

RHODES UNIVERSITY



COMMERCIAL LAW 1

GENERAL INFORMATION SHEET

2013



New Commercial Law curriculum

Please note that a new curriculum for Commercial Law is being phased in during 2012 and 2013 in order to ensure compliance with the requirements of the South African Institute of Chartered Accountants (SAICA).

The Commercial Law 101 and 102 courses will have new curricula from 2012, brief descriptions of which are set out in paragraph 2 below. For more detail in this regard, see the Commercial Law 1 course materials.

The existing Commercial Law 201 and 202 courses will be offered for the last time in 2012, and will have the same curricula as in 2011. From 2013 there will be a new COL 201 course offered, but there will be no COL 202 course offered.

All students who fail COL 201 and/or COL 202 in 2012 will be granted supplementary examinations. Students who fail COL 201 and/or COL 202 supplementary examinations should see the Dean of Commerce for further advice.

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 in the correct manner;
- 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 work load;
- to *distinguish* the nature of rights and duties and provide an elementary explanation to a lay person;
- 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, including special contracts;
- 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;
- Black economic empowerment.

Commercial Law 101:

- **Introduction to the nature of law**
approx. 12 lectures – Dr Helena van Coller
- **General principles of contract, including special contracts**
approx. 26 lectures – Dr Gustav Muller
- **The administration of estates and the law of insolvency**
approx. 12 lectures – Mrs Liz Davies

Commercial Law 102:

- **Introduction to business entities; Company law; corporate governance; black economic empowerment.**
(Dr Helena van Coller, Dr Gustav Muller, Vicky Heideman)

3. 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)
THURSDAY	12:20 -13:05 Barratt 2	(6)
FRIDAY	12:20 -13:05 Barratt 2	(6)

4. THE TUTORIAL SYSTEM

During the first two weeks of term, students will be allocated to a tutorial group (please check your time-table and notices on RUconnected and the Faculty notice board). You will then be allocated to a tutorial group by the Graduate Assistants.

Please make very sure that your tutorials do not clash with any academic commitments you have. Please check the Commercial Law 1 notice board in the Law Faculty to see your tutorial group allocation, venue and tutor. The list will also be posted on-line on RU Connected. 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.

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

Matseliso Taka g08t2640@campus.ru.ac.za

Farai Faifi g08f6214@campus.ru.ac.za

- a) Students will normally be required to prepare work for discussion in their tutorials. Such work will be indicated to students by the respective lecturers of each section. **Note:** Being absent from lectures and hence not knowing what work is required for tutorials is obviously unacceptable.
- b) It is a DP requirement to attend ALL tutorials and to submit any prescribed work for a given tutorial. Should you not comply with these requirements, you may not be allowed to write the Commercial Law 1 examinations. **Students should note that leaving town early for, and arriving back late from, the university vacations is not an acceptable reason for missing a tutorial, lecture or tests or for submitting work late.**
- c) You are required to attend the tutorial group you have been allocated to.
- d) The tutors will keep a register and a student who, without a valid excuse misses a tutorial may be refused a DP certificate. If a tutorial has been missed, the student must furnish the tutor with a copy of the leave of absence (LOA), while the original leave of absence form should be handed to the Law Secretary. **IMPORTANT:** If you are granted a LOA, it is your responsibility to attend another tutorial in the same cycle. You must email the Graduate assistants to indicate to them which tutorial you normally attend (for which a LOA has been granted) and the details of the make-up tutorial you have attended.

<u>TUTORS:</u>	
Sarhanna Hassim	g09h4731@campus.ru.ac.za
Kudzai Nyakanyanga	g10n4433@campus.ru.ac.za
Tamzyn Lee Cooper	g10c0099@campus.ru.ac.za
Rosalia Mboti	g09m0972@campus.ru.ac.za
Artwell Marazani	g09m6845@campus.ru.ac.za
Nadine Mather	g09m1350@campus.ru.ac.za
Tatenda Tendayi	g09t0751@campus.ru.ac.za
Carmen Foster	g09f0994@campus.ru.ac.za
Nadia Froneman	g09f5763@campus.ru.ac.za
Oscar McGown-Withers	g10m1946@campus.ru.ac.za

TUTORIAL TIMES:

Tutorials have been scheduled for the following weeks:

	TOPIC	Date per group
<u>TUT 1</u> (25 – 27 Feb)	<ul style="list-style-type: none"> Welcome & introduction ASSIGNMENT 1 Exercise 1 	Mo 25 Feb Tue 26 Feb Wed 27 Feb
<u>TUT 2</u> (4 – 6 March)	<ul style="list-style-type: none"> Library Briefing and Discussion of Case Law and Statutes ASSIGNMENT 2 Exercise 2 	Mo 4 March Tue 5 March Wed 6 March
<u>TUT 3</u> (11-13 March)	<ul style="list-style-type: none"> Feedback assignment 1 ASSIGNMENT 2..continue legal resources Exercise 3 	Mo 11 March Tue 12 March Wed 13 March
<u>TUT 4</u> (8 – 10 April)	<ul style="list-style-type: none"> Feedback assignment 2 Research skills / legal writing / referencing ASSIGNMENT 3 Exercise 4 	Mo 8 April Tue 9 April Wed 10 April
<u>TUT 5</u> (15 – 17 April)	<ul style="list-style-type: none"> ASSIGNMENT 3..continue Revision 	Mo 15 April Tue 16 April Wed 17 April

	<ul style="list-style-type: none"> Exercise 5 	
TUT 6 (22 – 24 April)	<ul style="list-style-type: none"> Problem solving skills ASSIGNMENT 4 Exercise 6 Problem solving exercise 	Mo 22 April Tue 23 April Wed 24 April
TUT 7 (6 – 8 May)	<ul style="list-style-type: none"> Feedback assignment 3 Revision ASSIGNMENT 4 Problem solving exercise 	Mo 6 May Tue 7 May Wed 8 May
TUT 8 (13 – 15 May)	<ul style="list-style-type: none"> Examination session (possibility of a RUconnected forum) 	Mo 13 May Tue 14 May Wed 15 May

TUTORIAL VENUES:

Mondays:

<u>Period</u>	<u>Num Venues</u>	<u>1</u>	<u>2</u>	<u>3</u>
7 (14:15)	3	Nun's Chapel	Phy Lower	Zoo 216
8 (15:10)	3	Nun's Chapel	Phy Lower	Zoo 216
9 (16:05)	3	Nun's Chapel	Phy Lower	Zoo 216

Tuesdays:

<u>Period</u>	<u>Num Venues</u>	<u>1</u>	<u>2</u>	<u>3</u>
7 (14:15)	3	Man Room	Geology C11	Phy Lower
8 (15:10)	3	Man Room	Geology C11	Phy Lower
9 (16:05)	3	Man Room	Geology C11	Phy Lower

Wednesdays:

<u>Period</u>	<u>Num Venues</u>	<u>1</u>	<u>2</u>	<u>3</u>
7 (14:15)	3	Barratt Semi	Chem Minor	Man Room
8 (15:10)	3	Barratt Semi	Chem Minor	Man Room
9 (16:05)	3	Barratt Semi	Chem Minor	Man Room

Zoo 216 → Zoology Room 216
 Man Room → Management Room
 Phy Lower → Physics Lower
 Geology C11 → Geology Room C11
 Barratt Semi → Barratt Seminar Room
 Chem Minor → Chemistry Minor

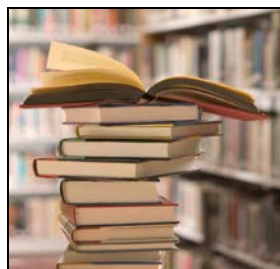
5.



The course mark for Commercial Law is 30%. The 4 assignments will make up 20% of the 30% (each assignment will therefore count 5%) and the 2 tests will each count 5% towards the total course mark of 30%.

The examination for both Commercial Law 101 and 102 will therefore be worth 70% of the final mark for each semester course. Marked assignments and tests will ordinarily be placed in the Commercial Law student pigeon holes on the ground floor of the Law Faculty, for collection: lecturers will announce in lectures when a marked piece of work is ready for collection from the pigeon holes. Due to the large class size, the whole process of marking student work, moderating tutors' marking, capturing marks and displaying marks on the notice board is likely to take approximately two weeks.

6.



There will be 4 assignments each for Commercial Law 101 and Commercial Law 102. These assignments will be marked by your tutor and moderated by the lecturer concerned. The **due dates** thereof will be **STRICTLY ENFORCED**. Absolutely no informal extensions will be granted by a tutor, graduate assistant, lecturer or course co-ordinator for submission of work. Failure to submit an assignment may lead to the loss of your DP and will result in a mark of zero for that assignment.

If a 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. Assignment questions / topics will be included in course handouts or

announced or handed out during lectures by the lectures, normally 2 weeks or more before the due date for submission.

