



SYLLABUS

ADMINISTRATIVE PRACTICE

PURPOSE

To enable the student to understand the administrative practice and meetings of clubs, companies, close corporations and trusts.

OBJECTIVE

The objective of Administrative Practice and its syllabus is to:

- Inform the student thoroughly of current legal provisions regarding the passing of valid resolutions and the correct administrative procedure concerning such resolutions to administer the institution.
- Provide guidance to the chairperson, managers, directors and members.
- Draft notices and reports.
- Draft minutes extracts from minutes and written resolutions.
- Criticise and draft a club's constitution.
- Draft the association agreement of a close corporation.

RECOMMENDED TEXTBOOKS:

- A. South African Corporation Business Administration, by Van der Merwe: Juta/CIS (For clubs, companies and close corporations) (Latest Ed)
- B. Entrepreneurial Law, by Cilliers (Latest edition) : Butterworths (For trusts, companies and close corporations)
- C. Corporate Law, by Cilliers, Benade et al (Latest edition): Butterworths .

Students are advised to become acquainted with the format of annual reports of companies.

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Authority to act on behalf of an institution (15%)

Objective: Corporate personalities make use of individuals to think and act for them. Authority to act originates from a valid resolution.

Division of powers

Constitution of a club

Articles of Association of a company

Requirements for a valid meeting

Motions and informal motions

Drafting of notices

Voting and voting rights

Meetings of the controlling body

General meetings (15%)

Ordinary resolutions

Special resolutions

Annual general meeting

Removal of director

Removal of auditor

Adjournment

Administrative practice for clubs and companies

(15%)

Chairperson's agenda

Authority to call a meeting

Secretary's duties prior and subsequent to a meeting

Representation at meetings

Interest in contracts

Draft and criticise the constitution of clubs with reference to the memorandum

Minutes and reports (20%)

Drafting of minutes

Written resolutions

Extract from minutes

Reports

Other meetings (9%)

Public meetings

Disorder and ejectment

Expulsion from an organisation

Defamation (8%)

Definition

Used at a meeting

Defences

Conduct of a close corporation (10%)

Members

Authority to act

Meetings of a close corporation

Association agreement

Conduct of a trust (8%)

Trustees, duties and powers

Trust deed

Beneficiary

Business trust

EXAMINATION

A three-hour paper will be set on theory and practical application. There will be six questions involving both short and easy-type answers. All questions are to be answered.

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