



Department of Finance and Investment Management

Advanced Property Law B

APL8X02

LAST ASSESSMENT OPPORTUNITY

NOVEMBER 2018

Time: 3 hours

Marks: 150

Assessor: Mr R.C Fuchs

Moderators: Me JM de Beer

INSTRUCTIONS:

- This paper consists of 4 pages (including an **answer sheet**).
- Answer ALL questions in the **answer book** provided.
- Silent, non-programmable calculators may be used, unless otherwise instructed.
- Where applicable, show all calculations clearly.
- Answers with Tippex and in pencil will **not** be marked.
- Scratch out all open spaces and empty pages.
- Good luck!

Question	Topic	Marks	Time
1	Expropriation	25	30 Minutes
2	Municipal Property Rates Act, Act6 of 2004	20	25 Minutes
3	Case Law	20	25 Minutes
4	Statutory control	20	30 Minutes
5	Dispute Solving	25	20 Minutes
6	Commercial associations	20	30 Minutes
7	Insolvency	20	20 Minutes
		150	180 minutes

PROGRAMME: B.Com Honours (Property Valuation and Management)

MODULE: Applied Property Law B (APL8X02) (FAO –NOVEMBER 2018)

QUESTION 1

A family member of yours owns a property which has been earmarked for expropriation. You are consulted and asked to explain, inter alia, what expropriation is, and more specifically under the following headings:

- 1.1 How is “solatium” is calculated in terms of section 12(2) of the Expropriation Act, Act 63 of 1975? (4)
- 1.2 Is the Expropriation Act, Act 63 of 1975, the only statute governing the expropriation of land? Is there other legislation covering this aspect, if yes, what is the correct citation is thereof? How is the interplay between these laws managed? (4)
- 1.3 Explain the difference between deprivation and expropriation by referring to our case law. (4)
- 1.4 What is constructive expropriation? Provide an example in your explanation. (4)
- 1.5 In essence, what is the impact of *Du Toit v Minister of Transport, 2006 (1) SA* ? (4)
- 1.6 Is it peremptory that all the factors listed in sec 25(3) of the Constitution, should be applied when determining compensation? What are some of the challenges regarding the listed aspects contained in the said section? (5)

[25]

QUESTION 2

2.1 Discuss how you would explain the procedures set out in section 52 (Compulsory review) and section 54 (Right of Appeal), to a client on whose behalf you objected to an entry in a municipal valuation roll. (14)

2.2 Name any six reasons set out in section 78 of the Municipal Property Rates Act, Act 6 of 2004, for which a supplementary valuation roll, is to be drawn up. (6)

[20]

PROGRAMME: B.Com Honours (Property Valuation and Management)

MODULE: Applied Property Law B (APL8X02) (FAO –NOVEMBER 2018)

QUESTION 3

Based on South African case law, explain when property is regarded as immovable or movable.

[20]

QUESTION 4

Against the background of the National Building Regulations and Buildings Standard Act, Act 103 of 1977.

4.1 Under which circumstances will a local authority not approve building plans (section 7)
(5)

4.2 Under which circumstances will a local authority prohibit a person from erecting a building
(section 10) (5)

4.3 Briefly discuss the main provisions of the following legislation:

4.3.1 Fencing Act of 1963 (3)

4.3.2 National Monuments Act 38 of 1969 (3)

4.3.3 Health Act 63 of 1977 (3)

4.3.4 Subdivision of Agricultural Land Act 70 of 1970 (1)

[20]

QUESTION 5

Discuss the divisions of the following:

Public Law (12)

Private Law (13)

[25]

QUESTION 6

Discuss Business Trusts (10)

Discuss the circumstances under which an offer may be terminated.
(10)

[20]

PROGRAMME: B.Com Honours (Property Valuation and Management)

MODULE: Applied Property Law B (APL8X02) (FAO –NOVEMBER 2018)

QUESTION 7

Discuss voidable transactions in terms of the Insolvency Act 24 of 1936.

[20]

Total [150]