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BUSINESS STRUCTURES A



2009

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BUSINESS STRUCTURES A

1. Purpose statement (What is the overall purpose of this course)

This course aims at exposing you to some of the mediums available for conducting business and holding assets in South Africa, namely sole proprietorships, partnerships, trusts and close corporations. (Companies are dealt with in Business Structures B.) The emphasis of the course will fall primarily on the nature, establishment, functioning and winding-up of these structures.

2. Assumption of Prior Learning

Before you start this course, you must be able to:

- Be capable of writing and communicating in coherent English.
- Demonstrate a thorough knowledge of the general principles of the law of contract.
- Demonstrate a working understanding of the law of agency.
- Be capable of independent learning.
- Understand the system of judicial precedent and the important role precedent plays in our law.
- Read, analyse and extract principles from law reports and other source material.
- Apply legal problem solving techniques to practical situations.

3. OUTCOMES

3.1 Critical Outcomes

You should be able to:

- *Identify* and *solve* practical legal problems.
- *Organise* and *manage* yourself and your work load.
- *Analyse* and *evaluate* the information conveyed during lectures and contained in the course handout.
- *Communicate* effectively in class debate, discussions, seminars and written examinations.
- Use technology.
- Recognise problem-solving contexts in entrepreneurial law.

3.2 Specific Outcomes

This course is designed so that after successfully completing this course, you should be able to achieve the following outcomes:

- Provide an overview of the concepts and principles of entrepreneurial law in South Africa.

- Identify and distinguish between the essential elements of each business or asset holding form.
- Evaluate and appreciate the comparative advantage(s) and disadvantage(s) of each business or asset holding medium.
- Provide an overview of the rights, duties, obligations and liabilities of the parties involved in the various entities.
- Apply the knowledge acquired during the course to solve practical problems with regard to business and asset holding entities.

4. TEACHING METHODS AND LEARNING RESPONSIBILITY OF STUDENTS

This course aims to analyse and critique the law in its present state and suggest possible reforms. To this end a combination of formal lecturing, class discussions and seminars will be conducted. Emphasis will fall on discussing and evaluating relevant case law and legislation and the practical implications of the material studies.

Students are expected to take responsibility for their own learning by reading and preparing themselves in advance of each lecture. A separate reading list will be provided, and students will be referred to additional articles, cases and internet resources during lectures. Both for class discussions / group participation and examinations, cases and practical examples will be utilised as the basis for learning the principles of law in issue. In order to gain a clearer perspective of South African law students will be referred to, and will be expected to read, material relating to the law in other jurisdictions.

5. STUDENT ASSESSMENT

SPECIFIC OUTCOMES <u>On completion of this course, you should be able to:</u>	ASSESSMENT CRITERIA (What evidence must you provide to show that you are competent?) <u>You must be able to:</u>	ASSESSMENT TASKS <u>The evidence will be gathered in:</u>
Provide an overview of the concepts and principles of entrepreneurial Law in South Africa.	<ul style="list-style-type: none"> • Apply statutory and common law principles. • Identify critical aspects of case law. • Demonstrate and understanding of the concepts and principles contained in the case law and statutes. 	<ul style="list-style-type: none"> • Class discussion /seminars / group participation • Class /group assignments • Test • Examination

	<ul style="list-style-type: none"> • Compare aspects of South African law with selected foreign laws. 	
Identify and distinguish between the essential elements of each business form.	<ul style="list-style-type: none"> • Describe and explain the various business and asset holding structures. • Identify the relevant legislative provisions. • Identify critical aspects of case law regarding each business and asset holding form. • Demonstrate an understanding of the concepts and principles contained in the case law and statutes. 	<ul style="list-style-type: none"> • Class discussion /seminars / group participation • Class /group assignments • Test • Examination
Evaluate and understand the comparative advantage(s) and disadvantage(s) of each business or asset holding structure.	<ul style="list-style-type: none"> • Compare different business and asset holding mediums in respect of the limitations and requirements imposed by statute and the common law. • Compare the various entities in respect of the advantages associated with each entity, having regard to practical situations. 	<ul style="list-style-type: none"> • Class discussion /seminars / group participation • Class /group assignments • Test • Examination
Provide an overview of the rights, duties, obligations and liabilities of the parties involved in the various business and asset holding entities.	<ul style="list-style-type: none"> • Describe the rights, duties, obligations and liabilities of the parties involved in the various business and asset holding entities. • Apply the common law and legislative principles in respect of the rights, duties, obligations and liabilities of the parties to the various business and asset holding forms. • Demonstrate an understanding of and apply the relevant principles of the law of agency and contract to practical situations. 	<ul style="list-style-type: none"> • Class discussion /seminars / group participation • Class /group assignments • Test • Examination
Apply the knowledge acquired during the	<ul style="list-style-type: none"> • Identify the relevant legal problem or issue. 	<ul style="list-style-type: none"> • Tests

<p>course to solve practical problems with regard to business enterprises and asset holding entities.</p>	<ul style="list-style-type: none"> • State the relevant law, and discuss the relevant legal precedents with regard to that issue. • Apply the law to the facts in order to come to a reasoned conclusion about the problem and the legal remedies that might flow from the finding. 	<ul style="list-style-type: none"> • Examination
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6. ASSESSMENT STRATEGY (specific assessment tasks)

The class work component of the course amounts to 30% of the final mark and the remaining 70% comprises one two hour examination, written in June.

Students are assessed for the class work component on the basis of one compulsory assignment and one compulsory test will each count 15% towards the final mark of the course.

The test and examination will contain:

- Problem questions which require the application of statute, common law and case law to solve practical issues;
- Case notes; and
- Theory type questions, in which students are required to describe, explain and critically evaluate the current law.

Attendance at lectures is compulsory, and a register will be taken. Students are responsible for ensuring that they have signed the attendance register. It is accepted that the ideal of 100% attendance is generally not attainable. A student may miss no more than five lectures for this course. Students are responsible for collecting, retaining and presenting all relevant documents (doctor's letters, etc) in respect of the lectures missed and filling out the necessary LOA (leave of absence) form. A student who misses more than the permissible number of lectures, or who fails to write the test and/or assignment has not met the course requirements and as a result no DP certificate will be granted for this course.

7. READING MATERIAL

There is no prescribed textbook for Business Structures A. Students will be referred to various textbooks, journal articles, cases and internet resources.

8. EVALUATION

Evaluation is carried out every three years using the Rhodes University Web-based Evaluation Assistant and it is conducted by a staff member who has not been involved in the course. Students respond to a list of questions by awarding a rating in addition to responding to some global questions. The responses are analysed by the Academic Development Centre who compile a report for the

lecturer. The results of the report are then conveyed to students. This provides an opportunity for the lecturer to interact with students and reach consensus on how aspects of the course can be improved. It also provides an opportunity for students to reflect on their own learning strategies and commitment to the course.

9. CONTACT DETAILS

Should you wish to contact the lecturer, Adv Craig Renaud, you may do so via e-mail: c.renaud@ru.ac.za or at his office on the top floor of the Law Faculty.

C Renaud
February 2009