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Comprehensive legal solutions in a rapidly changing business environment

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Property Buyers: Beware Unlawful Occupiers!



If you plan to buy a house before the property market starts to recover from its present doldrums, be aware of the risks you face if anyone is currently in the property.

A recent High Court decision illustrates the danger of your being unable to evict unwelcome occupiers who point-blank refuse to leave. We'll analyse that decision, and the lessons to be learned from it, after summarising the two things that PIE (the Prevention of Illegal Eviction From and Unlawful Occupation of Land Act) requires you to prove before a court will grant you an eviction order.

We'll end off with some practical advice on how to avoid this sort of problem in the first place.

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Traffic Fines and Admissions of Guilt – Will They Earn You a Criminal Record?

We live our lives beset by so many laws and regulations that even the most law-abiding of citizens will sooner or later be accused of some petty offence or other and then faced with the question “Do I fight this in court or do I just pay the fine and get on with it?”

Tread carefully here – paying a fine and getting it over and done with is one thing - burdening yourself with a criminal record for life is an entirely different kettle of fish. We discuss the expungement option, when you are at risk of acquiring a criminal record and when you aren't, and the story of the grass seller who turned to the High Court for help after his admission of guilt fine came back to haunt him eight years later.

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Trustees at War: The Removal Remedy and Its Limits

What happens when a trust's trustees fall out and go to war with each other? If a polite request to the minority trustee to resign bears no fruit, can the majority forcibly remove him or her? And if so, must they have good reason to do so?

First question of course is what the founding trust deed provides for such a situation, but a recent High Court decision lays additional ground rules for trustees that anyone involved in a trust (in any capacity) should know about.

The case saw a mother facing off against three professionals (two auditors and an attorney) and the latter's attempt to replace the mother with another trustee ran into troubled waters.

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Employers: When Should You Sue Rogue Employees? A R33m Example

Employers, ever mindful of the comprehensive legal rights and protections provided to employees by our labour laws, need to know that on the other side of the coin they too have rights, and that our courts will come to their aid where employee misconduct causes them loss.

We discuss your employees' obligations to you in the context of a recent High Court case involving a trusted employee who, over a four year period, ran a R33m scheme to enrich himself at his employer's expense.

The Court set out what you must prove to force an employee to “disgorge” secret profits, and in order to claim damages. Read on for the details...

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Your Websites Of The Month: Your Selection Of Budget 2019 Tax Calculators (And A Tax Guide)

As some anonymous wit put it: “People who complain about taxes can be divided into two classes: men and women”. But we're stuck with them and may as well understand how they will impact our daily lives after Budget 2019.

How long will you work for the taxman today? How will your income tax change after Budget 2019? How much extra will you pay in sin taxes this year? We send you to a selection of online calculators for the answers.

Then we link you to the National Treasury website to download your official “from the horse's mouth” **Pocket Tax Guide...**

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