

RHODES UNIVERSITY



COMMERCIAL LAW 101

GENERAL INFORMATION SHEET

2022



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;
- The administration of estates;
- The law of insolvency.
- General principles of contract

Commercial law 102 will cover the following areas of law:

- Introduction to business entities;
- Company law;
- Corporate governance;
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Commercial Law 101:

- **Introduction to the nature of law (week 1 - 3)**

- approx. 12 lectures – Prof Helena van Coller
- **General principles of contract, including special contracts (week 4-10)**
approx. 25 lectures – Mr Hugh Harnett
- **The administration of estates and the law of insolvency (week 11-13)**
approx. 12 lectures – Ad Shuaib Rahim

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 deceased 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

- **Prof Helena van Coller** h.vancoller@ru.ac.za
- **Mr Hugh Harnett** hugh.harnett@gmail.com
- **Adv Shuaib Rahim** s.rhim@ru.ac.za

4. LECTURE TIMES AND VENUES

Unless indicated otherwise, lecturing for Col 1010 will take place online through materials posted online, including:

- Slides
- Voice lectures
- Exercises and quizzes
- Assignments
- Textbook notes
- Any additional notes

5. THE TUTORIAL SYSTEM

Information on whether we will resume face to face tutorials will be communicated to you in due course and you will be allocated to a tutor group and the times and dates will be made available. Tutorial forums will also be set up on RUconnected, should students wish to communicate with their tutors or ask questions online. However, students can also communicate with their tutors via email or via WhatsApp.

Amu Machabi

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TUTORS:	EMAIL:
Paballo Mosikidi	g17M5899@campus.ru.ac.za
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Siphe Putumani	g20P3514@campus.ru.ac.za
Tapuwa Chamboko	g18C4150@campus.ru.ac.za

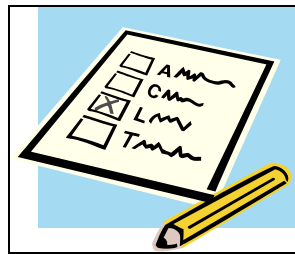
Any tutorial queries must be addressed by e-mail to the Graduate Assistant:

6. COURSE MARK



The course mark for Commercial Law is 40%. The 2 short assignments and the 2 tests/quizzes 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 tests may be sit-down tests and the exam in June will also be a sit-down exam.

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 need to apply for a LOA if you submit your assignment or task late. 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.

You will do **5 online exercises/quizzes** (not for marks) to practice and revise your work. These will be drafted by your lecturer and you can engage with your tutor on the online tutor forum or per email or WhatsApp.

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

- Exercise/Quiz 1 Wed 2 March Intro to Law
- Exercise/Quiz 2 Wed 16 March Intro to Law
- Exercise/Quiz 3 Wed 20 April Contract
- Exercise/Quiz 4 Wed 4 May Contract
- Exercise/Quiz 5 Wed 25 May Insolvency/Estates

There will be **4 summative (for marks) assignments** or tasks for semester 1 for Col 101. Two will be from the Intro to Law section and the other two from the Contract section. These tasks are **FOR MARKS** and will each count 10% towards the total

course mark of 40%. At the moment these tests are planned to be **SIT-DOWN TESTS.** Alternatively, should venues not be available, it will be set-up online (either through the RUconnected assignment or the quiz function). The 2 assignment tasks will be marked by your tutor. The two tests or quizzes for marks will be marked by the lecturer. The dates are as follows:

Assignment/task 1

Friday 18 March (Intro to Law)

Assignment/task 2

Friday 13 May (Contract)

Test/quiz 1

Wednesday 30 March (Intro to Law)

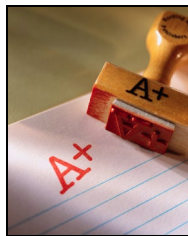
(Time and venue to be determined)

Test/quiz 2

Monday 16 May (Contract)

(Time and venue to be determined)

8. EXAMINATIONS

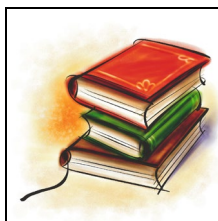


There will be a summative exam for Commercial Law 101 in June. This will cover the work done in the first semester and will count as a write-off course. ***PLEASE NOTE THAT THIS EXAM WILL BE A SIT-DOWN EXAM DURING THE JUNE EXAMINATION PERIOD.***

REWRITE EXAMINATIONS

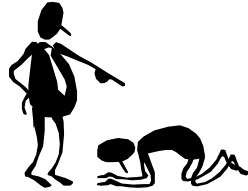
- Students in COL 101 may rewrite the subject in November, provided that they obtain at least **35%** in the June examination. In such cases, the mark obtained in November shall be the final result for that course, except in those instances in which a student has an ACR or an NCR and wished to obtain a credit in the course failed. No further supplementary examinations will be written in February.

9. TEXTBOOK



There is **NO** prescribed book for Commercial 101 for 2022. The course will be taught through notes, readings and documents prescribed or provided for by the individual lecturers.

10. 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:

h.vancoller@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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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: