

Syllabus outline Principles of Business Law

NQF Level 6

Prescribed textbook: Kopel, S., *Guide to Business Law (7th ed) (2022)*: OUP¹

The overall aim of the module is to equip candidates with an in-depth understanding of the law relating to contracts.

Syllabus topics	Syllabus detailed content	Textbook
Learning Outcome 1: Demonstrate a knowledge of the nature and classification of the law which affect business relationships together with the means by which law is enforced through the judicial system.		
Legal terms General principles of law	<ul style="list-style-type: none"> • The meaning of “law” and “right” • The difference between legal subjects and objects • The rule of law • Main divisions of the law 	Chapter 1: Concept of Law Chapter 2 Sources of law and origins of our legal system
Learning Outcome 2: Demonstrate an understanding of the law of contracts.		
<ul style="list-style-type: none"> • Introduction to the law of contract • The formation of a contract • Principles and rules concerning valid and binding contracts 	<ul style="list-style-type: none"> • The basic requirements for the formation of a valid contract <ul style="list-style-type: none"> ○ lawfulness ○ capacity to contract ○ intention to contract ○ consensus: offer and acceptance ○ factors affecting valid consensus: mistake, misrepresentation, duress, undue influence ○ possibility of performance ○ certainty of terms of a contract: interpretation ○ formalities required for the formation of certain contracts 	Chapter 6: formation of a valid contract Chapter 7 Lawfulness of contract Chapter 8 Capacity to contract Chapter 9 Serious intention to contract Chapter 10 Communication – offer and acceptance Chapter 11 Certainty of terms of contract Chapter 12 Reality of contract Chapter 13 Possibility of performance
Learning Outcome 3: Demonstrate an understanding of the termination of contracts		
<ul style="list-style-type: none"> • Breach of contract; remedies on the grounds of breach of contract • The transfer and termination of obligations 	<ul style="list-style-type: none"> • Different forms of breach of and the consequences thereof • Remedies for breach of contract and the requirements of those remedies • Transfer and termination of personal rights and obligations 	Chapter 15: Termination of a contract and remedies
Learning Outcome 4: Demonstrate a working knowledge of specific types of contracts		
<ul style="list-style-type: none"> • Contracts for purchase and sale • Lease 	<ul style="list-style-type: none"> • Contract of purchase and sale <ul style="list-style-type: none"> ○ Definition and essential elements ○ Duties of the seller and the buyer ○ When and how ownership is passed ○ Statutory protection of purchasers ○ Remedies available to the buyer and seller • Contract of lease 	Chapter 16 Sale Chapter 18 Lease and occupancy

¹ Also prescribed for Advanced Business Law

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	<ul style="list-style-type: none"> ○ Definition and essential elements of a contract of lease ○ Duties of the lessor and lessee (landlord and tenant) ○ Remedies for breach ○ The termination of a contract of lease ○ The Rental Housing Act ○ The effect of the Consumer Protection Act 	
Learning Outcome 5: Demonstrate a working knowledge of insurance law.		
Law of insurance	<ul style="list-style-type: none"> ● Insurance contracts <ul style="list-style-type: none"> ○ Definition and essential elements of the contract of insurance ○ Insurable interest ○ The duty of good faith ○ Special terms in insurance contracts ○ Insurance legislation 	Chapter 19 Insurance
Learning Outcome 6: Demonstrate a working knowledge of the law relating to credit agreements.		
Credit Agreements	<ul style="list-style-type: none"> ● The National Credit Act 34 of 2005 (NCA) ● Application of the NCA ● Regulation of the credit industry ● Consumer rights under the NCA ● Over-indebtedness and reckless credit ● Unlawful agreements and provisions ● Debt enforcement ● Termination of credit agreements 	Chapter 17 Credit agreements

Practical and work competencies

Using contract templates, draft contracts for agreements of sale, lease and insurance (see Kopel Chapter 14)
 Using a template, draft an NCA compliant credit agreement.

Additional readings and resources: for downloading or reading/viewing:

Schulze *et al* *General Principles of Commercial Law* 8 ed (2019) Juta - (Schulze)