



NOVEMBER 2013 EXAMINATION

DATE: 15 NOVEMBER 2013

TIME: 14H00 – 16H00

TOTAL: 100 MARKS

DURATION: 2 HOURS

PASS MARK: 40%

(OX-48)

ADMINISTRATIVE PRACTICE

THIS EXAMINATION PAPER CONSISTS OF 3 SECTIONS:

SECTION A:	CONSISTS OF:	
	(i) 10 MULTIPLE-CHOICE QUESTIONS	(10 MARKS)
	(ii) 10 MATCHING-STATEMENT QUESTIONS	(10 MARKS)
	ANSWER <u>ALL</u> THE QUESTIONS	
SECTION B:	CONSISTS OF 6 SHORT QUESTIONS	
	ANSWER <u>ALL</u> THE QUESTIONS	(55 MARKS)
SECTION C:	CONSISTS OF 3 LONG ANSWER QUESTIONS	
	ANSWER <u>ANY ONE</u> OF THE QUESTIONS	(25 MARKS)

INSTRUCTIONS:

1. Read the following instructions *carefully* before answering the paper, as failure to act upon them will result in a loss of marks.
2. Write your answers in your answer book, which is provided in the exam.
3. Ensure that your name and student number are clearly indicated on your answer book.
4. Write your answers in either blue or black ink in your answer book.
5. Read each question very carefully before you answer it and number your answers *exactly* as the questions are numbered.
6. Begin with the question for which you think you will get the best marks.
7. Note the mark allocations for each question – give enough facts to earn the marks allocated. Don't waste time by giving more information than required.
8. You are welcome to use diagrams to illustrate your answers.
9. Please write neatly – we cannot mark illegible handwriting.
10. Any student caught cheating will have his or her examination paper and notes confiscated. The College will take disciplinary measures to protect the integrity of these examinations.
11. If there is something wrong with or missing from your exam paper or your answer book, please inform your invigilator immediately. If you do not inform your invigilator about a problem, the College will not be able to rectify it afterwards, and your marks cannot be adjusted to allow for the problem.
12. This paper may be removed from the examination hall *after* the examination has taken place.

SECTION A**(20 MARKS)****ANSWER ALL THE QUESTIONS****(i) MULTIPLE-CHOICE QUESTIONS**

Choose the correct option for each of the following. Write only the question number and your chosen answer. For instance, if you think that the correct answer for number 1 is (a), then write it as 1. (a).

1. The common law method of voting is by:
 - (a) a show of hands.
 - (b) a poll.
 - (c) calling out 'aye' or 'nay'.
 - (d) a ballot.

2. Directors' Reports are only privileged in South African provided that they are:
 - (a) not circulated among those who are hostile.
 - (b) published in the government gazette.
 - (c) not circulated among those having no interest in the proceedings.
 - (d) marked private and confidential.

3. Who may vote at a general meeting?
 - (a) members
 - (b) anybody who attends
 - (c) only those who hold at least 5% of the shares
 - (d) those appointed by the board of directors

4. The consent to accept the position of a director of a company must be lodged within _____ days of appointment.
 - (a) 0
 - (b) 7
 - (c) 14
 - (d) 28

5. The number of directors competent to act and vote who must be present at a meeting to enable them to act as a board and conduct business is known as a:
 - (a) group.
 - (b) quorum.
 - (c) legal meeting.
 - (d) business meeting.

6. A motion must not be:
- (a) handwritten.
 - (b) negative in form.
 - (c) written in a language other than English.
 - (d) difficult to understand.
7. The purpose of a dilatory motion is:
- (a) to encourage discussion of a motion.
 - (b) to prevent the deferment of discussion of a motion.
 - (c) to prevent or to defer discussion of a motion.
 - (d) to cause an immediate vote to be taken.
8. A meeting becomes dissolved only:
- (a) when it is time to go home.
 - (b) when a quorum is no longer present.
 - (c) when members are showing signs of fatigue.
 - (d) when all its business has been completed.
9. Minutes of a meeting may be defined as:
- (a) a written record of the decisions taken at a meeting.
 - (b) a report back of the decisions taken at a meeting.
 - (c) a written record of only who was at a meeting.
 - (d) the duration of time the meeting took.
10. The process of approval of the minutes as a correct record is often referred to as:
- (a) 'acceptance' of the minutes.
 - (b) 'confirmation' of the minutes.
 - (c) 'rejection' of the minutes.
 - (d) 'understanding' of the minutes.

[10]

(ii) MATCHING-STATEMENT QUESTIONS

Match the statements in Column B to the terms in Column A. Write down the answers only, for example 1. (a).

Column A	Column B
1. a motion	(a) must be given to the Company at least 28 days before the meeting
2. an amendment	(b) a Chairman does not have a casting vote
3. notice of a company meeting	(c) any motion the object of which is to alter the original motion
4. special notice	(d) is exempted from having to file its annual financial statement
5. special notice	(e) may attend, vote and speak at the meeting with the same rights as the member
6. a private company	(f) must give a true and fair view of the state of affairs of the company and its profit or loss
7. at common law	(g) should be in writing, signed by the mover and submitted to the chairperson
8. the proxy	(h) must specify the business of the meeting
9. the annual financial statement	(i) can be defined as that protection which the law gives in respect of words spoken or statements written in the course of duty
10. privilege	(j) required for the removal of a director before the expiry of his term of office

[10]

[20]

SECTION B: SHORT QUESTIONS

(55 MARKS)

ANSWER ALL THE QUESTIONS

QUESTION 1

Recommendations were made in the first King report (1994) on the appointment of a company secretary.

- (a) Explain what the King report envisaged that a company secretary would do. (6)
- (b) Name the persons who will be disqualified from being appointed as a company secretary according to the first King report. (4) [10]

QUESTION 2

In the interests of the preservation of order, it may be necessary to require a person to leave a meeting, and to even use forcible means to expel him or her.

Discuss this statement in terms of both a public meeting and a private meeting. [10]

QUESTION 3

- (a) Briefly explain what is meant by the following:
- postponement of a meeting
 - adjournment of a meeting
 - dissolution of a meeting (3 × 2 = 6)
- (b) Explain what the secretary must do if a meeting is adjourned. (4) [10]

QUESTION 4

Explain how voting is carried out at a meeting of creditors in an insolvent estate. [10]

QUESTION 5

At any annual general meeting, a retiring auditor, however appointed, is deemed to be reappointed without any resolution being passed. Give the exceptions to this. [5]

QUESTION 6

List the duties of a secretary after a meeting. [10]

[55]

SECTION C: LONG ANSWER QUESTIONS

(25 MARKS)

ANSWER ANY ONE OF THE QUESTIONS

QUESTION 1

Explain in detail how a General Meeting of a company can be convened. [25]

OR

QUESTION 2

Discuss the rules in regard to procedure when the constitution of a particular body is silent. Use the following headings:

- Order of business
- The order of speech
- The right of the minority to be heard
- Scope of discussion
- The privilege of uninterrupted speech
- Points of order

[25]

OR

QUESTION 3

Identify and discuss the five requirements that must be met in order for a trust to be created. [25]

[25]

Section A: 20 marks
Section B: 55 marks
Section C: 25 marks
TOTAL: 100 MARKS