UNIVERSITY EXAMINATIONS

UNIVERSITEITSEKSAMENS

UNISA university of south africa

FBE2604 (476224) October/November 2016
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FORMS OF BUSINESS ENTERPRISE
BESIGHEIDVORME

Duration : 2 Hours
Tydsduur : 2 Uur

100 Marks
100 Punte

EXAMINERS / EKSAMINATORE :
FIRST / EERSTE : MR/MNR SN MAKHUBU
SECOND / TWEEDE : PROF A LOUBSER

Closed book examination.
Toeboekeksamen.

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INSTRUCTIONS:/INSTRUKSIES:

1. This paper consists of 23 pages plus instructions for completing a mark reading sheet.
   Hierdie vraestel bestaan uit 23 bladsye plus instruksies vir die voltooiing van 'n merkleesblad.
2. The paper is divided into 2 sections.
   SECTION A consists of 4 questions (with subdivisions) and has to be completed in the space provided on the examination paper itself.
   SECTION B consists of 10 multiple choice questions counting 4 marks each. The answers to the multiple choice questions have to be filled in on the mark reading sheet provided to you.
   Die vraestel bestaan uit 2 afdelings:
   ***AFDELING A*, wat uit 4 vrae (met onderafdelings) bestaan, moet op hierdie vraestel self voltooi word in die ruimte voorsien.**
   ***AFDELING B* is 10 meerkeusevrae wat 4 punte elk tel. Die antwoorde op die meerkeusevrae moet ingevul word op die merkleesblad wat aan u voorsien is.**
3. At the end of the examination you have to hand in both the examination paper as well as the mark reading sheet containing your answers to the multiple choice questions.
   Na afloop van die eksamen moet u beide die eksamenvraestel, sowel as die merkleesblad wat u antwoorde op die meerkeusevrae bevat, inhandig.

SECTION A
AFDELING A

QUESTION 1
VRAAG 1

1.1 Rosina, a sole proprietor, wants to incorporate a company. Since a company acquires separate legal personality upon incorporation, she comes to you for advice on what the separate legal personality of a company entails Advise her accordingly, referring to relevant authority. (6)

1.1 Rosina, 'n alleeneienaar, wil graag 'n maatskappy inkorporeer. Aangesien 'n maatskappy afsonderlike regspersoonlikheid by inkorporasie verkry, kom sy na jou vir advies oor wat die afsonderlike regspersoonlikheid van 'n maatskappy behels. Adviseer haar dienooreenkomstig en verwys na tersaaklike gesag. (6)

( )

1.2 Tray, Stella and Sam, first-year law students, have an ambition to start a legal practice as soon as they are admitted as attorneys. They want to run their legal practice in the form of a company. They come to you for advice on the type of company that they can form, taking into account that they will practice as professional attorneys Advise them accordingly. Your answer should also include four distinguishing characteristics of the specific type of company. (5)

1.2 Tray, Stella en Sam, eerstejaar-regstudente, beoog om 'n regspraktyk op die been te bring sodra hulle as prokureurs toegelaat word. Hulle wil die regspraktyk in die vorm van 'n maatskappy bedryf. Hulle kom na jou vir advies oor die tipe maatskappy wat hulle kan stig in die lig daarvan dat hulle as professionele prokureurs gaan praktiseer. Adviseer hulle dienooreenkomstig. Noem ook vier kenmerkende eienskappe van die spesifieke tipe maatskappy in jou antwoord. (5)

( )

1.3 The board of directors of an American company have identified a market for their product in the Republic of South Africa. They want their company to remain an American company, but want to conduct business in the Republic of South Africa. They come to you for clarity on what status their company will have in the Republic of South Africa, the requirements that they have to comply with before their company may do business in South Africa and two activities that will not on their own be regarded as conducting business in the Republic of South Africa. Advise the board of directors accordingly. (6)

