

SPECIALISED COURSE

Module 1

Business law

for legal assistants

Chapter 1: Basic principles of contracts

1 Basic concepts

- 1.1 Obligations
- 1.2 Terms in a contract
- 1.3 Valid, void and voidable contracts
- 1.4 Parties to a contract

2 Requirements of a valid contract

- 2.1 Serious intention to contract
- 2.2 Consensus
- 2.3 Capacity to contract
- 2.4 Lawfulness of purpose and performance
- 2.5 Performance must be both possible and certain
- 2.6 Compliance with prescribed formalities

3 Breach of contract and remedies

- 3.1 Meaning of breach of contract
- 3.2 Mora debitoris
- 3.3 Mora creditoris
- 3.4 Repudiation
- 3.5 Rendering a performance impossible
- 3.6 Positive malperformance
- 3.7 Summary of types of breach
- 3.8 Summary of remedies

Chapter 2: Specific business contracts

1 Contract of sale

- 1.1 Introduction
- 1.2 Formalities
- 1.3 *Essentialia* of sale
- 1.4 Rights duties and remedies of the parties
- 1.5 Transfer of ownership
- 1.6 Passing of risk

2 Contract of lease

- 2.1 Introduction
- 2.2 Formalities
- 2.3 *Essentialia* of lease
- 2.4 Duties of parties
- 2.5 Statutory protections

3 Contract of insurance

- 3.1 Introduction
- 3.2 Indemnity and non-indemnity insurance
- 3.3 *Essentialia* of insurance
- 3.4 Insured's duty of good faith
- 3.5 Insured's warranty of correctness and completeness of information
- 3.6 Insured's duty to subrogate

4 Contract of suretyship

- 4.1 Introduction
- 4.2 Contractual requirements
- 4.3 Liability of the surety
- 4.4 Rights of the surety
- 4.5 Discharge of the suretyship