

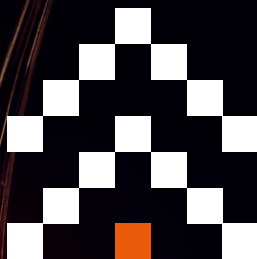
# Faculty of Law

## Short Learning Programme: Business Rescue



UNIVERSITY  
OF  
JOHANNESBURG

FACULTY OF LAW



**The Future  
Reimagined**

## Introduction:

Given South Africa's energy and economic challenges and the worst global cost of living crisis of the 21st century, it is hardly surprising that increasing numbers of businesses face financial difficulties. The demand for legal expertise on the underlying principles of business rescue is higher than ever. The Faculty of Law at the University of Johannesburg is now offering its short learning programme in Business Rescue in a fully online format. We designed the programme to suit the busy practitioner: it is a thorough yet compact course that can be completed over 6 weeks. In addition to covering the substantive law and procedure of business rescue, the programme focuses on the practical implications of business rescue and provides and update on the latest legal developments in this field.

## How Will You Learn?

The programme is broken down into 4 manageable sessions and includes a range of interactive content, including online video lectures, case studies and access to various further educational resources. 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 3 Months culminating in an online examination at the end of the course.

For workshop dates and time kindly contact the faculty or course coordinator.

## 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 one assignment and one examination, all in online format.

## Course Fees:

The Course fees for 2023 was 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](mailto:imoagi@uj.ac.za)

**Please note:** The fee or any part thereof is not refunded or carried over to another year in respect of students who are, for any reason, not able to complete the year of study. Fees are subject to change in 2024.

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

### Applications:

Applications open on 31 August 2023 and close on 04 September 2024.

### Programme start date:

The lectures for this programme will commence on 12 September 2024.

### Administrative Enquiries:

For administrative assistance regarding this programme, please contact:

- **Tebogo Mabunda:** [tmabunda@uj.ac.za](mailto:tmabunda@uj.ac.za) or call 011 559 3631 (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 Calitz, LLB LLM LLD (UP) is currently an Associate Professor of Law at the University of Johannesburg (UJ). Since 1st August 2022 she has been appointed as Vice Dean: Research and Internationalisation, Faculty of Law, UJ. She presents undergraduate; postgraduate and extra-curricular courses in insolvency law, corporate insolvency law as well as business rescue and have presented papers at various national and international conferences. She has written articles and book chapters on topics related to

insolvency law and business rescue and is a co-author of *Mars: The Law of Insolvency in South Africa* (10th ed) and co-author of *Hockly's Law of Insolvency, Winding-up and Business Rescue* (10th ed 2022). Prof Calitz is currently the chairperson of the INSOL International Academic Group, a member of the International Advisory Council of the

Singapore Global Restructuring Initiative (SGRI), serves on the editorial board of Wiley's International Insolvency Review (IIR) and was recently appointed to the course committee of the INSOL International Fintech course. Prof Calitz is also an honorary member of the South African Restructuring and Insolvency Practitioners Association (SARIPA). She has participated in multiple insolvency and business rescue law reform and training projects with organizations such as INSOL and the World Bank.

## Course Outline:

### SESSION 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

### SESSION 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

### SESSION 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

### SESSION 4:

1. Overview of relevant business management considerations
2. Case study
3. Interview with senior practitioners
4. Guest Lecturer: "Surviving the Fourth Industrial Revolution: Navigating Business Rescue Strategies for the modern Era"

## 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 Short web application – [https://registration.uj.ac.za/pls/prodi41/wuj012pkg.wuj012\\_startup](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](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](mailto:mylife@uj.ac.za)