Law 1 according to the following rules:**
- A credit will be given if a candidate has passed both courses irrespective of the year of examination in which they were passed.
- An aggregated credit (ACR) will be given if the candidate has an aggregated mark of at least 50% for both courses and has obtained at least 45% in the course failed.
- A non-continuing credit (NCR) will be given if the candidate has an aggregated mark of at least 50% for both courses and has obtained between 40% and 45% in the course failed.
- Aggregation may take place only in respect of examinations written in the same academic year.
- In the Faculty of Commerce an NCR may be given for Commercial Law 1 if a student has obtained a credit in both Legal Theory 1 and Legal Theory 2. (Rule C.6). This rule does not apply to the students registered in the Faculty of Humanities.
- A student who passes Commercial Law 1 with at least 60% may be admitted to Legal Theory 2 provided that the student registers concurrently for Foundations of Law, obtains a credit in Foundations of Law, and attends and performs satisfactorily in all the tutorials in Introduction to Law. In these circumstances a student will be exempted from obtaining a credit for Introduction to Law in the LLB degree.

SUPPLEMENTARY / REWRITE EXAMINATIONS

- Students in COL 101 may rewrite the subject in January of the following year, provided that they obtain at least 35% in the June examination. In such cases the mark obtained in January shall be the final result for that course, except in those instances in which a student has an ACR or and NCR and wished to obtain a credit in the course failed. No further supplementary examinations will be written in January.
- Students in Commercial Law 102 may be granted a January supplementary examinations provided that they obtain at least 40% in the November examination, and provided that they otherwise qualify for a supplementary examination in the Faculty in which they have been registered.

- Students who have obtained an NCR may rewrite the subject at a subsequent examination session in order to obtain a continuing credit provided that no special examination will be set for this purpose.
- **Commercial Law 1 NCR's will not be at risk when students rewrite the supplementary examination in February. So, if they do worse, the NCR credit stands. The supplementary mark supersedes the first exam mark in all cases except where a student has an NCR or ACR.**

10. TEXTBOOK



There is **NO** prescribed book for Commercial 101 for 2024. The course will be taught through notes, readings and documents prescribed or provided for by the individual lecturers.

11. WARNING



Plagiarism and cheating of any form in assignments, tests, exams, etc. is strictly prohibited. Anyone found to have committed any of the foregoing acts will be charged under the University Disciplinary Code or the University Plagiarism Policy.

Students are reminded that may not seek the help of any other person in completing the assessment tasks.

Students are reminded that academic dishonesty may lead to their exclusion from the university and endorsement of their academic transcripts.

11. CONTACT DETAILS

Should you wish to contact the Commercial Law 1 course coordinator, you may do so via e-mail:

luyando.katiyatiya@ru.ac.za

Problems of an administrative nature should first be directed by email to the graduate assistant. The graduate assistant will attempt to answer your query and if they are unable to do so, will refer the query to the course coordinator. Queries regarding the CONTENT of the course should be directed to the relevant lecturer who teaches that section. The course coordinator does NOT keep copies of various handouts / modules taught by other lectures, so please ensure that you consult with the relevant lecturer.

Best wishes for the year and we hope that you will find Commercial Law 1 enjoyable and rewarding!



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Where leaders learn

FACULTY OF LAW

Name:

Student no:

Subject:

Lecturer/Tutor:

Due Date:

Assignment topic:

DECLARATION

1. I know that “plagiarism” means using another person’s work and ideas without acknowledgement, and pretending that it is one’s own. I know that plagiarism not only includes verbatim copying, but also the extensive (albeit paraphrased) use of another person’s ideas without acknowledgement. I know that plagiarism covers this sort of use of material found in court judgments, textbooks, journal articles AND on the Internet.
2. I am aware of the University and the Law Faculty’s policies on plagiarism as set out in the Faculty’s *Survival Guide*.
3. I acknowledge and understand that plagiarism is wrong, and that it constitutes academic theft.
4. I understand that my research must be accurately referenced. I have followed the rules and conventions concerning referencing as set out in the Law Faculty’s *Survival Guide*.
5. This assignment is my own work, or the unique work of a group, if a group assignment.
6. I have not allowed, nor will I in the future allow, anyone to copy my work with the intention of passing it off as his or her own work. I also accept that submitting identical work to someone else (a syndicate essay) constitutes a form of plagiarism.

Signed.....

Date: