

**GENERAL COMMENT:**

As in previous years, most candidates were clearly not adequately prepared for this examination. This is evident from the raw)marks on the answer scripts. Many candidates did not read the examination instructions carefully. Quite a few ignored instruction number 6, dealing with the required number of questions to be answered (6 out of 9). In such cases all the questions were answered and it often happened that the questions these candidates answered best were the ones not marked, as they were superfluous.

On few a occasions, candidates did not leave adequate spaces between questions and sections. This made those questions extremely difficult to mark. The overall performance of candidates who sat for this examination was disappointing.

**SECTION A: COMPULSORY QUESTION 1**

This year's question paper followed a similar pattern to previous papers, i.e. give one word for a phrase; true/false answers; compare column A & B; etc. Most candidates should be familiar with these types of questions, yet their answers indicated that many were out of their depth. In many cases candidates answered this section in random order and did not complete the question.

**SECTION B:****QUESTION 2 (PARTNERSHIPS)**

Although quite basic and a popular choice amongst candidates, sections 2.1; 2.4 and 2.5 made it difficult for most candidates to score high marks. The same answers were given repeatedly in various sections of this question.

**QUESTION 3 (LEASE OF IMMOVABLE PROPERTY)**

Not badly answered overall, except for section 3.2 (the landlord's duty to recognise the tenant's right to sublet). Most candidates attempted this subsection enthusiastically, but, alas, missed the point as too many general ideas and too few facts were forthcoming!

**QUESTION 4 (CLOSE CORPORATIONS)**

What was supposed to have been different and a fun question - supplying the prescribed CK1 form (registration form for a close corporation) - turned out to be a complete disaster in many instances. Many candidates did not know how to approach this question and proceeded to complete the CK1 form. If they had read the instructions carefully and taken time to peruse the form, they would have had the opportunity to score high marks.

This CK1 form question was supposed to act as a "comprehension test" whereby candidates could take phrases from the form and use them to support their answers. This they did not do. Many candidates proceeded to complete the CK1 form , although no instruction or information to that effect had been given. Overall performance was unsatisfactory.

### QUESTION 5 (COMPANIES)

This section of the syllabus is always considered the most difficult. Let's not Forget, we are dealing with companies here! True to form, this question was in many cases a disastrous or meagre attempt by candidates who took on this question. From the outset, candidates' answers were riddled with gross misinterpretations and confusion about the sections. Unless extremely well prepared, take a hint and steer clear of such a question.

### QUESTION 6 (WILLS)

Mostly quite satisfactorily answered.

Many of the weaker candidates were completely lost between their understanding of the terms and functions of the important role-players when it comes to the law of succession, i.e. wills. Candidates used the terms "master", "executor" and "testator" too freely, without regard to their true meaning and function within the context of wills. This caused great confusion and references to specific sections of this question made it barely possible to mark. Overall, disappointing.

Sections 6.1; 6.2 an 6.6 need serious attention.

### QUESTION 7 (AGENCY)

The aim of the case study was to introduce and have candidates focussing on the topic at hand. Sadly, they missed the point and, with few exceptions, quoted text from the case and referred to it continually. Section 7.3 of the question was not sufficiently covered

by candidates. A poor performance by those who attempted this question.

#### QUESTION 8 (LIENS, PLEDGES, MORTAGES, SURETYSHIP, NEGOTIABLE DOCS)

Mostly satisfactorily answered. Candidates' work reflected their knowledge and understanding of the various topics dealt with. This question must have brought some relief in many cases.

#### QUESTION 9 (INSOLVENCY)

Again, a brief case study to have candidates focusing on the topic at hand. This proved to be an easier question, with most candidates scoring high marks. An enjoyable question for most with the questions clearly directed at the content of the situation as sketched in the case study.