1.3 Die direksie van 'n Amerikaanse maatskappy, het 'n mark vir hulle produk in die Republiek van Suid-Afrika geïdentifiseer. Hulle wil hulle maatskappy 'n Amerikaanse maatskappy hou, maar wil sake in die Republiek van Suid-Afrika doen. Hulle kom na jou vir duidelikheid oor watter status hulle maatskappy in die Republiek van Suid-Afrika sal hê, die vereistes waaraan hulle moet voldoen voordat hulle maatskappy besigheid mag doen in Suid-Afrika en twee aktiwiteite wat nie op sigself beskou sal word as die bedryf van besigheid in die Republiek van Suid-Afrika nie. Adviseer die direksie dienooreenkomstig. (6)

[TURN OVER]
[BLAAI OM]

( )

1.4 Thuli, an economics graduate, has been invited for an interview at the Companies and Intellectual Property Commission. She wants information on what a Memorandum of Incorporation is and two grounds on which the Companies and Intellectual Property Commission may reject a Notice of Incorporation. Advise her accordingly. (3)

1.4 Thuli, wat 'n graad in ekonomie het, is vir 'n onderhoud by die Kommissie vir Maatskappye en Intellektuele Eiendom genooi. Sy verlang inligting oor wat 'n Akte van Oprigting is en twee gronde ingevolge waarvan die Kommissie vir Maatskappye en Intellektuele Eiendom 'n Kennisgewing van Inkorporasie kan afkeur. Adviseer haar dienooreenkomstig. (3)

( )

TOTAL FOR QUESTION 1 [20]/ **TOTAAL VIR VRAAG 1: [20]**

QUESTION 2

VRAAG 2

2.1 The Companies Act 71 of 2008 and the Memorandum of Incorporation are silent on the number of meetings that may be held between the board of directors and the employees of Quality Carriers (Pty) Ltd. The board of directors of the company comes to you for advice on how to draft rules that will govern this matter.

2.1 Die Maatskappywet 71 van 2008 en die Akte van Oprigting swyg oor die aantal vergaderings wat tussen die direksie en die werknemers van Quality Carriers (Pty) Ltd kan plaasvind. Die maatskappy se direksie kom na jou vir advies oor hoe om reëls aangaande hierdie aangeleentheid op te stel.

2.1.1 Advise the board of directors on what they are allowed to do with respect to the rules, the requirements with which these rules must comply in terms of the Companies Act 71 of 2008 and the Memorandum of Incorporation and the requirements that must be complied with before the rules will become effective. (6)

2.1.1 **Adviseer die direksie oor wat hulle bevoegdheid ten opsigte van die reëls is, die vereiste waaraan hierdie reëls moet voldoen ingevolge die Maatskappywet 71 van 2008 en die Akte van Oprigting, en die vereistes waaraan voldoen moet word voordat die reëls van krag sal word. (6)**

( )

2 1.2 The board of directors further consults you on whether the Memorandum of Incorporation and the rules developed by the board of directors are binding and if so, on whom. Advise them accordingly. (4)

2.1.2 Die direksie verlang ook jou advies daaroor of die Akte van Oprigting en die reëls wat deur die direksie opgestel word, bindend is en indien wel, op wie. Adviseer hulle dienooreenkomstig. (4)

[TURN OVER]
[BLAAI OM]

( )

2.1.3 Suppose the company, in the spirit of embracing diversity, has filed a translation of the Memorandum of Incorporation in one of the indigenous languages However, there is a conflict between the original Memorandum of Incorporation and the translated version. The board of directors asks your advice on which version of the Memorandum of Incorporation will prevail. Advise them accordingly. (2)

2.1.3 Gestel die maatskappy het in die gees van diversiteit 'n vertaling van die Akte van Oprigting in een van die inheemse tale ingedien. Die oorspronklike Akte van Oprigting en die vertaalde weergawe is egter strydig met mekaar. Die direksie vra jou advies oor watter weergawe van die Akte van Oprigting voorkeur sal geniet. Adviseer hulle dienooreenkomstig. (2)

( )

2.2 Define the following terms:

2.2 Definieer die volgende begrippe:

2.2 1 doctrine of constructive notice (1)

