Faculty of Law

SHORT LEARNING PROGRAMME IN BUSINESS RESCUE

RETHINK. REINVENT.
SHORT LEARNING PROGRAMME IN BUSINESS RESCUE

Over the past few years the restructuring of companies in financial distress has become a global trend and a key topic of debate. Chapter 6 of the Companies Act 71 of 2008 has introduced business rescue to the South African legal landscape and has since led to a plethora of case law which sometimes unfortunately contributes to legal uncertainty.

As from 2015, the content previously covered in the UJ Post-graduate Diploma in Corporate Law will instead be expanded and presented in several short learning programmes (SLPs). This method of delivery enables participants to select the areas of corporate law most relevant to them or to pace their learning experience over several semesters.

The SLP in Business Rescue is one of these new programmes and focuses on the legal principles of business rescue as contained in chapter 6 of the Companies Act. It is offered over a period of 6 months from July to December 2015 and covers inter alia the following:

- An in depth analysis of chapter 6 of the Companies Act; commencement of business rescue proceedings; business rescue practitioner’s functions and terms of appointment; development and approval of business rescue plan; the moratorium; post-commencement finance; rights of affected persons during business rescue proceedings; compromises in terms of section 155 of the Companies Act of 2008;
- Analysis of provisions dealing with the drafting and acceptance of the business rescue plan;
- Appointment and regulation of the Business Rescue Practitioner as well as functions; powers and duties;
- Directors: powers, duties and liability prior and during business rescue;
- Rights of employees and principles of Labour Law relating to business rescue;
- Introduction to Business Management;
- Corporate Governance principles with regard to business rescue;
- Case law update.

The purpose of this SLP is to introduce the underlying principles and application of business rescue to professionals in the legal, management and financial field. The course material will also be available online and subject to sufficient demand and the availability of suitable resources, workshops will also be presented in Cape Town and Durban.
The following is a list of related programmes which are highly relevant to students interested in a programme of study in commercial law:

- Corporate Finance & Securities Law (July to December 2015)
- Company Law: Fundamental Principles (March to August 2016)
- Corporate Insolvency Law (March to August 2016)

**The presenters of the SLP in Business Rescue are:**

- Prof Kathleen van der Linde - She is the Head of the Department of Mercantile Law and programme director for the LLM in Corporate Law at UJ. Kathleen has extensive teaching experience and has presented training on the new Companies Act to several prominent law firms and businesses. She has published widely on company and insolvency law, is a co-author of Hockly's Insolvency Law and has contributed to various international books and journals. She keeps abreast of developments in her field by contributing to a current awareness service aimed at financial institutions.
- Prof Juanitta Calitz - She is the Head of the Department of Public Law and presents postgraduate and extra-curricular courses in corporate insolvency law. She is a member of the Academic Steering Committee of INSOL International. Juanitta is a member of the Academic Steering Committee of INSOL International; serves on the Editorial Board of INSOL World and also serves as a national councillor of SARIPA (the South African Restructuring and Insolvency Practitioners Association). She has presented at national and international conferences as well as various articles on topics related to insolvency law.

**ADMISSION**

A unique feature of this course is that delegates can enrol on different levels (a NQF level 6 or a NQF level 8) which has an impact on the enrolment requirements and which opens up articulation possibilities to other programmes offered by the University of Johannesburg.

**Admission on NQF level 6:**

- Any equivalent qualification on NQF 5 level (matric certificate) with relevant practical experience

**Admission on NQF level 8:**

- Any bachelor's degree, or
- Any equivalent qualification on NQF 7 level
**PRESCRIBED MATERIAL**

The programme fee includes all prescribed material.

**ASSESSMENT**

There will be two assignments, each contributing 25% towards the final mark. The examination contributes 50% towards the final mark. A subminimum of 40% applies to the assignment mark and the examination mark.

**COURSE FEES**

Please contact our office to confirm the course fees.
Foreign students pay an international levy of R1 000.
Students need to adhere to the set deadlines for payment of all fees.

**APPLICATIONS**

Kindly contact Ms Elaine Squire in order to apply at (011) 559 2758 or on esquire@uj.ac.za

*Faculty of Law*
*University of Johannesburg*
*PO Box 524*
*Auckland Park*
*Johannesburg, 2006*

Please attach certified copies of your ID document/passport, as well as your previous qualifications to your application form.

**NB:** Foreign applicants should contact the Faculty for other relevant requirements.

**ADMINISTRATIVE ENQUIRIES**

Application forms and more details on the programmes are available from the Faculty of Law.

Please contact the Faculty for more information on the programme:

*Ms Elaine Squier*
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