Tutorial Letter 102/3/2018

Commercial Law 1C
CLA1503

Semester 1 and 2

Department of Mercantile Law

IMPORTANT INFORMATION:
This tutorial letter contains important information about your module.
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1 WELCOME

Dear Student

THE CONTENT OF THIS TUTORIAL LETTER IS IMPORTANT: YOU MUST STUDY IT IMMEDIATELY.

In this tutorial letter we introduce your lecturers; confirm the prescribed study material and make you aware about amendments made to the study material; set out rules for the examination and describe the type of questions you may expect in the examination. We also encourage you to register for myUnisa and myLife to interact with fellow students and e-tutors.

2 LECTURERS AND CONTACT DETAILS

If you have any queries regarding the module content, you can contact the lecturers telephonically, by post or via email.

The following are the lecturers for this module:

<table>
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<tr>
<th>NAME</th>
<th>TELEPHONE NUMBER</th>
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<tbody>
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Departmental Secretaries’ names and telephone numbers:

Ms MS Mothibedi: (012) 429 8579
Ms N Nage: (012) 429 8460

College of Law Call Centre’s e-mail address and telephone numbers:

E-mail address: lawstudent@unisa.ac.za
Telephone number: (012) 429 6166/4105/3253

Postal Address:

The Lecturer (CLA1503)
Department of Mercantile Law
UNISA
PO Box 392
Pretoria
0003

Internet: http://my.unisa.ac.za

3 LANGUAGE OF LEARNING

PLEASE NOTE that starting from 2017, this module (CLA1503) is offered in English only. The study material, assignments and examination questions are also only prepared in English. Students are therefore expected to complete all the assessments (assignments and examinations) in English and communicate with the lectures and support staff in English.

Only the following chapters in the prescribed textbook have to be studied for this module (See Tutorial letter 101/1/2018):

- Chapters 1-8
- Chapters 10-15
- Chapters 20-21
- Chapters 23-24
- and Chapter 30.

You should have received Tutorial Letter 101/3/2018 containing the assignments questions and the Study Guide. Tutorial Letters 201/2018 and 202/2018 containing the feedback and commentaries on the two assignments will appear on myUnisa after the assignments' closing date.

Please note that feedback for assignment 1 which consists of written questions will be provided in Tutorial Letter 201/2018 and a full commentary assignment 2 which is made up of multiple-choice questions will be in the form of Tut Letter 202/2018. The commentaries in Tut Letter 202/2018 explain why a specific option is correct and why the other options are incorrect. It is important for you to understand why one option is the correct answer, instead of another, because if you do not understand this, you will not be able to identify the correct answer if the sequence of options is changed, or if the question is phrased differently. It is equally important to understand the reasons why the incorrect options are incorrect.

We recommend that while preparing for the examination, you answer the assignments questions again, this time without the aid of your study material. After trying to answer all the questions within an hour, check your answers against those in Tutorial Letters 201/2018 and 202/2018. This exercise should help you to establish which areas of the work you find difficult.

Please take note of the following amendments to your prescribed book:

- Page 6, par 1.2.3 at the top of the page: the second sentence should read as follows: “The lower courts are those courts which are lower in status than the High Court and which are required to keep a record of their proceedings”.

Please take note of the following amendments to the study guide:

**Study unit 7: The Contact of Sale**

Page 114, at the top of the page: replace ‘R25’ with ‘R50’ in the two instances where a price is mentioned.

**Study unit 8: The Contract of Lease**

Page 122, under learning outcomes: replace ‘two essential elements’ with ‘three essential elements’ in the first bullet.
Study unit 10: The Law of Agency

Page 145, par 2.1: the second sentence should read as follows: “Authority can be given expressly, or it can be implied by the law or on the facts”.

Study unit 11: Forms of Business Enterprise

Page 151: the first sentence should read as follows: “In this study unit you are introduced to six forms of business enterprise, namely the sole proprietorship, the partnership, the company, the close corporation, the business trust and the co-operative”.