2.2.1 leerstuk van toegerekende kennis (1)

( )

2.2.2 *Turquand* rule (1)

2.2.2 *Turquand*-reël (1)

( )

2.2.3 estoppel (1)

2.2.3 estoppel (1)

( )

TOTAL FOR QUESTION 2: [15]/ **TOTAAL VIR VRAAG 2: [15]**

QUESTION 3

VRAAG 3

3.1 Thea and Nathi want to subscribe for shares in Technoflex Ltd, an information technology company. However, they want to be paid first when dividends are declared and want to share in the return on capital on winding up. They come to you for advice on the suitable type of shares they can subscribe for and the four different types of these shares. Advise them accordingly. (5)

3.1 Thea en Nathi wil aandele in Technoflex Ltd, 'n inligtingstegnologiemaatskappy, koop. Hulle wil egter eerste betaal word wanneer dividende verklaar word en in die opbrengs op kapitaal deel by likwidasie. Hulle kom na jou vir advies oor die

geskikte tipe aandele wat hulle kan koop en die vier verskillende tipes van hierdie aandele. Adviseer hulle dienooreenkomstig. **(5)**

( )

3.2 The shareholders of Telebest (Pty) Ltd want to pass a resolution without holding a meeting. They need clarity on the differences between the common-law method of passing a resolution without holding a meeting, known as "unanimous assent", and passing a resolution without holding a meeting in terms of section 60 of the Companies Act 71 of 2008. Advise them accordingly. (4)

3.2 Die aandeelhouers van Telebest (Pty) Ltd wil 'n besluit aanneem sonder om 'n vergadering te hou. Hulle verlang egter duidelikheid oor die verskille tussen die gemeenregtelike metode om 'n besluit aan te neem sonder om 'n vergadering te hou, wat as "eenparige instemming" bekend staan, en die metode ingevolge

artikel 60 van die Maatskappywet 71 van 2008 om 'n besluit aan te neem sonder om 'n vergadering te hou. Adviseer hulle dienooreenkomstig. **(4)**

( )

3.3 The board of directors of Platinum for Africa (Pty) Ltd (PFA) is tasked with examining whether there is platinum in a small town near Rustenburg so that the company can commence with mining activities in the town. The board of directors of PFA decides to assign a newly appointed geologist who had just graduated from university to this task. The inexperienced geologist conducts the examination and reaches the conclusion that there is no platinum in the town Three months later, a competitor discovers after a rigorous examination that there is platinum in the town and commences with mining activities. PFA loses a lot of money as a result of the decision of the board of directors. PFA wants to hold the board of directors liable. Advise PFA on the basis on which it may hold the board of directors liable for their poor decision of assigning an inexperienced geologist to the task of examining the presence of platinum and the defence that the board may use to escape liability. (6)

3.3 **Die direksie van Platinum for Africa (Pty) Ltd (PFA) word die taak opgelê om die aanwesigheid van platinum in 'n dorpie naby Rustenburg te ondersoek sodat die maatskappy met mynboubedrywighede in die dorp kan begin. Die direksie van PFA besluit om hierdie taak te gee vir 'n nuut aangestelde geoloog wat so pas sy graad gekry het. Die onervare geoloog doen die ondersoek en bevind dat daar geen platinum in die dorp is nie. 'n Mededinger ontdek drie maande later, nadat 'n deeglike ondersoek gedoen is, dat daar platinum in die dorp is en begin met mynboubedrywighede. PFA verloor baie geld as gevolg van die direksie se besluit. PFA wil die direksie hiervoor aanspreeklik hou. Adviseer PFA oor die gronde ingevolge waarvan hulle die direksie aanspreeklik kan hou vir hulle swak besluit om 'n onervare geoloog met die taak te belas om die aanwesigheid van platinum te ondersoek, en die verweer wat die direksie kan opper om aanspreeklikheid vry te spring. (6)**

( )

TOTAL FOR QUESTION 3: [15]/ **TOTAAL VIR VRAAG 3: [15]**

QUESTION 4

VRAAG 4

4.1 The members of Fortified Food CC want to apply to court for the termination of Terry's membership in the close corporation because he is not able to perform the administrative duties he undertook to perform in terms of the founding statement. The members of the close corporation seek advice on how they can apply to court for the termination of Terry's membership With reference to the relevant section of the Close Corporations Act 69 of 1984, advise the members on what they should prove in order to apply to court for the termination of Terry's membership. (5)

4.1 Die lede van Fortified Food CC wil by die hof aansoek doen om Terry se lidmaatskap in die beslote korporasie te beëindig omdat hy nie in staat is om die administratiewe take te verrig wat hy ingevolge die stigtingsverklaring onderneem het om te verrig nie. Die lede van die beslote korporasie vra jou advies oor of hulle by die hof 'n aansoek kan bring om Terry se lidmaatskap te beëindig. Adviseer die lede oor wat hulle moet bewys ten einde by die hof 'n aansoek te bring om Terry se lidmaatskap te beëindig, met verwysing na die tersaaklike artikel van die Wet op Beslote Korporasies 69 van 1984. (5)

( )

4.2 Distinguish between the founding statement and the association agreement of a close corporation and list three particulars that are contained in the founding statement. (5)

4.2 Onderskei tussen die stigtingsverklaring en die samewerkingsooreenkoms van 'n beslote korporasie en noem drie besonderhede wat in die stigtingsverklaring aangedui word. (5)

( )

TOTAL FOR QUESTION 4: [10]/ **TOTAAL VIR VRAAG 4: [10]**

TOTAL FOR SECTION A: [60]/ **TOTAAL VIR AFDELING A: [60]**

SECTION B

AFDELING B

MULTIPLE-CHOICE QUESTIONS

INSTRUCTIONS

1. Answer all questions by filling in the answers on the mark reading sheet provided.
2. Use a soft pencil.
3. Please ensure that you fill in your student number on the mark reading sheet All the student numbers contain eight digits. In some instances this includes a "0" at the beginning. You must also use the last pink block.
4. Each correct answer earns four (4) marks. No marks will be deducted for incorrect answers.

MEERVOUDIGEKEUSEVRAE

INSTRUKSIES

1. **Beantwoord al die vrae deur die antwoord in te vul op die merkleesblad wat aan u voorsien is.**
2. **Gebruik 'n sagte pootlood.**
3. **Maak seker dat u volle studentenommers op die merkleesblad ingevul word. Alle studentenommers bevat agt getalle. In sommige gevalle sluit dit 'n "0" aan die begin in. U moet ook die laaste pienk blokkie gebruik.**
4. **Elke korrekte antwoord antwoord verdien vier (4) punte. Geen punte sal vir verkeerde antwoord afgetrek word nie.**

Question 1

Indicate which of the following statements is INCORRECT regarding financial reporting in a close corporation.

1. The annual financial statement must be approved by or on behalf of members holding at least 51% of the members' interest in the close corporation.
2. Close corporations are generally not exempted from appointing an auditor.
3. The accounting officer must account in conformity with generally accepted accounting practice.
4. Close corporations are not exempted from financial reporting.

(4)

Vraag 1

Dui aan watter een van die volgende stellings oor finansiële verslagdoening in 'n beslote korporasie VERKEERD is.

[TURN OVER]
[BLAAI OM]

1. **Finansiële jaarstate moet goedgekeur word deur of namens lede wat ten minste 51% van die ledebelang in die beslote korporasie hou.**
2. **Beslote korporasies word oor die algemeen nie daarvan vrygestel om 'n ouditeur aan te stel nie.**
3. **Die rekeningkundige beampte se verslae moet voldoen aan die standaarde wat oor die algemeen vir boekhouding aanvaar word.**
4. **Beslote korporasies word nie van finansiële verslagdoening vrygestel nie.**

(4)

Question 2

Indicate which of the following statements is INCORRECT regarding the implications of the Companies Act 71 of 2008 in relation to close corporations.

1. No registrations of new close corporations are permitted by the Companies Act 71 of 2008.
2. Existing companies may be converted into close corporations.
3. Existing close corporations continue to exist alongside companies.
4. Close corporations may be converted into companies.

(4)

Vraag 2

Dui aan watter een van die volgende stellings oor die implikasies van die Maatskappywet 71 van 2008 met betrekking tot beslote korporasies VERKEERD is.

1. **Kragtens die Maatskappywet 71 van 2008 kan geen nuwe beslote korporasies geregistreer word nie.**
2. **Bestaande maatskappye kan in beslote korporasies omgeskakel word.**
3. **Bestaande beslote korporasies sal steeds saam met maatskappye voortbestaan.**
4. **Beslote korporasies kan in maatskappye omgeskakel word.**

(4)

Question 3

Indicate which of the following statements is INCORRECT regarding close corporations.

1. Close corporations are registered by 1 to 10 natural persons.
2. Upon registration, close corporations acquire separate legal personality.
3. The existence of a close corporation is terminated by changes in membership.
4. A close corporation holds its assets separately from its members.

(4)

Vraag 3

Dui aan watter een van die volgende stellings oor beslote korporasies VERKEERD is.

1. **Beslote korporasies word deur 1 tot 10 natuurlike persone geregistreer.**
2. **By registrasie verkry 'n beslote korporasie afsonderlike regspersoonlikheid.**
3. **Die bestaan van 'n beslote korporasie word deur veranderinge in lidmaatskap beëindig.**
4. **'n Beslote korporasie hou sy bates apart van dié van sy lede.**

(4)

Question 4

The Companies Act 71 of 2008 does not allow the separate juristic personality of companies to be abused. When a court finds that the incorporation of a company or any act by or use of a company constitutes an unconscionable abuse of its juristic personality, the court may

1. disregard the separate juristic personality of the company in terms of section 20(9) of the Companies Act 71 of 2008
2. resolve the matter by applying the *Turquand* rule in terms of section 20(7) of the Companies Act 71 of 2008
3. resolve the matter by applying the doctrine of estoppel
4. hold the company liable for damages to an outsider who suffered a loss as a result of the abuse.

(4)

Vraag 4

Die Maatskappywet 71 van 2008 laat nie toe dat die afsonderlike regspersoonlikheid van 'n maatskappy misbruik word nie. Indien 'n hof bevind dat die inkorporasie van 'n maatskappy of enige handeling of gebruik van 'n maatskappy sou neerkom op 'n onbillike misbruik (*unconscionable abuse*) van die maatskappy se regspersoonlikheid, mag die hof

1. **die afsonderlike regspersoonlikheid van die maatskappy ingevolge artikel 20(9) van die Maatskappywet 71 van 2008 ignoreer**
2. **die aangeleentheid oplos deur die *Turquand*-reël ingevolge artikel 20(7) van die Maatskappywet 71 van 2008 toe te pas**
3. **die aangeleentheid oplos deur die leerstuk van estoppel toe te pas**
4. **die maatskappyaanspreeklik hou vir skadevergoeding aan 'n buitestaander was 'n verlies gely het as gevolg van die misbruik.**

(4)

Question 5

Indicate the INCORRECT option regarding the alternative common-law methods of concluding a pre-incorporation contract.

1. nomination
2. cession and delegation

[TURN OVER]
[BLAAI OM]

3. agency
4. contract for the benefit of a third party (*stipulatio alteri*)

(4)

Vraag 5

Dui die VERKEERDE opsie rakende die alternatiewe gemeenregtelike metodes vir die sluiting van 'n voorinkorporasiekontrak aan.

1. **nominasie**
2. **sessie en delegasie**
3. **agentskap**
4. **kontrak ten behoewe van 'n derde party (*stipulatio alteri*)**

(4)

Question 6

In which one of the following cases was it held that the court enjoys wide discretion to hold that a company's name is undesirable?

1. *ABSA Bank Limited v Blignaut and another and four similar cases* 1996 (4) SA 100 (O)

2. *Robinson v Randfontein Estate Gold Mining Co Ltd* 1921 AD 168

3. *Peregrine Group (Pty) Ltd v Peregrine Holdings Ltd* 2001 (3) SA 1268 (SCA)

4. *CyberScene Ltd and others v i-Kiosk Internet and information (Pty) Ltd* 2000 (3) SA 806 (C)

(4)

Vraag 6

In watter een van die volgende sake is bevind dat die hof oor wye diskresie beskik om 'n maatskappynaam as defensief te verklaar?

1. ***ABSA Bank Limited v Blignaut and another and four similar cases* 1996 (4) SA 100 (O)**

2. ***Robinson v Randfontein Estate Gold Mining Co Ltd* 1921 AD 168**

3. ***Peregrine Group (Pty) Ltd v Peregrine Holdings Ltd* 2001 (3) SA 1268 (SCA)**

4. ***CyberScene Ltd and others v i-Kiosk Internet and information (Pty) Ltd* 2000 (3) SA 806 (C)**

(4)

Question 7

Choose the CORRECT statement regarding shareholders' right of pre-emption in terms of section 39 of the Companies Act 71 of 2008.

[TURN OVER]
[BLAAI OM]

1. Shareholders' right of pre-emption was included in the Companies Act 71 of 2008 to prevent shareholders from interfering with the management of a company.
2. Shareholders' right of pre-emption was included in the Companies Act 71 of 2008 to prevent a company from paying dividends without complying with the solvency and liquidity test.
3. Shareholders' right of pre-emption was included in the Companies Act 71 of 2008 to prevent a company from issuing shares without a shareholders' special resolution.
4. Shareholders' right of pre-emption was included in the Companies Act 71 of 2008 to guard against the dilution of ownership in private companies.

(4)

Vraag 7

Kies die KORREKTE stelling oor aandeelhouers se voorkoopsreg kragtens artikel 39 van die Maatskappywet 71 van 2008.

1. **Aandeelhouers se voorkoopsreg is by die Maatskappywet 71 van 2008 ingesluit om te verhoed dat aandeelhouers in die bestuur van 'n maatskappy inmeng.**
2. **Aandeelhouers se voorkoopsreg is by die Maatskappywet 71 van 2008 ingesluit om te verhoed dat 'n maatskappy 'n uitkering doen sonder om aan die solvensie-en-likiditeitstoets te voldoen.**
3. **Aandeelhouers se voorkoopsreg is by die Maatskappywet 71 van 2008 ingesluit om te verhoed dat 'n maatskappy aandele sonder 'n spesiale besluit van die aandeelhouers uitreik.**
4. **Aandeelhouers se voorkoopsreg is by die Maatskappywet 71 van 2008 ingesluit om te waak teen die verwatering van eienaarskap in privaatmaatskappye.**

(4)

Question 8

Choose the CORRECT statement.

In order to determine whether a transaction by a company amounts to the provision of financial assistance for the purpose of acquiring shares in the company, thereby triggering the application of section 44 of the Companies Act 71 of 2008, the transaction must be assessed in two phases.

1. First, it must be ascertained whether there was financial assistance and, secondly, it must be ascertained whether the financial assistance was for the purpose of acquiring shares in the company.
2. First, it must be ascertained whether the transaction will comply with the solvency test and, secondly, it must be determined whether the transaction will comply with the liquidity test.

[TURN OVER]
[BLAAI OM]

3. First, it must be ascertained whether the transaction is fair and, secondly, it must be determined whether it is reasonable in respect of the company.
4 First, it must be ascertained whether the transaction was approved by the board and, secondly, it must be determined whether it was approved by way of a special resolution

(4)

Vraag 8

Kies die KORREKTE stelling.

Om te bepaal of 'n transaksie deur 'n maatskappy neerkom op die verskaffing van finansiële bystand vir die doel van die verkryging van aandele in die maatskappy, wat gevolglik tot die toepassing van artikel 44 van die Maatskappywet 71 van 2008 aanleiding gee, moet die transaksie in twee fases geëvalueer word.

1. **In die eerste plek moet daar vasgestel word of daar wel finansiële bystand was. Tweedens moet daar vasgestel word of die bystand beoog is vir die doel van die verkryging van aandele in die maatskappy.**
2. **In die eerste plek moet daar vasgestel word of die transaksie aan die solvensietoets sal voldoen. Tweedens moet daar vasgestel word of die transaksie aan die likiditeitstoets sal voldoen.**
3. **In die eerste plek moet daar vasgestel word of die transaksie billik is. Tweedens moet daar vasgestel word of die transaksie redelik teenoor die maatskappy is.**
4. **In die eerste plek moet daar vasgestel word of die transaksie deur die direksie goedgekeur is. Tweedens moet daar vasgestel word of dit by wyse van 'n spesiale besluit goedgekeur is.**

(4)

Question 9

Choose the CORRECT description regarding an *ex-officio* director.

1. A director who holds the office of director because he or she was appointed by name in the Memorandum of Incorporation of a company
2. A director who holds the office of director because he or she was appointed by a person who was given the authority in the Memorandum of Incorporation to appoint a director.
3. A director who holds the office of director because he or she holds another office or title or status.
4. A director who holds the office of director because he or she is an executive director.

(4)

Vraag 9

Kies die KORREKTE beskrywing van 'n *ex-officio* direkteur.

[TURN OVER]
[BLAAI OM]

1. **'n Direkteur wat die amp van direkteur beklee omdat hy of sy by name in die Akte van Oprigting van 'n maatskappy aangestel is.**
2. **'n Direkteur wat die amp van direkteur beklee omdat hy of sy aangestel is deur iemand wat ingevolge die Akte van Oprigting gemagtig is om 'n direkteur aan te stel.**
3. **'n Direkteur wat die amp van direkteur beklee omdat hy of sy 'n ander amp, titel of statusy beklee of hou..**
4. **'n Direkteur wat die amp van direkteur beklee omdat hy of sy 'n uitvoerende direkteur is.**

(4)

Question 10

Choose the INCORRECT basis for disqualification from being appointed as a secretary of a company.

1. If a person is an unrehabilitated insolvent.
2. If a person has been declared to be delinquent by a court order.
3. If a person has been removed from an office of trust on the grounds of misconduct involving dishonesty.
4. If a person has previously served as a director in another company.

(4)

Vraag 10

Kies die VERKEERDE grondslag ingevolge waarvan 'n persoon gediskwalifiseer word om as 'n maatskappysekretaris aangestel te word.

1. **As 'n persoon 'n ongerehabiliteerde insolvent is.**
2. **As 'n persoon deur 'n hofbevel as misdadig verklaar is.**
3. **As 'n persoon uit 'n vertrouensposisie ontslaan is op grond van wangedrag waarby oneerlikheid betrokke was.**
4. **As 'n persoon voorheen as 'n direkteur in 'n ander maatskappy gedien het.**

(4)

TOTAL FOR SECTION B: [40]/ **TOTAAL VIR AFDELING B: [40]**

TOTAL/**TOTAAL: 100**

END OF PAPER / EINDE VAN VRAESTEL

UNIVERSITY OF SOUTH AFRICA UNISA university of south africa **UNIVERSITEIT VAN SUID-AFRIKA**

