

RHODES UNIVERSITY



COMMERCIAL LAW 102

GENERAL INFORMATION SHEET

2023



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;
- The administration of estates;
- The law of insolvency.
- General principles of contract, including special contracts;

Commercial law 102 will cover the following areas of law:

- Partnership, close corporations and business trusts
- Introduction to business entities
- Aspects of Company law

Commercial Law 102:

- **Section A (term 3)** – Prof EH van Coller
- **Section B (term 4)** – Ms Yolani Ndamase
- **Section C (term 4)** – MS Nicholene Nxumalo

Specific Outcomes <u>Students are expected to be able to:</u>	Assessment Criteria <u>Students must:</u>
To critically explain different concepts and principles relating to Business structures in South Africa	<ul style="list-style-type: none">• Identify different types of Business Structures;• Explain the nature and characteristics of the different structures (close corporations, partnerships and trusts)
To understand the basic principles of company law in South Africa	<ul style="list-style-type: none">• To understand the basic principles of

	<p>the Companies Act;</p> <ul style="list-style-type: none"> • To be able to identify and discuss the different types of companies; • To explain the formation of a company and identify groups of companies
To understand the principles applicable to corporate finance	<ul style="list-style-type: none"> • Define relevant concepts relating to corporate finance; • Understand the essentials of company records, financial statements, public offerings, securities and financial markets; • Understand the essentials of business rescue proceedings, company audits and reviews
To explain and understand the nature and function of various company role-players	<ul style="list-style-type: none"> • explain the role and duty of shareholders & directors; • Understand the basics of company, board and other committee meetings;
To explain and understand the transactions applicable to companies	<ul style="list-style-type: none"> • Define and understand concepts relating to insider trading, fundamental transactions and takeovers; • Understand and explain important remedies in various company transactions; • Explain applicable procedures in the winding-up and deregistration of companies.
Apply the knowledge acquired during the course to solve practical problems with regard to aspects of company law	<ul style="list-style-type: none"> • 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.
<p>Assessment tasks: (this can change in order to make it compatible for the online offering of the course)</p> <ul style="list-style-type: none"> • Class and tutorial exercises (formative assessment) • 2 Assignments (summative assessment) • Theory questions in the test and exam (summative assessment) • Problem and application questions in the test and exam (summative assessment) 	

3. CONTACT - Col 102

- Prof van Coller h.vancoller@ru.ac.za
- Ms Ndamase y.ndamase@ru.ac.za
- Ms Nxumalo nicholene.nxumalo@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 time-table and notices on RUconnected) 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 course page on RUconnected and your lecture timetable for 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.

For Commercial Law 102 – students will be re-allocated to a tut group according to the 2nd semester timetable. This means that your tut might be on another day and with a different tutor. Your lecturer will inform you when the tut list is available on RUconnected. Please also consult the tutorial calendar for dates and times. Both the tut list and the tutorial calendar will be posted on RUconnected.

Tutorial attendance is a DP requirement for the course, and students who do not attend tutorials, may face losing their DP for the course.

This will be STRCTLY enforced in Col 102

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

Siphe Putumani

g20p3514@campus.ru.ac.za

Tutors:	Email:
Tapuwa Chamboko	g18c4150@campus.ru.ac.za
Shiposethu Sikwana	g19s1769@campus.ru.ac.za
Atlegang Mmesi	g20M5739@campus.ru.ac.za
Nkosilathi Chenga	g18C3476@campus.ru.ac.za
Sphamandla Moyo	g21M8673@campus.ru.ac.za
Tinashe Hlako	g19h3144@campus.ru.ac.za

6. COURSE MARK



The course mark for Commercial Law 102 is 40%. The 2 short assignments and the 2 tests will each count 10% towards the total course mark of 40%. The examination for Commercial Law 102 will therefore be worth 60% of the final mark. Please note that tests are sit-down tests and the exam in November will also be a sit-down exam.

7. ASSESSMENTS



A variety of formative and summative assessments (like assignments, quizzes, exercises and other tasks) will be conducted online. Information will be communicated to students. Just because an assignment is submitted online, students must still take note of the due dates. The **due dates** thereof will still be **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. 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 18 February 2023.

- 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 19 February 2023 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.

ASSIGNMENTS (FOR MARKS)

There will be **4 summative tasks (for marks)** for semester 2 for Col 102. Two assignments and 2 tests. One assignment and one test will be from Section A (Prof van Coller); one test for Section B (Ms Ndamase) and one assignment for Section 3 (Ms Nxumalo). These tasks are **FOR MARKS** and will each count 10% towards the total course mark of 40%.

Assignment 1 (Section A)	- 10% [Term 3]
Test 1 (Section A)	- 10% [Term 3]
Test 2 (Section B)	- 10% [Term 4]
Assignment 2 (Section C)	- 10% [Term 4]

There will be 2 assignments (for marks) for Commercial Law 102. These assignments will be marked by your tutor and moderated by the lecturer concerned. Absolutely no informal extensions will be granted by a tutor, graduate assistant, lecturer or course coordinator 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.

LATE ASSIGNMENT = a mark of '20%' per day will be deducted

DUE DATES:

Assignment 1 (Prof van Coller)

Thursday 17 August 2023

17:00

Assignment 2 (Ms Nxumalo)
Friday 6 October 2023
17:00

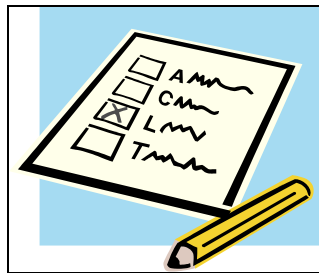
ASSIGNMENTS / EXERCISES (not for marks)

You will do **4 tut exercises/quizzes** (not for marks) to practice and revise your work. These will be drafted by your lecturer and discussed in your Tuts.

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

- | | | |
|-------------------|--------------------|-----------------------------|
| • Exercise/Quiz 1 | Thursday 27 July | Section A (Prof van Coller) |
| • Exercise/Quiz 2 | Thursday 10 August | Section A (Prof van Coller) |
| • Exercise/Quiz 3 | Thursday 14 Sept | Section B (Ms Ndamase) |
| • Exercise/Quiz 4 | Thursday 28 Sept | Section C (Ms Nxumalo) |

8. TESTS



Two tests will be written for Commercial Law 102 and the dates are also indicated on the Commerce Test schedule. 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 (Prof van Coller)
MONDAY 7 August 2023
18:00 – Eden Grove RED + BLUE

TEST 2 (Ms Ndamase)
MONDAY 18 September 2023
18:00 – Eden Grove RED + BLUE

9. EXAMINATIONS



There will be a three-hour sit-down examination for Commercial Law 102 in November.

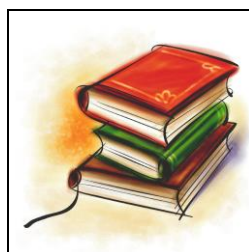
- A pass in Commercial Law 1 counts as a credit towards a B Com, B Bus Sci, B Soc Sci and B Sc degrees.
- Commercial Law 101 and 102 are separate courses and a pass in either gives a student a half credit towards a degree. A credit in either course is not contingent upon passing the other. However, one 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

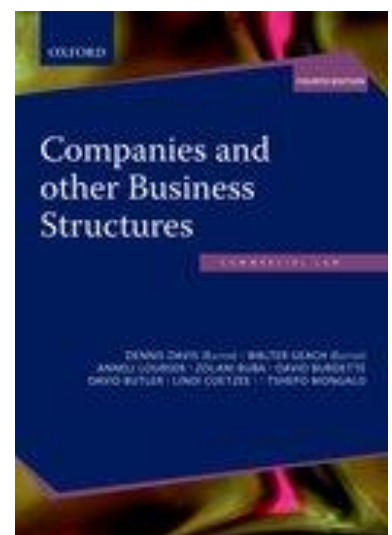
- Students in COL 101 may rewrite the subject in January, provided that they obtain at least 35% in the June examination. In such cases the mark obtained in January shall be the final result for that course, except in those instances in which a student has an ACR or and NCR and wished to obtain a credit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



The prescribed textbook for Commercial Law 102 is the following:

**Companies and other Business
Structures in South Africa [Commercial Law]
4th Edition
Dennis Davis (editor)
Oxford University Press
2019**



→ or go directly to the following link (you need to be logged on with your library user name and pass word):

<http://0-search.ebscohost.com.wam.seals.ac.za/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=2297904>

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.

12. CONTACT DETAILS

Should you wish to contact the Commercial Law 1 course co-ordinator, 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 102 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: