



Department of Finance and Investment Management

## Advanced Property Law B

APL8X02

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### SUPPLEMENTARY ASSESSMENT OPPORTUNITY

NOVEMBER 2018

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**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	40	45 Minutes
2	Case Law	30	40 Minutes
3	Commercial Association	30	35 Minutes
4	Contracts	20	25 Minutes
5	Short Questions	20	20 Minutes
6	Statutory Control	10	15 Minutes
		150	180 minutes

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

**MODULE:** Applied Property Law B (APL8X02) (SAO – DECEMBER 2018)

### **QUESTION 1**

Discuss how the determination of compensation is set out in terms of the following sets of legislation together with appropriate case law:

1.1 Section 12 of the Expropriation Act, Act 63 of 1975?

1.2 Section 25 of The Constitution of the Republic of South Africa, 1996

**(40)**

### **QUESTION 2**

Briefly discuss the facts and findings (principles) set out in the following case law.

2.1 Minister of Agriculture v Federal Theological Seminary 1979 4 SA 162 (E)

2.2 Ash and Others v Department of Land Affairs 2000 2 All SA 26

2.3 Fine Wool Products of SA v Director of Valuations 1950 4 SA 490

2.4 Bodasing v South African Roads Board 1995 4 SA 867

2.5 Harris v Williams 1998 2 SA 263

**(30)**

### **QUESTION 3**

A friend of yours wishes to start a business venture. He consults you to advise him on the formation of a commercial association. He informs you that he has determined the following:

**3.1** He requires perpetual succession.

**3.2** His desire is that the association to be for an open-ended time as well as for wide-ranging purposes.

**3.3** He would also like to know what the position would be if the business is more temporary and focused.

**3.4** His partners-to-be are not certain whether they wish to be known to the public.

Advise your friend what his options are. As your friend is not certain what vehicle he should he should use for the commercial association, please ensure that you advise him comprehensively on this matter. Your advice should include aspects such as essentials, legal formalities, the effect of sequestration and categories.

**(30)**

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#### **QUESTION 4**

**4.1** Discuss the circumstances under which an offer may be terminated?

**(10)**

**4.2** In order to be recognized as a valid and binding contract, the agreement must satisfy certain requirements. Name and briefly discuss them.

**(10)**

**[20]**

#### **QUESTION 5**

Answer the following questions by answering true or false:

- i.** “Positive Law” is a division of Private Law? **(2)**
- ii.** In a personal liability company, the shareholders are jointly and severely liable for any debts and liabilities of the company that are or where, contracted during their respective periods of office? **(2)**
- iii.** A universal partnership may be distinguished from an ordinary partnership? **(2)**
- iv.** An *en commandite* partner is always limited to the share of his capital contribution? **(2)**
- v.** One of the characteristics of a trust is that it can only be done in the founder’s lifetime? **(2)**
- vi.** In a family trust, the trustees may take business risks? **(2)**
- vii.** If, for whatever reason there is no trustee, the Master of the Supreme Court will appoint a trustee? **(2)**
- viii.** It is not required that a valid trust has a beneficiary? **(2)**
- ix.** The abbreviation “INC” in terms of the Companies Act, 2008 is to state that the personal liability company is “INCLUDED”? **(2)**
- x.** The purpose of a trust is to benefit the trustees? **(2)**

**[20]**

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### **QUESTION 6**

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

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

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

[10]

**Total [150]**