

NATIONAL UNIVERSITY OF SCIENCE AND TECHNOLOGY

BACHELOR OF COMMERCE HONOURS DEGREE

COMPANY LAW II – CIN 2206

APRIL/MAY 2003 SECOND SEMESTER EXAMINATIONS

DURATION : 3 HOURS

INSTRUCTIONS TO CANDIDATES

- 1) Answer one question from each section**
 - 2) All questions carry equal marks**
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Section 1 – LAW OF MEETINGS

Question 1

- a) 'A meeting is the coming together of at least two persons for any lawful purpose' (Sharp v Dawes 1876).

Explain fully the requisites of a valid meeting along with different types of meetings in relation to the above statement. (10 marks)

- b) 'It is impossible to lay down a standard method of preparing an agenda paper as so much depends on the nature and importance of the meeting concerned.'

Discuss this statement using as many practical examples as possible in your answer. (10 marks)

OR

Question 2

- a) Mr Duncan has recently been invited to become the secretary of the 'Law and Order Society'. The Society is currently in the process of formation. You are asked to advise Mr Duncan on the qualities required of the chairman and the duties and privileges which go with such a position.

[10 marks]

SECTION 2 – MINORITY INTERESTS IN COMPANY LAW

Question 1

- a) Discuss the significance of Foss v Harbottle [1843] and Pender v Lunginton [1877] in relation to the Statutory Protection of minorities under Section 196 of the Companies Act (Chapter 24:03).

[14 marks]

- c) Using specific examples in each case, differentiate between

- i) a Derivative action and
- ii) a Personal action

[6 marks]

OR

Question 2

'A member of a company may apply to the court for an order in