

Course Outline:

MODULE 1:

1. Orientation; introduction and history of business rescue legislation in South Africa
2. Overview of international restructuring tools and procedures
3. The business rescue framework of the Companies Act 2008
4. Commencement of business rescue proceedings
5. Launching business rescue applications in liquidation proceedings and converting business rescue into liquidation
6. The business rescue practitioner (BRP): appointment; regulation; qualification; duties and powers; termination; tariff and determination of fees
7. Lessons from the cases

MODULE 2:

1. Legal consequences of the commencement of business rescue:
 - General moratorium
 - Post-commencement finance
 - Uncompleted contracts
2. Role of the creditor
3. Rights of employees
4. Directors: powers, duties and liability prior to and during business rescue
5. Lessons from the cases

MODULE 3:

1. Scope and drafting of a business rescue plan
2. Prescribed content of the plan
3. Consequences of the approval or rejection of a plan
4. Practical aspects of a business rescue plan
5. Analysis and evaluation of plans
6. Lessons from the cases

MODULE 4:

1. Overview of relevant business management considerations
2. Interview with senior practitioners

Online Application

TO MAKE AN ONLINE APPLICATION (No application fee is payable)

- The Course Code is: **S4BR5Q**
- For a quicker and easier application process for first-time (new) applicants use the link below:
Short web application https://registration.uj.ac.za/pls/prodi41/wuj012pkg.wuj012_startup
- And the **RETURNING** student web link is:
https://registration.uj.ac.za/pls/prodi41/w99pkg.mi_login
- For both processes above the "token" that must be used by applicants is **LAWSLP**

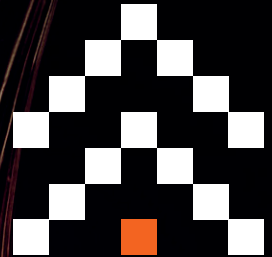
For assistance regarding Applications please contact the University call centre on (+27) 11 559 4555 or at mylife@uj.ac.za

Faculty of Law

Short Learning Programme: Business Rescue



FACULTY OF LAW



The Future
Reimagined

Introduction:

Given the financial turmoil caused by the COVID-19 lockdown and the downgrades by rating agencies, the number of businesses experiencing financial difficulties is increasing dramatically. The Faculty of Law at the University of Johannesburg is now offering its short learning programme in Business Rescue in a fully online format. This will give you a convenient and accelerated opportunity to update your knowledge on the legal and practical principles and the latest developments in this field. This programme covers the scope and underlying principles of business rescue and thoroughly analyses the substantive law and procedure of business rescue. It also focuses on the practical implications of business rescue.

How Will You Learn?

The programme is broken down into 4 manageable modules and includes a range of interactive content, including online video lectures, case studies and access to various further educational resources. This includes a half-day workshop on campus, that will also be live-streamed. The programme is presented on the Blackboard e-Learning platform. After successful registration, students will receive their personal log-in details and will gain access through the uLink portal. The duration of the programme is **(April - June 2023)** culminating in an online examination at the end of the course.

Continuing Professional Development:

- Delegates who successfully complete the programme will qualify for **verifiable CPD hours** in terms of *CIPC: Business Rescue CPD requirements* gazetted on 14-08-20.

Admission:

Any equivalent qualification on NQF 5 level, or matric certificate on NQF Level 4 with relevant practical experience.

Documents Required:

- certified copy of ID Document
- certified copy of Marriage Certificate (If applicable eg. your Surname is different on your Grade 12 Certificate to what appears on your Tertiary Qualification Certificate/s)
- certified copy of Matric / Senior Certificate / School Leaving Certificate
- certified copy of Tertiary Qualification Certificate/s
- certified copy of Academic Record of your qualification/s obtained
- CV

Assessment:

There will be two assignments and one examination, all in online format.

Course Fees:

The Course fees for 2023 is R10 500.00. Full fees to be paid upfront. (Foreign students pay an international levy of R1 000). Participants need to adhere to the set deadlines for payment of all fees.

*This breakdown of fees DOES NOT apply to students whose fees are paid by a bursary sponsor or employer.

*In these instances where the full fees must be paid, tax invoices must be requested from the Financial Officer, Mr Isaac Moagi - imoagi@uj.ac.za

Students who fail to pay full fees will not be permitted to attend classes.

Applications:

The closing date for applications are **3 April 2023**.

Administrative Enquiries:

For administrative assistance regarding this programme, please contact:

- Esmeralde du Plessis:** esmeraldedp@uj.ac.za (Course coordinator)



Course Leaders:

Prof Kathleen van der Linde - Kathleen is professor of corporate law in the Department of Mercantile Law and programme director for the LLM in Corporate Law at UJ. She has extensive teaching experience and has presented training on the new Companies Act to several prominent law firms and businesses. Kathleen is a co-author of *Hockly's Insolvency Law* and serves on the course committee for INSOL International's Foundation Certificate in International Insolvency Law. In 2021 the Amsterdam district court appointed her as an independent expert member of the committee of representation in the Dutch restructuring proceedings of the Steinhoff group.



Prof Juanitta Calitz - Juanitta is an associate professor of Law at the University of Johannesburg and is head of the Department of Mercantile law. She presents undergraduate and postgraduate courses in insolvency law and business rescue and is co-author of *Mars: The Law of Insolvency in South Africa* (10th ed). Juanitta is the Chair of the INSOL International Academic Group as well as a member of the INSOL Legislative & Regulatory Steering Committee. She is an honorary member of SARIPA (the South African Restructuring and Insolvency Practitioners Association).

She is also a member of the International Advisory Council of the Singapore Global Restructuring Initiative (SGRI) as well as a member of the editorial board of the International Insolvency Review (IIR). She has presented at national and international conferences and has published in the field of commercial law.