NB: Assignments, which must be typed, must be timeously place in the relevant **tutor's box** outside the Law Library with the following information on the cover page:

- The assignment topic
- Your full name and student number
- The tutorial group number (example: Group 6B)
- Your tutors name

In addition you must attach the Rhodes Law Faculty cover page which can be accessed through the Rhodes computer network.

DUE DATES:

Assignment 1 (Intro)

Friday 1 March 2013

12:00

Assignment 2 (Contract)

Wednesday 20 March 2013

12:00

Assignment 3 (Contract)

Friday 26 April 2013

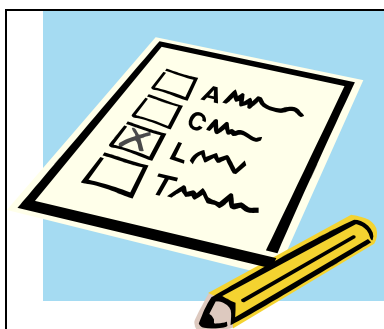
12:00

Assignment 4 (Estates OR Insolvency)

Friday 17 May 2013

12:00

7. 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' 30% 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. In order not to disturb fellow students, students will not be allowed to hand in their tests early (i.e. you will have to stay in the hall for the duration of the test).

TEST DATES:

Commercial Law 101:

TUESDAY 16 April 2013

Barrat 1 + 2

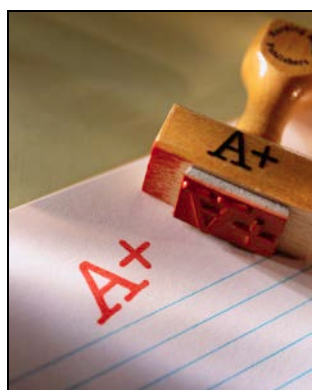
19:00

TUESDAY 21 May 2013

Barrat 1 + 2

19:00

8. EXAMINATIONS



There will be a three-hour examination for Commercial Law 101 in June. This will cover the work done in the first semester and will count as a write-off course. A prerequisite for entry into Commercial Law 102 is a credit or mark of above 35% for Commercial Law 101. There will be a three-hour examination for Commercial Law 102 in November.

- 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 November, provided that they obtain at least 35% in the June examination. In such cases the mark obtained in November 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 February.
- Students in Commercial Law 102 may be granted a February 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.**

9. DP CERTIFICATE



According to the University Calendar, in order to be admitted to an examination, a student

- a) must have satisfactorily attended the class meetings for the course under examination, and
- b) must have satisfactorily performed the work of the class.
(General rule)

The general provision applicable, except where otherwise stated, is that:

- **Tutorial attendance is compulsory.**
- **Students are required to do all work of the class. The written work includes the tutorial assignments, essays and tests scheduled during the year.**

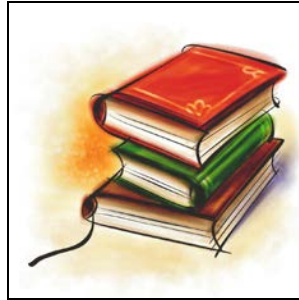
Commercial Law students MUST comply with the DP requirements in respect of each component of the course.

These requirements will be applied strictly. Students wishing to apply for leave of absence for compassionate reasons; for health reasons (which must be supported by a medical certificate); and for any other compelling reason, must apply for such. Application forms can be obtained from the Law Faculty Secretary and returned to her for consideration by the Deputy Dean. It is your obligation to check whether an LOA has been granted to you for the missing of a lecture, tutorial, test or late submission of an assignment.

10. LIBRARY

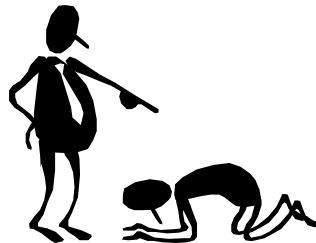
Commercial Law students have the use of the main and limited use of the Law library. A lecturer may, from time to time, put material on short loan. Due to the large numbers of the Commercial Law 1 class, any such material will ordinarily be placed at the main university library or posted on RUconnected.

11. TEXTBOOK



There is **NO** prescribed book for Commercial 102 for 2013. The course will be taught by means of notes, readings and documents prescribed or provided for by the individual lecturers.

12. 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.

12. CONTACT DETAILS

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

h.vancoller@ru.ac.za

Problems of an administrative nature should first be directed by email to one of the graduate assistants. The graduate assistants will attempt to answer your query and if they are unable to do so, will refer the query to the course co-ordinators. Queries regarding the **CONTENT** of the course should be directed to the relevant lecturer who teaches that section. The course co-ordinator 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!



RHODES UNIVERSITY
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: