

**SECTION B**  
**AFDELING B**

Indicate which of the following statements are either TRUE or FALSE by placing a cross in the appropriate boxes below

		TRUE WAAR	FALSE VALS
1	A cheque is payable to order if it is payable to "cash or order" or to the order of "cash" <b>'n Tjek is aan order betaalbaar indien die tjek betaalbaar is aan "kontant of order" of aan die order van "kontant"</b>		
2	Section 79 of the Bills of Exchange Act protects the collecting bank if it has made payment according to the crossing, in good faith and without negligence <b>Artikel 79 beskerm die invorderingsbank indien dié bank betaal het ooreenkomstig die kruising te goeder trou en sonder nalatigheid.</b>		
3	In terms of the Bills of Exchange Act, if there is a difference between the amount written in words and numbers on a cheque, the amount payable is the amount written in words. <b>Ingevolge die Wisselwet, indien daar 'n verskil is tussen die die betaalbare bedrag in woorde en syfers op 'n tjek, is die bedrag in woorde die betaalbare bedrag.</b>		
4	A bearer cheque is negotiated by the endorsement of the holder, completed by delivery <b>'n Toondertjek word verhandel deur 'n endossement van die houer, wat deur lewering aangevul word.</b>		
5	In the case of a forged signature, the signatory signs on behalf of another person but does not have that person's permission to do so <b>In die geval van vervalste handtekeninge teken die ondertekenaar namens 'n ander persoon maar sonder daardie persoon se toestemming.</b>		
6	Trust property includes both movable and/or immovable property. <b>Trustgoed sluit roerende en/of onroerende goed in.</b>		
7	Only the court has the power to order that a trust be created. <b>Slegs die hof het die bevoegdheid om te beveel dat 'n trust geskep word.</b>		

8	<p>If it is found that the value of an estate does not exceed R125 000, the Master has a discretion to do away with the appointment of an executor and, instead to give instructions for the administration of the estate.</p> <p><b>Indien dit blyk dat die waarde van 'n boedel nie R125 000 te bowe gaan nie, het die Meester 'n diskresie om af te sien van die aanstelling van 'n eksekuteur en om in die plek daarvan instruksies vir die afhandeling van die boedel te gee.</b></p>		
9	<p>The Master of the area in which the deceased was ordinarily resident before his or her death has jurisdiction over that deceased estate.</p> <p><b>Die Meester van die regsgebied waarin die oorledene voor sy of haar dood gewoonlik woonagtig was, het jurisdiksie met betrekking tot daardie bestorwe boedel.</b></p>		
10	<p>The court has a discretion to either grant or refuse the application for rehabilitation of an insolvent.</p> <p><b>Die hof het 'n diskresie om die aansoek vir rehabilitasie van die insolvent óf toe te staan óf te weier.</b></p>		

## TOTAL FOR SECTION B: 10 MARKS

OCTOBER/NOVEMBER 2011

<p><b>SECTION B</b> <b>AFDELING B</b></p>
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Indicate which of the following statements are either **TRUE** or **FALSE** by placing a cross in the appropriate boxes below.

		TRUE WAAR	FALSE VALS
1	A cheque is payable to bearer if it is payable to "cash or order" or to the order of "cash" <b>'n Tjek is aan toonder betaalbaar indien die tjek betaalbaar is aan "kontant of order" of aan die order van "kontant".</b>		
2	Section 58 of the Bills of Exchange Act protects the drawee bank if it has made payment according to the crossing, in good faith and without negligence <b>Artikel 58 beskerm die betrokkenbank indien dié bank betaal het ooreenkomstig die kruising, te goeder trou en sonder nalatigheid.</b>		
3	In terms of the Bills of Exchange Act, if there is a difference between the amount written in words and numbers on a cheque, the amount payable is the amount written in numbers <b>Ingevolge die Wisselwet, indien daar 'n verskil is tussen die die betaalbare bedrag in woorde en syfers op 'n tjek, is die bedrag in syfers die betaalbare bedrag.</b>		
4	The signature of the endorser who is a minor fulfils only a constitutive and not a guarantee or transfer function <b>Die handtekening van 'n minderjarige endossant vervul slegs 'n konstitutiewe en nie 'n garansie of oordragfunksie nie.</b>		
5	A special endorsement consists of a signature coupled with the instruction to "Pay X" or "Pay X or order" and ensures that an order cheque remains payable to order <b>'n Spesiale endossement (endossement op naam) bestaan uit 'n handtekening tesame met die aanwysing "Betaal X" of "Betaal X of order" en verseker dat 'n ordertjek 'n ordertjek bly.</b>		
6	It is not possible for a trust to be created where the founder is to remain sole owner of the trust property. <b>'n Trust kan nie geldig tot stand kom nie indien die trustoprigter die enigste eienaar van die trustgoed bly.</b>		
7	Before bringing the application to court the creditor has to notify any relevant trade union, employees, the South African Revenue Service and, unless the court otherwise directs, the insolvent debtor, of the intended application. <b>Voordat die skuldeiser die aansoek voor die hof bring, moet hy of sy enige toepaslike vakbond, werknemers, die Suid-Afrikaanse</b>		

	<b>Inkomstediens en, tensy die hof anders gelas, die insolvente skuldenaar, in kennis stel van die voorgenome aansoek.</b>		
8	The sequestration of a partner's personal estate can be avoided by giving security for the payment of all the partnership debts within a period fixed by the court. <b>Die sekwestrasie van 'n vennoot se persoonlike boedel kan vermy word deur sekerheid te stel vir die betaling van al die vennootskapskulde binne 'n tydperk deur die hof vasgestel.</b>		
9	When the executor appoints an agent, both the executor and the agent are liable for the proper performance of the duties as executor. <b>Wanneer die eksekuteur 'n verteenwoordiger of agent aanstel, is beide die eksekuteur en die verteenwoordiger of agent aanspreeklik vir die behoorlike uitvoering van die pligte as eksekuteur.</b>		
10	As soon as the executor holds cash of more than R1000 on behalf of the estate, a cheque account has to be opened in the name of the estate <b>Sodra die eksekuteur kontant van meer as R1 000 namens die boedel hou, moet 'n tjekrekening in die naam van die boedel geopen word.</b>		

## TOTAL FOR SECTION B: 10 MARKS

MAY/JUNE 2012

SECTION B AFDELING B
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Indicate which of the following statements are either **TRUE** or **FALSE** by placing a cross in the appropriate boxes below

		TRUE WAAR	FALSE VALS
1	Absolute defences may be raised against a holder in due course <b>Absolute verwerre kan teen 'n reëlmatige houer opgewerp word.</b>		
2	A thief in possession of a bearer cheque may be the holder of the cheque <b>'n Dief in besit van 'n toondertjek kan die houer wees van die tjek.</b>		
3	The drawer's signature on a cheque fulfils a transfer function <b>Die trekker se handtekening op die trek vervul 'n oordragfunksie.</b>		
4	An endorsement in blank consists of a signature coupled with a direction to "pay X" or "pay X or order" <b>'n Blanko endossement bestaan uit 'n handtekening tesame met die aanwysing "betaal X" of "betaal X of order".</b>		
5	An endorsement must be in writing and must be an endorsement of at least a part of the cheque <b>'n Endossement moet skriftelik op die tjek aangebring word, en dit moet 'n endossement van ten minste 'n gedeelte van die tjek wees</b>		
6	A trust <i>mortis causa</i> becomes effective only on the death of the testator. <b>'n Trust <i>mortis causa</i> tree slegs in werking by die dood van die testateur.</b>		
7	Only one of the partners in a partnership must apply for the sequestration of the partnership's estate <b>Slegs een van die vennote in 'n vennootskap moet aansoek doen om die sekwestrasie van die vennootskap se boedel</b>		
8	The debtor who applies for sequestration of his or her estate must prove that he or she could not point out sufficient assets upon the sheriff's demand to satisfy the judgment against him or her (the debtor) <b>Die skuldenaar wat om sekwestrasie van sy of haar boedel aansoek doen, moet bewys dat hy of sy nie voldoende bates op versoek van die balju kon aanwys om te voldoen aan die vonnis nie.</b>		

9	An insolvent cannot be rehabilitated before the lapsing of a period of ten years from the date of sequestration <b>'n Insolvent kan nie gerehabiliteer word voordat 'n tydperk van tien jaar na sekwestrasie verstryk het nie.</b>		
10	The letters of executorship to administer the estate of a deceased person can only be issued in the name of a natural person <b>Die eksekuteursbrief om die boedel van 'n gestorwe persoon te administreer, kan alleen in die naam van 'n natuurlike persoon uitgereik word.</b>		

**TOTAL FOR SECTION B 10 MARKS**

OCTOBER/NOVEMBER 2012

<p><b>SECTION B</b> <b>AFDELING B</b></p>
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Indicate which of the following statements are either TRUE/FALSE by placing a cross in the appropriate boxes below

		TRUE WAAR	FALSE VALS
1	A crossed cheque marked with the words "not negotiable" cannot be negotiated <b>'n Gekruiste tjek gemerk met die woorde "nie verhandelbaar nie", kan nie verhandel word nie.</b>		
2	A thief in possession of a bearer cheque may be the holder in due course of that cheque <b>'n Dief in besit van 'n toondertjek mag die reëlmatige houer van daardie tjek wees.</b>		
3	The drawer's signature on a cheque guarantees that if the cheque is properly presented, it will be paid <b>Die trekker se handtekening op 'n tjek waarborg dat indien die tjek behoorlik aangebied word, dit betaal sal word.</b>		
4	If the cheque is crossed generally, the drawee bank must make payment to another bank <b>Indien 'n tjek in die algemeen gekruis is, moet die betrokke bank dit oorbetaal aan 'n ander bank.</b>		
5	The National Credit Act 34 of 2005 does not govern credit card schemes <b>Die Nasionale Kredietwet 34 van 2005 reguleer nie kredietkaartskemas nie.</b>		
6	Although a company is a juristic person, it cannot be a trustee because the trustee must be a natural person <b>Alhoewel 'n maatskappy 'n regs persoon is, kan dit nie 'n trustee wees nie, aangesien slegs 'n natuurlike persoon 'n trustee mag wees.</b>		
7	The object of the trust may not conflict with a particular legal rule, good morals or public policy <b>Die trustdoel mag nie in konflik wees met 'n sekere regs beginsel, die goeie sedes of openbare beleid nie.</b>		

8	Only the High Court has jurisdiction to grant a sequestration order as it affects the legal status of the insolvent <b>Slegs die Hoë Hof het jurisdiksie om 'n sekwestrasie bevel toe te staan aangesien dit die insolvent se status in die regsverkeer beïnvloed.</b>		
9	The High Court will refuse an order for voluntary surrender unless it is satisfied that it will be to the advantage of the creditors as a group <b>Die Hoë Hof sal nie 'n bevel vir vrywillige sekwestrasie toestaan nie, tensy dit tevrede is dat dit tot voordeel van die skuldeisers as 'n groep sal wees.</b>		
10	The executor supervises the deceased estate to ensure that the Master administers the estate properly <b>Die eksekuteur hou toesig oor die bestorwe boedel om te verseker dat die Meester die boedel korrek administreer.</b>		

**TOTAL FOR SECTION B· 10 MARKS**

**SECTION B**  
**AFDELING B**

Indicate which of the following statements is either TRUE of FALSE by placing a cross in the correct boxes below

		TRUE WAAR	FALSE VALS
1	An uncrossed cheque with the words "not negotiable" is transferable <b>'n Ongekruiste tjek wat die woorde "nie-verhandelbaar" bevat, is oordraagbaar.</b>		
2	A draws a cheque on B Bank in favour of 'C or order'. A places the cheque on a shelf. C finds the cheque on the shelf and takes it. A is liable to C on the cheque <b>A trek 'n tjek op B-bank ten gunste van 'C of order'. A plaas die tjek op 'n boekrak. C vind die tjek op die boekrak en vat dit. A is aanspreeklik teenoor C op die tjek.</b>		
3	The only function the endorser's signature on a cheque fulfils is to guarantee that if the cheque is properly presented for payment, it will be paid. <b>Die enigste funksie van die endossant se handtekening op 'n tjek is om betaling te waarborg indien die tjek behoorlik aangebied word vir betaling.</b>		
4	If the cheque is crossed specially, the drawee bank must pay the cheque to the specified bank <b>Indien 'n tjek 'n spesiale kruising bevat, moet die betrokke bank dit oorbetaal aan die gespesifiseerde bank</b>		
5	Section 58 of the Bills of Exchange Act 34 of 1964 can be used to protect the drawer if the cheque incorrectly came into the hands of the payee <b>Artikel 58 van die Wisselwet 34 van 1964 beskerm die trekker indien die tjek foutiewelik in die hande van die nemer beland het.</b>		
6	It is possible for a trust, with only natural persons as beneficiaries, to be a beneficiary of another trust <b>Dit is moontlik vir 'n trust met slegs natuurlike persone as begunstigdes, om 'n begunstigde van 'n ander trust te wees.</b>		

7	A trustee may be removed as a trustee in the event that he/she has been convicted of a crime and ordered to pay a fine <b>Die trustee mag verwyder word as 'n trustee indien hy/sy skuldig bevind is aan 'n misdaad en beveel word om 'n boete te betaal.</b>		
8	Only a Magistrate's Court has jurisdiction to grant a sequestration order <b>Slegs 'n Landdroshof het jurisdiksie om 'n sekwestrasiebevel toe te staan.</b>		
9	A company busy with business rescue proceedings may use section 155 of the Companies Act 71 of 2008 to reach a compromise with the creditors of that company <b>'n Maatskappy wat besig is met ondernemingsreddingverrigtinge, mag gebruik maak van artikel 155 van die Maatskappywet 71 van 2008 om 'n akkoord te bereik met die krediteure van hierdie maatskappy.</b>		
10	An executor for a deceased estate nominated in a will, is automatically appointed as the executor of this estate <b>'n Eksekuteur vir 'n bestorwe boedel wat genomineer is in 'n testament, word outomaties aangestel as eksekuteur van daardie boedel.</b>		

### TOTAL FOR SECTION B · 10 MARKS

OCTOBER/NOVEMBER 2013

SECTION B AFDELING B
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Indicate which of the following statements is either **TRUE** or **FALSE** by placing a cross in the correct boxes below



		TRUE WAAR	FALSE VALS
1	A cheque is payable to bearer if it is payable to 'Michelle or bearer' <b>'n Tjek is betaalbaar aan toonder indien dit betaalbaar is aan 'Michelle of toonder'.</b>		
2	If there is a discrepancy between the amount payable, stated in words and numbers on a cheque, in terms of the Bills of Exchange Act 34 of 1964, the amount stated in numbers must be followed. <b>As daar 'n verskil bestaan tussen die bedrag betaalbaar, soos vervat in woorde en syfers op 'n tjek, moet die bedrag in syfers gevolg word ingevolge die Wisselwet 34 van 1964.</b>		
3	A debit order is the most reliable negotiable instrument that can be used for paying a monthly cellphone bill <b>'n Debietorder is die mees betroubare verhandelbare dokument wat gebruik kan word vir die betaling van 'n maandelikse selfoonrekening.</b>		
4	A document where the amount written on it is 100 American dollars, complies with the requirement that it must be a 'sum certain in money' <b>'n Dokument waar die bedrag geskryf word as 100 Amerikaanse dollars, voldoen aan die vereistes dat dit 'n 'vasgestelde bedrag geld' moet wees.</b>		
5	A special indorsement consists of a signature coupled with the instruction to 'Pay X' or 'Pay X or order' and ensures that an order cheque remains payable to order <b>'n Endossement op naam bestaan uit 'n handtekening tesame met die opdrag 'Betaal X' of 'Betaal X of order' en verseker dat 'n ordertjek betaalbaar aan order bly.</b>		
6	It is not possible for a trust to be created where the founder is to remain the sole owner of the trust property <b>Dit is nie moontlik om 'n trust te skep waar die stigter die alleeneienaar van die trust se eiendom bly nie.</b>		

7	<p>If a will prescribes that all the assets must be sold, the assets are then transferred in specie</p> <p><b>Indien 'n testament bepaal dat al die bates verkoop moet word, word die bates toegeken in spesie.</b></p>		
8	<p>If there is no will or if a will does not contain any direction of the method or methods of liquidation of a deceased estate, the liquidation process is then planned by taking into account the wishes of the beneficiaries</p> <p><b>Indien daar geen testament bestaan nie of as 'n testament geen aanduiding gee van die metode of metodes van likwidasi� van 'n oorledene se boedel nie, word die likwidasi�-proses beplan met inagneming van die wense van die begunstigdes.</b></p>		
9	<p>A creditor seeking to approach a court to obtain a sequestration order must have a liquidated claim of at least R1000 against the intended debtor.</p> <p><b>'n Skuldeiser wat 'n hof wil nader om 'n sekwestrasi�bevel te verkry moet 'n gelikwideerde eis van ten minste R1000 teenoor die bedoelde skuldenaar h�.</b></p>		
10	<p>When the executor appoints an agent, both the executor and the agent are liable for the proper performance of the duties of the executor.</p> <p><b>Wanneer die eksekuteur 'n agent aanstel, is beide die eksekuteur en die agent aanspreeklik vir die behoorlike uitvoering van die pligte van die eksekuteur.</b></p>		

## TOTAL FOR SECTION B· 10 MARKS

MAY/JUNE 2014

<p><b>SECTION B</b> <b>AFDELING B</b></p>
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Indicate which of the following statements is either TRUE or FALSE by placing a cross in the correct boxes below.

		TRUE WAAR	FALSE VALS
1	<p>Only the payee of a bearer cheque may become a holder in due course through mere issuing.</p> <p><b>Slegs die nemer van 'n toondertjek kan 'n reëlmatige houer van 'n tjek wees deur blote uitgifte.</b></p>		
2	<p>An order cheque can become a bearer cheque if the order cheque is indorsed in blank.</p> <p><b>'n Ordertjek kan omskep word in 'n toondertjek indien 'n blanko endossement op die ordertjek gevoeg word.</b></p>		
3	<p>In terms of the Bills of Exchange Act, there are eight essential elements to a cheque. One of these essential elements is that the order to pay must be conditional.</p> <p><b>Ingevolge die Wisselwet is daar agt noodsaaklike elemente tot 'n tjek. Een sordanige element is dat die opdrag om te betaal voorwaardelik moet wees.</b></p>		
4	<p>The three essential parties to a cheque are the drawer, the drawee and the payee.</p> <p><b>Die drie noodsaaklike/wesenlike partye tot 'n tjek, is die trekker, die betrokke en die nemer.</b></p>		
5	<p>Only the executor of a deceased estate can submit the preliminary inventory to the Master of the High Court.</p> <p><b>Slegs die eksekuteur van 'n bestorwe boedel kan die voorlopige inventaris in dien by die Meester van die Hoë Hof.</b></p>		
6	<p>The executor of a deceased estate may pay some of the creditors of the estate before the Master of the High Court has approved the liquidation and distribution account.</p> <p><b>Die eksekuteur van 'n bestorwe boedel mag van die skuldeisers van die boedel betaal voordat die Meester van die Hoë Hof die likwidasië-en distribusierekening goedgekeur het.</b></p>		

7	The spouse of a witness to a will that established a testamentary trust, cannot be the trustee of that trust. <b>Die eggenoot van 'n getuie tot 'n testament wat 'n testamentêre trust oprig, kan nie 'n trustee van daardie trust wees nie.</b>		
8	The object of a trust will be impersonal when the object of the trust is to benefit the broader community rather than a specific person. <b>Die trustoogmerk sal onpersoonlik wees indien die trustoogmerk is om die breë gemeenskap te bevoordeel in plaas van 'n spesifieke persoon.</b>		
9	When an insolvent applies for the voluntary surrender of his or her estate, he or she must show that sequestration will be to the advantage of his or her creditors. <b>Wanneer die insolvent aansoek doen om vrywillige boedeloorgawe van sy of haar boedel, moet hy of sy wys dat die sekwestrasie tot voordeel van sy of haar skuldeisers sal wees.</b>		
10	A court does not have discretion to refuse an application for voluntary surrender if all the requirements have been complied with. <b>'n Hof beskik nie oor 'n diskresie om 'n aansoek vir vrywillige boedeloorgawe te weier nie indien daar aan al die vereistes voldoen word.</b>		

**TOTAL FOR SECTION B: 10 MARKS**

OCTOBER/NOVEMBER 2014

SECTION B AFDELING B
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Indicate which of the following statements below are either TRUE or FALSE by placing a cross in the correct block

		TRUE WAAR	FALSE VALS
1	Cheques are usually transferred subject to equities <b>Tjeks word gewoonlik oorgedra onderworpe aan verwere.</b>		
2	The authorised signature of a partnership on a cheque binds all the partners in the partnership <b>Die gemagtigde handtekening van 'n vennootskap op 'n tjek bind al die vennote.</b>		
3	A minor drawer's signature on a cheque fulfils only a guarantee function <b>'n Minderjarige trekker se handtekening op 'n tjek vervul slegs 'n waarborgfunksie (garansiefunksie).</b>		
4	A cheque that is crossed and marked "not negotiable account payee only" is no longer transferable <b>'n Tjek wat gekruis is en die woorde bevat "nie verhandelbaar nie rekening nemer alleen" is nie meer oordraagbaar nie</b>		
5	A thief that stole a bearer cheque and that is now in possession of such a cheque will never be able to be the holder of that cheque <b>'n Dief wat 'n toondertjek gesteel het en nou in besit is van sodanige tjek, sal nooit die houer van die tjek kan wees nie.</b>		
6	The transaction slip supplied by the AIM when a customer makes a deposit, amounts to an admission by the bank that it has received the indicated amount in cash <b>Die transaksie strokie wat deur 'n OTM verskaf word wanneer 'n deposito deur 'n kliënt gemaak word, is 'n erkenning deur die bank dat die aangetoonde bedrag in kontant wel ontvang is.</b>		

7	<p>One of the requirements that must be complied with to succeed with an application for the compulsory sequestration of a debtor, is that there is definitely an advantage available to the creditors if the estate is sequestrated</p> <p><b>Een van die vereistes wat nagekom moet word om te slaag met 'n aansoek vir die verpligte sekwestrasie van 'n skuldenaar, is dat daar beslis 'n voordeel sal wees vir die skuldeisers indien die boedel gesekwestreer word.</b></p>		
8	<p>A trust created verbally is valid</p> <p><b>'n Trust wat mondelings gestig word is geldig.</b></p>		
9	<p>It will never be possible for an insolvent to be appointed as an executor of a deceased estate</p> <p><b>Dit sal nooit moontlik wees vir 'n insolvent om aangestel te word as 'n eksekuteur in 'n bestorwe boedel nie.</b></p>		
10	<p>It would be possible for the trustee of an insolvent estate to also take possession of the assets of the solvent's spouse married to the insolvent out of community of property and to sell such assets to pay for the debts of the insolvent estate</p> <p><b>Dit sou moontlik wees vir die kurator van 'n insolvente boedel om ook besit te neem van die bates van die solvente gade, wat getroud is met die insolvent buite gemeenskap van goedere, en sodanige bates te verkoop om te betaal vir die skuld van die insolvente boedel.</b></p>		

**TOTAL FOR SECTION B 10 MARKS**

MAY/JUNE 2015

<p><b>SECTION B</b> <b>AFDELING B</b></p>
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Indicate which of the following statements below are either TRUE or FALSE by placing a cross in the correct block

		TRUE WAAR	FALSE VALS
1	<p>It is possible for a thief that is in possession of a bearer cheque to be the holder of that cheque</p> <p><b>Dit is moontlik vir 'n dief wat in besit is van 'n toondertjek om die houer van daardie tjek te wees.</b></p>		
2	<p>Allie draws a cheque on B Bank in favour of "Lesego or order". The cheque is uncrossed and marked "not negotiable". Such a cheque remains transferable</p> <p><b>Allie trek 'n tjek op B-bank ten gunste van "Lesego of order". Die tjek is ongekrus en gemerk "nie verhandelbaar nie". Sodanige tjek bly steeds oordraagbaar.</b></p>		
3	<p>Section 79 of the Bills of Exchange Act 34 of 1964 protects the collecting bank against liability if this bank has made payment according to the crossing, in good faith and without negligence.</p> <p><b>Artikel 79 van die Wisselwet 34 van 1964 beskerm die invorderingsbank teen aanspreeklikheid indien hierdie bank betaling gemaak het diensooreenkomstig die kruising te goeder trou en sonder nalatigheid.</b></p>		
4	<p>An order cheque can become a bearer cheque if the order cheque is indorsed in blank</p> <p><b>'n Ordertjek kan omskep word in 'n toondertjek indien 'n blanko endossement op die ordertjek aangebring is.</b></p>		
5	<p>The National Credit Act 34 of 2005 does not govern credit card schemes.</p> <p><b>Die Nasionale Kredietwet 34 van 2005 reguleer nie kredietkaartskemas nie.</b></p>		
6	<p>The preliminary inventory for a deceased estate must be submitted to the Master of the High Court by the executor of that deceased estate.</p> <p><b>Die voorlopige inventaris vir 'n bestorwe boedel moet ingedien word by the Meester van die Hooggeregshof deur die eksekuteur van daardie bestorwe boedel.</b></p>		

7	Only a court has the power to order that a trust be created <b>Slegs 'n hof het die bevoegdheid om te beveel dat 'n trust geskep word.</b>		
8	The spouse of a witness to a will that established a testamentary trust can be the trustee of that trust <b>Die eggenoot van 'n getuie tot 'n testament wat 'n testamentêre trust oprig kan wel die trustee van hierdie trust wees.</b>		
9	The sequestration of a partner's personal estate simultaneously with the insolvent partnership estate can be avoided by giving security for the payment of all the partnership debts within a period fixed by the court <b>Die sekwestrasie van 'n vennoot se persoonlike boedel gelyktydig met die die insolvente vennootskapsboedel kan vermy word deur sekerheid te verskaf vir die betaling van al die vennootskapskulde binne 'n tydperk vasgestel deur die hof.</b>		
10	The court has the discretion to either grant or refuse the application for rehabilitation of an insolvent. <b>Die hof het die diskresie om die aansoek vir die rehabilitasie van die insolvent óf toe te staan óf te weier.</b>		

## TOTAL FOR SECTION B· 10 MARKS

OCTOBER/NOVEMBER 2015

SECTION B AFDELING B
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Indicate which of the following statements below are either TRUE or FALSE by placing a cross in the correct block



		TRUE WAAR	FALSE VALS
1	A cheque payable to the order of "cash" is a bearer cheque in terms of the Bills of Exchange Act 34 of 1964 <b>'n Tjek betaalbaar aan order of "kontant", is 'n toondertjek ingevolge die Wisselwet 34 van 1964.</b>		
2	If the payee on a cheque is a person not having capacity to contract, the cheque may be treated as an order cheque <b>As die nemer van 'n tjek 'n persoon sonder handelingsbevoegdheid is, mag die tjek soos 'n ordertjek behandel word.</b>		
3	In terms of the Bills of Exchange Act 34 of 1964, if there is a difference between the amount written in words and numbers on the cheque, the amount payable is the amount written in words <b>As daar 'n verskil is tussen die bedrag wat in woorde en in syfers op 'n tjek geskryf is, is die bedrag betaalbaar ingevolge die Wisselwet 34 van 1964, die bedrag in woorde.</b>		
4	If the cheque is crossed specially, the drawee bank can pay the cheque to any bank <b>As 'n tjek in die besonder gekruis is, kan die betrokkenebank die tjek aan enige bank betaal.</b>		
5	A draws a cheque on B Bank in favour of "C or order" C indorses the cheque on the back in blank and delivers it to D as a birthday gift D may become a "holder in due course" in terms of the Bills of Exchange Act 34 of 1964 <b>A trek 'n tjek op B bank ten gunste van "C of order". C endosseer die tjek in blanko op die rugkant van die tjek en lewer dit aan D as verjaarsdaggeskenk. D kan "'n reëlmatige houer" word ingevolge die Wisselwet 34 van 1964.</b>		

6	A restrictive endorsement consists of a signature coupled with the instruction to "Pay X" or "Pay X or order" <b>'n Beperkende endossement bestaan uit 'n handtekening tesame met die aanwysing "Betaal X" of "Betaal X of order".</b>		
7	It is not possible for a trust to be created where the founder is to remain sole owner of the trust property <b>Dit is nie moontlik dat 'n trust gestig word waar die trustoprigter die alleeneienaar van die trustgoed bly nie.</b>		
8	An executor for a deceased estate nominated in terms of a will, is automatically appointed as the executor of this estate on the death of the deceased <b>Die eksekuteur wat in 'n testament as eksekuteur van 'n bestorwe boedel benoem word, word outomaties as eksekuteur van hierdie boedel aangestel by die afsterwe van die testateur</b>		
9	The sequestration of a partner's personal estate can be avoided by giving security for the payment of all the partnership debts within a period fixed by the court <b>Die sekwestrasie van 'n vennoot se persoonlike boedel kan vermy word deur sekerheid te stel vir die vereffening van al die vennootskapskulde binne 'n tydperk wat die hof bepaal.</b>		
10	The court can order a rehabilitation of a partnership in terms of the Insolvency Act 24 of 1936 <b>Die hof kan ingevolge die Insolvensiewet 24 van 1936 die rehabilitasie van 'n vennootskap beveel.</b>		

## TOTAL FOR SECTION B 10 MARKS

MAY/JUNE 2016

<b>SECTION B</b> <b>AFDELING B</b>
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Indicate which of the following statements below are either TRUE or FALSE by placing a cross in the correct block

		TRUE WAAR	FALSE VALS
1	<p>The signature of the endorser who is a minor fulfils only a constitutive and not a guarantee or transfer function</p> <p><b>Die handtekening van 'n endossant wat 'n minderjarige is vervul slegs 'n konstitutiewe en nie 'n garansie of oordragfunksie nie.</b></p>		
2	<p>A cheque drawn by A on B-Bank in favour of "C" and endorsed by C in blank on the back becomes a bearer cheque</p> <p><b>'n Tjek getrek deur A op B-bank ten gunste van "C" en in blanko op die rugkant deur C geëndosseer, word 'n toondertjek</b></p>		
3	<p>A crossed cheque marked "a/c payee only" is not transferable</p> <p><b>'n Gekruiste tjek wat "rekening begunstigde alleen" gemerk is, is nie oordraagbaar nie.</b></p>		
4	<p>Any holder in possession of an uncrossed cheque may cross it in any manner</p> <p><b>Enige houer in besit van 'n ongekreuste tjek mag dit op enige wyse kruis.</b></p>		
5	<p>Only the payee of a bearer cheque may become a holder in due course through mere issue of the cheque</p> <p><b>Slegs die nemer van 'n toondertjek kan 'n reëlmagtige houer deur blote uitgifte van 'n tjek</b></p>		

6	<p>A trust created for the purpose of making profit may still qualify as a charitable trust</p> <p><b>'n Trust wat geskep is ten einde wins te maak kan steeds kwalifiseer as 'n liefdadigheidstrust</b></p>		
7	<p>The object of a trust will be impersonal when the object of the trust is to benefit the broader community rather than a specific person</p> <p><b>Die trustoogmerk sal onpersoonlik wees indien die trustoogmerk is om die breë gemeenskap te bevoordeel in plaas van 'n spesifieke persoon.</b></p>		
8	<p>A party to a collusive disposition is liable to make good any loss caused to the insolvent estate</p> <p><b>'n Party met 'n samespannende ingesteldheid is aanspreeklik vir enige verlies wat die insolvente boedel gely het.</b></p>		
9	<p>After an estate has been sequestrated, at the first meeting of creditors, a trustee is elected and such election is generally confirmed by the Master</p> <p><b>Nadat 'n boedel gesequestreer is, word 'n trustee op die eerste skuldeisersvergadering verkies en hierdie trustee word in die algemeen deur die Meester bevestig.</b></p>		
10	<p>Free residue comprises all the unencumbered assets of the estate</p> <p><b>Vrye oorskot bestaan uit al die onbeswaarde bates van die boedel.</b></p>		

## TOTAL FOR SECTION B 10 MARKS

OCTOBER/NOVEMBER 2016

SECTION B AFDELING B
-------------------------

Indicate which of the following statements below are either TRUE or FALSE by placing a cross in the correct block

		TRUE WAAR	FALSE VALS
1	An order cheque can become a bearer cheque if the order cheque is indorsed in blank <b>'n Ordertjek kan omskep word in 'n toondertjek indien 'n blanko endossement op die ordertjek gevoeg word</b>		
2	A minor drawer's signature on a cheque fulfils only a guarantee function <b>'n Minderjarige trekker se handtekening op 'n tjek vervul slegs 'n waarborgfunksie (garansiefunksie).</b>		
3	The authorised signature of a partner on a cheque binds all the partners in the partnership <b>Die gemagtigte handtekening van 'n vennoot op 'n tjek bind al die vennote in die vennootskap.</b>		
4	One of the eight essential elements of a cheque in terms of the Bills of Exchange Act 34 of 1964 is that the order to pay must be conditional <b>Een van die essensiele elemente van 'n tjek ingevolge die Wisselwet 34 van 1964 is dat die opdrag om te betaal voorwaardelik moet wees</b>		
5	A debit order differs from the stop order in that with a debit order the completed debit order form is handed to the creditor <b>'n Debietorder verskil van 'n aftrekorder deur dat daar met 'n debietorder 'n voltooide debietordervorm aan die skuldeiser oorhandig moet word.</b>		
6	It is possible for a trustee of a trust to be a sole beneficiary but not both the sole beneficiary and the sole trustee <b>Dit is moontlik vir 'n oprigter van 'n trust om die enigste begunstigde te wees, maar nie sowel die enigste begunstigde as die enigste trustee nie</b>		
7	A spouse of a person who has written or witnessed the will in which such a person has been appointed as a trustee may qualify to be a trustee of such a trust		

	'n Gade van 'n persoon wat die testament opstel waarin dié persoon as trustee aangestel word of as getuie teken kwalifiseer om 'n trustee van hierdie trust te wees		
8	A sequestration order affects pending criminal proceedings <b>'n Sekwestrasiebevel beïnvloed wel die hangende strafregtelike verrigtinge</b>		
9	The sequestration of a partner's personal estate simultaneously with the insolvent partner's estate can be avoided by giving security for the payment of all the partnership's debts within a period fixed by the court <b>Die gelyktydige sekwestrasie van 'n vennoot se persoonlike bedoel en die insolvent se vennootskapsboedel kan vermy word deur sekerheid te verskaf vir die betaling van al die vennootskapskulde binne 'n tydperk wat deur die hof vasgestel sal word.</b>		
10	Only the executor of a deceased estate can submit the preliminary inventory to the Master of the High Court <b>Slegs die eksekuteur van 'n bestorwe boedel kan die voorlopige inventaris by die Meester van die Hoë Hof indien.</b>		

## TOTAL FOR SECTION B 10 MARKS

OCTOBER/NOVEMBER 2017

SECTION B AFDELING B
-------------------------

Indicate which of the following statements below are either TRUE or FALSE by placing a cross in the correct block

		TRUE WAAR	FALSE VALS
1	An order cheque can become a bearer cheque if the order cheque is indorsed in blank <b>'n Ordertjek kan omskep word in 'n toondertjek indien 'n blanko endossement op die ordertjek gevoeg word.</b>		
2	Where a drawer's signature is necessary for the purpose of creation of a valid order cheque, it fulfils a transfer function <b>Waar die handtekening van die trekker nodig is vir die totstandkoming van 'n geldige ordertjek, vervul dit 'n oordragfunksie.</b>		
3	A thief in possession of a bearer cheque may be the holder in due course of that cheque <b>'n Dief in besit van 'n toondertjek mag die reëlmatige houer van daardie tjek wees.</b>		
4	If the cheque is crossed generally, the drawee bank must make payment to another bank <b>Indien 'n tjek in die algemeen gekruis is, moet die betrokkenebank dit aan 'n ander bank oorbetaal</b>		
5	A crossed cheque marked with the words "not negotiable" cannot be negotiated <b>'n Gekruiste tjek gemerk met die woorde "nie verhandelbaar nie" kan nie verhandel word nie</b>		
6	A debit order differs from the stop order in that with a debit order the completed debit order form is handed to the creditor <b>'n Debietorder verskil van 'n aftrekorder deur dat daar met 'n debietorder 'n voltooide debietordervorm aan die skuldeiser oorhandig moet word.</b>		
7	The letter of executorship, to administer the estate of a deceased person, can only be issued in the name of a natural person <b>Die eksekuteurbrief, om die boedel van 'n oorlede persoon te administreer, kan alleen in die naam van 'n natuurlike persoon</b>		

	uitgereik word		
8	A trust <i>mortis causa</i> becomes effective only on the death of the testator <b>'n Trust <i>mortis causa</i> tree slegs in werking by die dood van die testateur</b>		
9	The debtor who applies for sequestration of his or her own estate must prove that he or she could not point out sufficient assets upon the sheriff's demand to satisfy judgment against him or her (the debtor) <b>Die skuldenaar wat om sekwestrasie van sy of haar eie boedel aansoek doen, moet bewys dat hy of sy nie voldoende bates op versoek van die balju kon uitwys om aan die vonnis teen hom of haar te voldoen nie</b>		
10	An insolvent cannot be rehabilitated before the lapsing of a period of ten years from the date of sequestration <b>'n Insolvent kan nie gerehabiliteer word voordat 'n tydperk van tien jaar na die datum van sekwestrasie verstryk het nie.</b>		

**TOTAL FOR SECTION B 10 MARKS**

MAY/JUNE 2018

SECTION B AFDELING B
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Indicate which of the following statements below are either TRUE or FALSE by placing a cross in the correct block



		TRUE WAAR	FALSE VALS
1	<p>Where the drawer's signature is necessary for the purpose of creating a valid order cheque, it fulfils a transfer function</p> <p><b>Waar die handtekening van die trekker nodig is vir die totstandkoming van 'n geldige ordertjek, vervul dit 'n oordragfunksie.</b></p>		
2	<p>Allie draws a cheque on B Bank in favour of "Lesego or order" The cheque is uncrossed and marked "not negotiable" Such a cheque remains transferable</p> <p><b>Allie trek 'n tjek op B-bank ten gunste van "Lesego of order" Die tjek is ongekrus en gemerk "nie verhandelbaar nie" Sodanige tjek bly steeds oordraagbaar.</b></p>		
3	<p>Section 79 of the Bills of Exchange Act protects the collecting bank against liability if this bank has made payment according to the crossing, in good faith and without negligence</p> <p><b>Artikel 79 van die Wisselwet beskerm die invorderingsbank teen aanspreeklikheid indien hierdie bank betaling gemaak het diensooreenkomstig die kruising te goeder trou en sonder nalatigheid.</b></p>		
4	<p>An order cheque can become a bearer cheque if the order cheque is indorsed in blank</p> <p><b>'n Ordertjek kan omskep word in 'n toondertjek indien 'n blanko endossement op die ordertjek aangebring is.</b></p>		
5	<p>Credit card schemes are "credit agreements" in terms of the National Credit Act 34 of 2005</p> <p><b>Kredietkaartschemas is "kreditooreenkomste" volgens die Nasionale Kredietwet 34 van 2005.</b></p>		
6	<p>The preliminary inventory for a deceased estate must always be submitted to the Master of the High Court by the executor of that deceased estate</p> <p><b>Die voorlopige inventaris vir 'n bestorwe boedel moet altyd ingedien word by the Meester van die Hooggeregshof deur die eksekuteur van daardie bestorwe boedel</b></p>		

7	A trust can only be created by an order of the court <b>’n Trust mag slegs geskep word deur ’n hofbevel.</b>		
8	The spouse of a witness to a will that established a testamentary trust does not qualify to be the trustee of that trust <b>Die eggenoot van ’n getuie tot ’n testament wat ’n testamentêre trust oprig kan nie kwalifiseer as die trustee van daardie trust wees</b>		
9	The sequestration of a partner's personal estate simultaneously with the insolvent partnership estate can be avoided by giving security for the payment of all the partnership debts within a period fixed by the court <b>Die sekwestrasie van ’n vennoot se persoonlike boedel gelyktydig met die insolvente vennootskapsboedel kan vermy word deur sekerheid te verskaf vir die betaling van al die vennootskapskulde binne ’n tydperk vasgestel deur die hof</b>		
10	The court has the discretion to either grant or refuse the application for rehabilitation of an insolvent <b>Die hof het die diskresie om die aansoek vir die rehabilitasie van die insolvent óf toe te staan óf te weier.</b>		

TOTAL FOR SECTION B 10 MARKS