

Syllabus Outline Advanced Business Law

NQF7

**Prescribed textbook: General Principles of Commercial Law. Latest Edition¹
Schulze, et al.**

Disclaimer: Please note the following:

- A prescribed textbook may not necessarily cover every aspect of a syllabus. The Institute examines the syllabus and any omissions should be researched personally or be provided by your tuition provider.
- ISBN numbers may have changed since the publication of this list. Our policy is that you should always use the latest edition of the textbook.
- Many publishers are no longer publishing hard copies and have switched to e-books.
- Some modules require prescribed readings which can be downloaded for personal use from the internet or the CSSA student portal.

The aim of this module is that students should apply relevant corporate and business legislation and case law to organisational contexts.

Syllabus topics	Syllabus detailed content	Textbook
Learning Outcome 1: Demonstrate a knowledge of South African labour legislation		
Labour Law	<ul style="list-style-type: none"> • Human resources functions and processes. • Labour legislation. • The employer / employee contractual relationship. • The rights of employers and employees within the corporate environment. • Skills development, employment equity and associated legislation. • Health and safety provisions in the workplace. 	Ch 17
Learning Outcome 2: Demonstrate a knowledge of the law relating to intellectual property.		
Intellectual Property	<ul style="list-style-type: none"> • Copyright (incl. works protected by copyright, requirements for existence of copyright in a work, ownership, duration and infringement) • Patent Law (incl. requirements, application procedure, effect and duration, infringement and remedies for infringement) • Trade Marks (incl. requirements for registration, effect and duration of registration, infringement and remedies for infringement) • Franchising (incl. advantages, content of contract, protection of franchisor's intellectual property, restraints of trade, payment obligations, termination of agreement and relevant legislation) 	Ch 18
Learning Outcome 3: Demonstrate an understanding of alternative dispute resolution		
Alternative Dispute Resolution	<ul style="list-style-type: none"> • Negotiation • Mediation • Arbitration (incl. introduction, sources of law of arbitration, matters excluded from arbitration, arbitration agreement, appointment of arbitrators, arbitration proceedings, arbitration awards) 	Ch 19
Learning Outcome 4: Demonstrate a working knowledge of the law of agency		
Law of Agency	<ul style="list-style-type: none"> • Contract of Mandate (incl. duties of mandator and duties of mandatory) • Elements of Agency (incl. authority, duties of agent, duties of the principal and personal liability of the agent or purported agent) 	Ch 20

¹ Also prescribed for Principles of Business Law

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Learning Outcome 5: Demonstrate a working knowledge of the law relating to competition		
Law of Competition	<ul style="list-style-type: none"> Public Competition Law (incl. Competition Act) Private Competition Law (incl. requirements for delict of unlawful competition, remedies for unlawful competition, forms of infringement, grounds of justification and self-regulation of advertising) 	Ch 22
Learning Outcome 6: Demonstrate a working knowledge of the law relating to suretyship and security.		
Secured transactions	<ul style="list-style-type: none"> Suretyship (incl. definition, conclusion of the contract, liability, rights and discharge) Real security (incl. pledge, notarial bonds, mortgage bonds, liens and hypothecs and cession to secure a debt) 	Ch 23
Learning Outcome 7: Demonstrate a working knowledge of the law relating to banking.		
Banking law	<ul style="list-style-type: none"> The various statutes that regulate banks: FICA, POCA, PRECCA, PAIA, RICA The bank-customer relationship The SA Banking Code of Practice 	Ch 24
Learning Outcome 8: Demonstrate a working knowledge of the law relating to trusts.		
Law of trusts	<ul style="list-style-type: none"> Basic features of a trust Trust Property Control Act Essential requirements for creation of a valid trust Factors not essential for the creation of a trust Office of trustee Administration of trust (incl. duties of trustee, powers of trustee, rights of trustee and insolvency of trustee) Trust beneficiary Revocation, variation & termination of trust 	Ch 27
Learning Outcome 9: Demonstrate a working knowledge of the law relating to insolvency.		
Law of insolvency	<ul style="list-style-type: none"> Voluntary surrender Compulsory sequestration (incl. acts of insolvency) Consequences of Sequestration (incl. personal consequences, effect on property of insolvent, effect on civil proceedings, effect on uncompleted contracts) Effect of sequestration on property of solvent spouse Impeachable dispositions The trustee Meetings of Creditors Proof of claims by creditors Realisation and division of estate Composition Rehabilitation Winding up of companies and close corporations Business rescue 	Ch 28
Learning Outcome 10: Demonstrate a working knowledge of the law relating to administration of estates		
Administration of estates	<ul style="list-style-type: none"> The Master The Executor (incl. appointment, furnishing of security, removal and discharge) 	Ch 29

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	<ul style="list-style-type: none"> • Preliminary work (incl. death notice, registration of the will, preliminary inventory) • Rights, powers and duties of executor • Administration of special types of estates • Guardians and Curators 	
Learning Outcome 11: Demonstrate a working knowledge of the law relating to consumer protection.		
Consumer protection	<ul style="list-style-type: none"> • The Consumer Protection Act, 2008 	Ch 30

Practical work

Given different scenarios, the learner must be able to resolve problems by applying the general principles of a range of commercial legislation.

- Apply the legal requirements involved in lawfully hiring, managing and dismissing workers or employees.
- Referring to case studies and case law, apply the legal requirements involved in managing the intellectual property of a company.
- Evaluate company business practices to determine compliance with to competition laws and consumer legislation.
- Referring to case studies and case law, apply the legal principles of insolvency to determine whether a company should apply for liquidation.
- Given case study and relevant case law, apply the principles of agency law to problem situations.
- Given a problem scenario, and applying the principles of secured transactions, ascertain when a security interest attaches.
- Conduct research into recent cases involving financial crimes and indicate which of the banking laws apply in each situation.
- Given a trust document, evaluate it for compliance with legislation.
- Referring to case studies and case law, apply the principles involved in alternative dispute resolution.
- Use a given set of facts to illustrate how the law of intestate succession in South Africa is applied.
- Conduct research into recent instances of violations of the Consumer Protection Act and how the courts have resolved these.