

Question 1

The management of the business and affairs of a company is conducted through meetings. It is therefore imperative that a company should ensure that its meetings comply with the provisions of the Companies Act 71 of 2008 to be valid. Carefully read through the two questions below and see if you are able to provide the correct legal advice by using the following steps:

1. Identify the specific legal problem that appears from the given facts while keeping in mind what is asked.
2. Identify the applicable principles and provisions of the Companies Act 71 of 2008.
3. Consider whether any case is relevant, and if so discuss the relevant principles.
4. Apply the provisions and legal principles to the given facts.
5. Conclusion: Clearly answer the specific question asked.

Now try to answer the following questions. Remember in this discussion form you may also raise any other topic related to study unit 1 you wish to discuss.

Question 1(a)

Themba lives in Knysna. He is a shareholder of Electrotech Limited. He received notice of an annual general meeting of Electrotech Limited to be held in Pretoria. He cannot attend the meeting on that day, but feels strongly about certain of the proposed resolutions set out in the notice of the meeting, and wants to express his views on these matters to the board of directors. Themba also wishes to vote against certain of the resolutions which the company proposed to pass. Advise Themba of two methods under the Companies Act 71 of 2008 that he could use to exercise his right to vote and to express his views at the annual general meeting of Electrotech Limited.

Answer

Legal problem/question

It has to be determined whether a shareholder (Themba) can participate in a shareholder meeting without being physically present.

Identify the relevant provisions in the Companies Act 71 of 2008

- a. Section 58 deals with the appointment of a proxy.
- b. A person may be appointed to represent the shareholder (Themba) at the meeting. *It is important to note that the person who is appointed as the proxy does not have to be a shareholder of the company. See section 58(1).*
- c. The proxy may participate in, speak and vote at a shareholders meeting.
- d. The appointment must be contained in a written form dated and signed by Themba. See section 58(2)(a).
- e. The appointment of a proxy is valid for one year. See section 58(2)(b).

Conclusion: *Themba can participate in the proposed meeting by appointing a proxy.*

In your analysis of the given facts, you should have noted that you are dealing with a public (Ltd) company. This is important because this brings section 61(10) into play.

- a. Meetings of public companies registered in South Africa **must be accessible by electronic participation. See section 61(10).**
- b. This can take the form of **telephone communication** or by **video conference**. See the exact wording of **section 63(2)**.

Sample Company Law Questions And Answers

Tao Wei



Sample Company Law Questions And Answers:

Law Express Question and Answer: Company Law (Q&A Revision Guide) Fang Ma,2014-03-13 The commentary elevates the text to something that will help students learn strong techniques and understand what examiners want Charles Barker Senior Lecturer University of Portsmouth Law Express Question and Answer Company Law is designed to help you get the most out of every answer you write by improving your understanding of what examiners are looking for helping you to focus in on the question being asked and showing you how even a good answer can be improved Introduction to the English Legal System 2012-2013 Martin Partington,2012-04-26 This text offers a lively analysis of the issues which currently face the English legal system but without getting into the level of detail found in other texts **The European Company Law Action Plan Revisited** Koen Geens,Klaus J. Hopt,2010 The harmonization of company law has always been on the agenda of the European Union Besidesthe protection of third parties affected by business transactions the founders had two other objectives first promoting freedom of establishment and second preventing the abuse of such freedom The European Commission issued its Company Law Action Plan in 2003 In this volume researchers of the Jan Ronse Institute for Company Law of the Katholieke Universiteit Leuven present five chapters on the main priorities of the Action Plan capital and creditor protection corporate governance one share one vote financial reporting and corporate mobility The book also includes responses and ensuing discussions by reputed European company law experts *Taxmann's CRACKER for Corporate & Economic Laws (Paper 4 | Law) - Covering past exam questions & detailed answers along with 600+ questions & case studies for CA Final | May/Nov. 2023 Exams* CA Pankaj Garg,2022-12-27 This book is prepared exclusively for the Final Level of Chartered Accountancy Examination requirement It covers the questions detailed answers strictly as per the new syllabus of ICAI The Present Publication is the 10th Edition updated till 31st October 2022 for CA Final New Syllabus May Nov 2023 Exams This book is authored by Pankaj Garg with the following noteworthy features Strictly as per the New Syllabus of ICAI 600 Question Case Studies with detailed answers are provided for self practice Coverage of this book includes o All Past Exam Questions including CA Final Nov 2022 Part II Description Questions Suggested Answers o Questions from RTPs and MTPs of ICAI Chapter wise Marks Distribution which includes a summary of attempt wise questions asked in the exams to identify the examination weightage of the chapters is given in this book from May 2018 onwards Most Updated Amended This book is updated amended with all the recent amendments in the following laws o Company Law o Securities Laws o Economic Laws Contents of this book are as follows Appointment and Qualifications of Directors Meeting of the Board and its Powers Appointment and Remuneration of Managerial Personnel Inspection Inquiry and Investigation Compromises Arrangements and Amalgamations Prevention of Oppression Mismanagement Winding Up Companies Incorporated Outside India Miscellaneous Provisions Adjudication and Special Courts National Company Law Tribunal and Appellate Tribunal Corporate Secretarial Practice Drafting of Notices Resolutions Minutes Reports Securities Contracts Regulation Act 1956

and SCR Rules 1957 Deleted from syllabus Securities and Exchange Board of India Act 1992 SEBI LODR Regulations 2015 Foreign Exchange Management Act 1999 Securitization and Reconstruction of Financial Assets and Enforcement of Securities Interest Act 2002 SARFAESI Act 2002 Prevention of Money Laundering Act 2002 Foreign Contribution Regulation Act 2010 Arbitration and Conciliation Act 1996 Insolvency and Bankruptcy Code 2016 **IIBF-JAIIB Practice Question Bank 3 Books 4500+ Question Answer [MCQ] With Explanation of [Paper-1,2&3] As Per Exam Syllabus & Latest Syllabus** DIWAKAR EDUCATION HUB ,2022-10-14 IIBF JAIIB Junior Associate of the Indian Institute of the Bankers Complete Practice Question Answer Sets 4500 MCQ Include Paper 1 PRINCIPLES PRACTICES OF BANKING Paper 2 ACCOUNTING FINANCE FOR BANKERS Paper 3 LEGAL REGULATORY ASPECTS OF BANKING Based Question Answer Highlights of JAIIB Question Bank 4500 Questions and Answer Included With an Explanation Paper 1 1500 MCQ Paper 2 1500 MCQ Paper 3 1500 MCQ All With Explanation Questions Based on Modules given in Each Paper Subject As Per Updated Syllabus All Questions Design by Expert Faculties of Banking **Q&A Company Law 2013-2014** Mike Ottley,2013-05-02 Routledge Q As give you the tools to practice and refine your exam technique showing you how to apply your knowledge to maximum effect in an exam situation Each book contains up to fifty essay and problem based questions on the most commonly examined topics complete with expert guidance and fully worked model answers These new editions for 2013 2014 will provide you with the skills you need for your exams by Helping you to be prepared each title in the series has an introduction presenting carefully tailored advice on how to approach assessment for your subject Showing you what examiners are looking for each question is annotated with both a short overview on how to approach your answer as well as footnoted commentary that demonstrate how model answers meet marking criteria Offering pointers on how to gain marks as well as what common errors could lose them Aim Higher and Common Pitfalls offer crucial guidance throughout Helping you to understand and remember the law diagrams for each answer work to illuminate difficult legal principles and provide overviews of how model answers are structured Books in the series are also supported by a Companion Website that offers online essay writing tutorials podcasts bonus Q As and multiple choice questions to help you focus your revision more effectively *Company Law* Sir Francis Beaufort Palmer, Alfred Frank Topham, 1921 [A Digest of the Law of England with Reference to the Conflict of Laws](#) Albert Venn Dicey, 1908 [Palmer's Company Law](#) Francis Beaufort Palmer, 1921

Evidence Andrew Choo, 2012-04-12 Choo s Evidence provides a lucid and concise account of the principles of the law of civil and criminal evidence in England and Wales Critical and thought provoking it is the ideal text for undergraduate law students **The Accountant** ,1930 *The Law Students' Journal* John Indermaur, Charles Thwaites, 1898 [Reducing the cost of complying with regulations](#) Great Britain: National Audit Office, 2007-07-25 The Administrative Burdens Reduction Programme seeks to improve the UK business environment by ensuring that regulation is only used where necessary simplifying and removing unnecessary regulations and making sure EU law is not gold plated This is the first of an annual

series of reports on the progress of the Programme It sets out the context and rationale for the Programme explains the measurement of administrative burdens and reduction targets examines how are seeking to identify and deliver reductions and considers how outcomes will be assessed The focus is on the Better Regulation Executive which has the role of coordinating the programme and the four departments responsible for 75% of the total administrative burden Reference Catalogue of Current Literature ,1924 **The English Catalogue of Books [annual].** ,1926 Vols 1898 include a directory of publishers Traffic World and Traffic Bulletin ,1920 Municipal Engineering: Sanitary Record and the Municipal Motor ,1930 **Disregard of the Corporate Fiction and Allied Corporation Problems** Isaac Maurice Wormser,1927 **The English Catalogue of Books Published from ... to ...** ,1926 Vols for 1898 1968 include a directory of publishers **Questions and Answers ... C.L.U. Examinations** American College of Life Underwriters,1955

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