EXAMINATION MARK READING SHEET / **EKSAMEN-MERKLEESBLAD**

PART 1 (GENERAL/ALGEMEEN) DEEL 1

STUDY UNIT e.g. PSY100-X / STUDIE-EENHEID bv PSY100-X — 1

PAPER NUMBER / VRAESTELNOMMER — 2

INITIALS AND SURNAME / VOORLETTERS EN VAN — 3

DATE OF EXAMINATION / DATUM VAN EKSAMEN — 4

EXAMINATION CENTRE (E G PRETORIA) / EKSAMENSENTRUM (BV PRETORIA) — 5

STUDENT NUMBER / STUDENTENOMMER — 6

7

[0]	[0]	[0]	[0]	[0]	[0]	[0]	[0]
[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]
[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]
[3]	[3]	[3]	[3]	[3]	[3]	[3]	[3]
[4]	[4]	[4]	[4]	[4]	[4]	[4]	[4]
[5]	[5]	[5]	[5]	[5]	[5]	[5]	[5]
[6]	[6]	[6]	[6]	[6]	[6]	[6]	[6]
[7]	[7]	[7]	[7]	[7]	[7]	[7]	[7]
[8]	[8]	[8]	[8]	[8]	[8]	[8]	[8]
[9]	[9]	[9]	[9]	[9]	[9]	[9]	[9]

UNIQUE PAPER NO / UNIEKE VRAESTEL NR — 8

9

[0]	[0]	[0]	[0]	[0]	[0]
[1]	[1]	[1]	[1]	[1]	[1]
[2]	[2]	[2]	[2]	[2]	[2]
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[6]	[6]	[6]	[6]	[6]	[6]
[7]	[7]	[7]	[7]	[7]	[7]
[8]	[8]	[8]	[8]	[8]	[8]
[9]	[9]	[9]	[9]	[9]	[9]

For use by examination invigilator

Vir gebruik deur eksamenopsiener

◆

IMPORTANT

1. USE ONLY AN HB PENCIL TO COMPLETE THIS SHEET
2. MARK LIKE THIS [2]
3. CHECK THAT YOUR INITIALS AND SURNAME HAS BEEN FILLED IN CORRECTLY
4. ENTER YOUR STUDENT NUMBER FROM LEFT TO RIGHT
5. CHECK THAT YOUR STUDENT NUMBER HAS BEEN FILLED IN CORRECTLY
6. CHECK THAT THE UNIQUE NUMBER HAS BEEN FILLED IN CORRECTLY
7. CHECK THAT ONLY ONE ANSWER PER QUESTION HAS BEEN MARKED
8. DO NOT FOLD

BELANGRIK

1. GEBRUIK SLEGS N HB-POTLOOD OM HIERDIE BLAD TE VOLTOOI
2. MERK AS VOLG [2]
3. KONTROLEER DAT U VOORLETTERS EN VAN REG INGEVUL IS.
4. VUL U STUDENTENOMMER VAN LINKS NA REGS IN.
5. KONTROLEER DAT U DIE KORREKTE STUDENTENOMMER VERSTREK HET
6. KONTROLEER DAT DIE UNIEKE NOMMER REG INGEVUL IS.
7. MAAK SEKER DAT NET EEN ALTERNATIEF PER VRAAG GEMERK IS
8. MOENIE VOU NIE

PART 2 (ANSWERS/ANTWOORDE) DEEL 2

10

1	[1] [2] [3] [4] [5]	36	[1] [2] [3] [4] [5]	71	[1] [2] [3] [4] [5]	106	[1] [2] [3] [4] [5]
2	[1] [2] [3] [4] [5]	37	[1] [2] [3] [4] [5]	72	[1] [2] [3] [4] [5]	107	[1] [2] [3] [4] [5]
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4	[1] [2] [3] [4] [5]	39	[1] [2] [3] [4] [5]	74	[1] [2] [3] [4] [5]	109	[1] [2] [3] [4] [5]
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12	[1] [2] [3] [4] [5]	47	[1] [2] [3] [4] [5]	82	[1] [2] [3] [4] [5]	117	[1] [2] [3] [4] [5]
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26	[1] [2] [3] [4] [5]	61	[1] [2] [3] [4] [5]	96	[1] [2] [3] [4] [5]	131	[1] [2] [3] [4] [5]
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34	[1] [2] [3] [4] [5]	69	[1] [2] [3] [4] [5]	104	[1] [2] [3] [4] [5]	139	[1] [2] [3] [4] [5]
35	[1] [2] [3] [4] [5]	70	[1] [2] [3] [4] [5]	105	[1] [2] [3] [4] [5]	140	[1] [2] [3] [4] [5]