

## Syllabus outline: Advanced Business Law

NQF7

Prescribed textbook: Kopel, S., *Guide to Business Law* (7<sup>th</sup> ed.) (2022): OUP<sup>1</sup>

The overall aim of this module is to equip students with an understanding of some of the fields of law relevant to governance of companies.

Syllabus topics	Syllabus detailed content	Textbook Chapters
<b>Learning Outcome 1: Demonstrate a knowledge of South African labour legislation</b>		
Labour Law	<ul style="list-style-type: none"> <li>• The employer / employee contractual relationship</li> <li>• The duties of the employer and employee</li> <li>• Termination of employment</li> <li>• Labour legislation:               <ul style="list-style-type: none"> <li>• Basic Conditions of Employment</li> <li>• Occupational Health and Safety</li> <li>• Unemployment Insurance</li> <li>• Skills Development</li> <li>• Compensation for Occupational Injuries and Diseases</li> <li>• Labour Relations</li> <li>• Employment Equity</li> </ul> </li> <li>• Protected Disclosures</li> </ul>	Chapter 23: Employment Chapter 24: Labour legislation
<b>Learning Outcome 2: Demonstrate a knowledge of the law relating to intellectual property and privacy law</b>		
Intellectual Property Privacy Law	<ul style="list-style-type: none"> <li>• The law of copyright (incl. works protected by copyright, requirements for existence of copyright in a work, ownership, duration and infringement)</li> <li>• The law of patents (incl. requirements, application procedure, effect and duration, infringement and remedies for infringement)</li> <li>• The law of trade marks (incl. requirements for registration, effect and duration of registration, infringement and remedies for infringement)</li> <li>• Franchising (incl. advantages, content of contract, protection of franchisor's intellectual property, restraints of trade, payment obligations, termination of agreement and relevant legislation)</li> <li>• Unlawful invasion of privacy</li> <li>• Protection of Personal Information</li> </ul>	Chapter 33, Franchising Chapter 37: Intellectual Property Chapter 39: Privacy
<b>Learning Outcome 3: Demonstrate an understanding of alternative dispute resolution</b>		
Alternative (Appropriate) Dispute Resolution	<ul style="list-style-type: none"> <li>• Negotiation</li> <li>• Mediation</li> </ul>	Chapter 5: Litigation, Arbitration and Mediation

<sup>1</sup> Also prescribed for Principles of Business Law

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	<ul style="list-style-type: none"> <li>Arbitration (incl. introduction, sources of law of arbitration, matters excluded from arbitration, arbitration agreement, appointment of arbitrators, arbitration proceedings, arbitration awards)</li> </ul>	
<b>Learning Outcome 4: Demonstrate a working knowledge of the law of agency</b>		
Law of Agency	<ul style="list-style-type: none"> <li>Agency (incl. creation and types of agency, duties of the agent, duties of the principal, personal liability of the agent or purported agent, the doctrine of the undisclosed principal)</li> </ul>	Chapter 22: Mandate, Representation and Agency
<b>Learning Outcome 5: Demonstrate a working knowledge of the law relating to competition</b>		
Law of Competition	<ul style="list-style-type: none"> <li>Public Competition Law (The Competition Act, including prohibited practices, merger control and remedies)</li> <li>Private Competition Law (unlawful competition)</li> </ul>	Chapter 35: Competition
<b>Learning Outcome 6: Demonstrate a working knowledge of the law relating to suretyship and real security.</b>		
Real and personal security	<ul style="list-style-type: none"> <li>The contract of suretyship (incl. formalities, types of surety, liability, rights and termination)</li> <li>Real security (incl. pledge, mortgage bonds, liens and hypothecs)</li> </ul>	Chapter 20: Securities and Other Forms of Mitigating Risk
<b>Learning Outcome 7: Demonstrate a working knowledge of the law relating to trusts.</b>		
Law of trusts	<ul style="list-style-type: none"> <li>Basic features of a trust</li> <li>The Trust Property Control Act 57 of 1988</li> <li>Essential requirements for creation of a valid trust</li> <li>Factors not essential for the creation of a trust</li> <li>Administration of a trust (incl. duties of trustee, powers of trustee, rights of trustee and insolvency of trustee)</li> <li>Advantages of trusts for business purposes</li> </ul>	Chapter 26: Trading Trusts, Cooperatives and Close Corporations
<b>Learning Outcome 8: Demonstrate a working knowledge of the law relating to insolvency.</b>		
Law of insolvency	<ul style="list-style-type: none"> <li>Voluntary surrender</li> <li>Compulsory sequestration (incl. acts of insolvency)</li> <li>Consequences of sequestration</li> <li>Effect of sequestration on property of solvent spouse</li> <li>Impeachable dispositions</li> <li>The trustee</li> <li>Meetings of creditors</li> <li>Proof of claims by creditors</li> <li>Realisation and division of estate</li> <li>Rights and duties of the insolvent</li> </ul>	Chapter 30: Insolvency
<b>Learning Outcome 9: Demonstrate a working knowledge of the law relating to consumer protection.</b>		
Consumer protection	<ul style="list-style-type: none"> <li>The Consumer Protection Act 68 of 2008</li> <li>Purpose and structure of the Act</li> </ul>	Chapter 29: Consumer Protection

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	<ul style="list-style-type: none"><li>• Application</li><li>• Consumer rights under the Act</li></ul>	
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### Practical and work competencies

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.
- 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.

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

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