Page 161, par 6.4: ignore the information about companies as the part dealing with the company is not prescribed for CLA1503 assessment.

Study unit 12: Security

Page 167, par 2.4: insert ‘the benefit of excussion’ just before ‘the benefit of division’.

Page 174: Take note that the CORRECT option for Activity 12.6 is option 1 and not option 2 as indicated in the feedback. See also in this regard par 23.3.3 of your prescribed book.

Study unit 13: The Consumer Protection Act and the Financial Intelligent Centre Act

Page 184, under ‘FEEDBACK’: replace ‘30.2.3.8’ with ‘30.2.4.8’ in the third and last comment.

5 THE TYPE OF QUESTIONS YOU CAN EXPECT IN THE EXAM

The examination is divided into 2 SECTIONS. SECTION A consists of written questions and counts 40 marks. SECTION B consists of 20 multiple-choice questions which count 2 marks totaling 40 marks. The paper therefore counts 80 marks. The questions are drawn from all prescribed chapters of the textbook. You should therefore study all the chapters when preparing for the examination. Please do not contact the lecturers to ask for tips and advice on what to leave out and what to concentrate on — learn everything equally well.

It is unlikely that any of the questions in the assignment (see Tutorial Letter 101/3/2018) will appear in the examination; but they do provide a fair idea of the type of questions you may expect in the examination. You will be expected to answer a mixture of questions: some will be direct questions testing your knowledge of the theory of the law; while others will be problem questions setting out a short set of facts for which you must choose or write the appropriate legal comment on the problem.

PLEASE NOTE: You must make sure that you answer the correct examination paper during the examination. The module code on the question paper must be the same as the one for your registered module (CLA1503) and not any other module (e.g. CLA1501).

6 PREVIOUS EXAMINATION PAPERS

You will be provided with previous examination papers on myUnisa. The papers together with assignments questions should enable you to prepare for the examination. It is important to take note that some of the previous examination papers (the papers written before 2017) on myUnisa are in the old format and do not contain written questions. For more examples of the kind of written questions you can expect in the examination see your written assignment questions for each semester, respectively.
In the case of previous examination papers available on myUnisa, no commentary is provided. Previous examination papers (in the case of the paper/s written in 2017) are provided merely to show you how the examination paper will look while on the other hand older question papers (in the case of paper/s written before 2017), will to a large extent, give you more examples of multiple-choice questions which were asked in the past. Lecturers will not provide the solutions to these questions.

Please also note that even if questions might look the same, or similar, from year to year, it does not necessarily mean that they are identical, or that option X is always the correct option. If you spend your time memorising specific options or questions, you will not be using your time effectively and you might remain unable to answer the examination questions correctly, even if you have already seen similar questions before.

We are aware that examination papers and/or memorandums are offered for sale on myUnisa and on other websites. These papers are the property of Unisa and their sale by others is an infringement of Unisa’s copyright. Please also note that it is only the memorandum that is compiled by the lecturers for the module which is valid. Students and members of the community who sell them will face disciplinary or criminal proceedings. You must be careful not to buy such examination papers and/or memorandums because changes made to the syllabus in the past years render some of the questions from past examination papers irrelevant. As the law changes, the answers that were correct some few years ago might no longer be correct – the change to the age of majority is but one example.

If you have any further queries about the examination arrangements, please contact exams@unisa.ac.za or send an SMS to 43584. You will find further details in Tutorial Letter 101/3/2018

7 IMPORTANT INFORMATION

Students are also encouraged to register for myUnisa and myLife to interact with fellow students and e-tutors. E-tutors guide students online through the study material and encourage students to study hard and persistently. If you need further information about myUnisa and myLife, please contact myUnisaHelp@unisa.ac.za or myLifeHelp@unisa.ac.za or send an SMS to 43582.

We wish you all the best in your studies. Please contact us should you experience any problems relating to the contents of this module.

THE LECTURERS

UNISA