
Commercial law 202

Paper 2

Lecturers

Mr H Harnett & Mr P Jabavu

RHODES UNIVERSITY
2022



1. INTRODUCTION

Welcome to Commercial Law 202, Paper 2 in 2022. This outline contains general information regarding Paper 2 and includes the three modules for this course, namely:

- (a) Competition Law (taught by Mr P Jabavu);
- (b) Business Ethics (taught by Mr H Harnett); and
- (c) Alternative Dispute Resolution (taught by Ms H Harnett).

Contact details: Mr P Jabavu p.jabavu@ru.ac.za & Mr H Harnett h.harnett@ru.ac.za

1.1 Overview

Commercial Law 202, Paper 2 is a component course of Commercial Law 202. This course runs from **11 July 2022 to 14 October 2022** (subjective to changes by university management). Upon completion of the course, students should have broad overview of the legal principles of insurance law, competition law, alternative dispute resolution and business ethics, and will be able to apply these principles in the commercial or accounting professions.

1.2 Credit Value

7.5 credits, which translates into 7.5 hours to be spent on this course per week. There are four 45-minute lectures per week during the fourth term.

1.3 Assumptions of Prior Learning

It is assumed that students:

- have a basic working knowledge of the South African legal system, the hierarchy of the courts and legal terminology;
- are capable of independent work;
- are capable of communicating in written and spoken English;
- are able to identify and apply legal principles to a set of acts;
- are capable of solving problems.

2. OUTCOMES

2.1 Critical cross-field outcomes

It is intended that students will be able to:

- Identify and solve problems;
- Organise and manage themselves;
- Communicate effectively;
- Use technology; and
- Analyse and evaluate information.

2.2 Intended specific outcomes

It is intended that students will be able to do the following on successful completion of the course:

- Demonstrate knowledge of the objectives and rationale for the regulation of competition.
- Identify examples of restrictive practices and the abuse of market dominance.
- Understand the functions of the Competition Commission, Competition Tribunal and Competition Appeal Court.
- Demonstrate knowledge of the competition authorities' powers of investigation and enforcement, and penalties which may be imposed on companies.
- Understand the essential tenets of ethical business norms and internal structures that promote ethical business practice.
- Demonstrate an ability to distinguish ethical from unethical business practices.
- Demonstrate a working knowledge of negotiation, mediation and arbitration principles, process and strategies.
- Identify disputes that should appropriately be referred to negotiation, mediation or arbitration.

3. RESOURCES

Please note that there are **no** prescribed texts for this course. However, there are several general Commercial Law textbooks which are very useful, as well as the relevant volumes of LAWSA (the Law of South Africa) which you will be able to find in the reference section of the Law Library (see some examples listed below) and some more specific textbooks as well. You will also need to consult legislation from time to time (specifically in reference to the law of carriage). Legislation can be accessed on the internet via the Rhodes library webpage. Click on the Netlaw database on the electronic information resources library site.

1. S. Kopel *Guide to Business Law* 6th ed (2017) Cape Town: Oxford University Press
2. J. Scott & S. Cornelius (eds) *The Law of Commerce in South Africa* 2nd ed (2015) Cape Town: Oxford University Press
3. A. Govindjee *et al*, *Commercial Law: Fresh Perspectives* 3rd ed (2019) Cape Town: Pearson
4. L. Kelly *et al*, *Principles of Competition Law* (2017) Cape Town: Oxford University Press

4. EVALUATION

Towards the end of the semester, students will be presented with a questionnaire on Google Forms that they can fill in to provide feedback on the course. Students are encouraged to use this opportunity to provide constructive criticism and feedback for the lecturers of this course to engage with. Such feedback should be aimed at improving and transforming the course.

5. COURSE CONTENT

THEME 1: COMPETITION LAW

THEME 2: BUSINESS ETHICS

THEME 3: ALTERNATIVE DISPUTE RESOLUTION

Last updated: July 2022