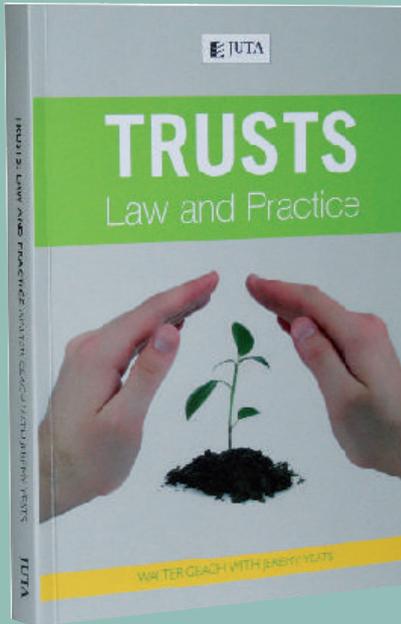


Trusts: Law and Practice

First edition by Walter Geach with Jeremy Yeats
Juta Law (2007) xx and 321 pages. Soft cover R465 (VAT incl)



The author of this attractively bound book, Prof Walter Geach, holds accounting and law degrees, has presented many seminars on trusts and is also the author of various publications on company law, close corporations and financial and estate planning. The consulting editor, Mr Jeremy Yeats, previously from Cox Yeats Inc, is an experienced practising attorney. According to the preface, the book is meant for people who are in some way involved in trusts, either in an advisory capacity, such as that of attorney, accountant or financial advisor, or in some personal capacity such as that of trustee or beneficiary, and would also be of value to academics who are interested in trusts and commercial matters. The publication achieves its goal admirably. The style is indeed as lucid as promised on the back cover, and therein lies its success.

The book deals extensively with so-called family trusts, a much used and abused form of trust, usually formed for estate planning and asset protection purposes. The book also deals with trusts qualifying as public benefit organisations and with trading trusts. Accounting issues, tax aspects of trusts and the advantages and problems associated with trusts are also highlighted. The benefit of the publication to lawyers is that it has a strong legal focus with extensive references in both the text and footnotes to decided cases. On the other hand, the book remains practical. Against the background of the legal framework it sets out practical guidelines for harnessing the trust form optimally. Most chapters contain useful summaries and conclusions, often in table form which makes for easy reading. So, for example, Chapter 3, dealing with the formation of trusts, contains practical guidelines and a table summarising the requirements for the formation of trusts. A separate chapter dealing with a comparison between trusts and other legal forms and entities, contains comparative tables highlighting the similarities between trusts and companies, close corporations, partnerships and individuals. Of particular use are the checklists and other similar tables, such as a checklist for trustees contracting with outsiders, and for outsiders contracting with trustees.

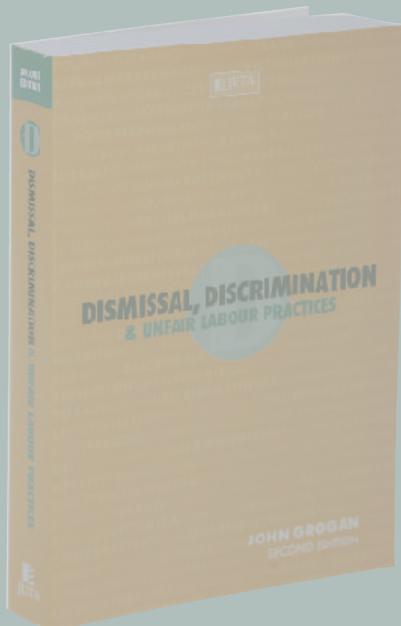
The full text of the Trust Property Control Act 57 of 1988 is reproduced at the end of the book.

The content of the book is based on case law, taxation principles and generally accepted accounting practice as at August 2007. I have no hesitation in highly recommending the publication as a valuable addition to any practitioner's library.

Henk Havenga SC, Pretoria Bar

Dismissal, Discrimination and Unfair Labour Practices

Second edition by John Grogan
Juta (2007) lviii & 622 pages
Soft cover R485 (incl VAT)



John Grogan, former Professor and Head of the Department of Law at Rhodes University, is a part-time senior commissioner of the CCMA, member of arbitration panels of a number of bargaining councils, a private arbitrator and labour law practitioner. He has also served as acting judge in both the Labour Court and the High Court. He publishes extensively and is also the author of *Workplace Law* and *Collective Labour Law*.

Dismissal, Discrimination and Unfair Labour Practices was first published in 2005. The chapters on dismissal were modelled on Le Roux & Van Niekerk's *The South African Law of Unfair Dismissal* (Juta 1994), to which John Grogan's *Dismissal* (Juta 2002) was a successor. Several new chapters on unfair labour practices and workplace discrimination were incorporated in the work and form a readable compendium of the entire body of statutory and constitutional law governing the relationship between employees and their employers from commencement of employment to its termination. The work has been authoritatively cited in several reported awards of the CCMA and bargaining councils and decisions of the Labour Court. Reference to the work was also made by the Labour Appeal Court and Supreme Court of Appeal in cases such as *Engen Petroleum Ltd v CCMA (2007) 28 ILJ 1507 (LAC)*, *Republican Press (Pty) Ltd v Chemical Energy Printing Paper Wood & Allied Workers Union and others 2008 (1) SA 404 (SCA)* and *Raol Investments (Pty) Ltd t/a Thekwini Toyota v Madlala 2008 (1) SA 551 (SCA)*.

Significant developments in the areas covered by the work necessitated a second edition. Discussion of developments since May 2005 expanded the work by some 70 pages. The editing and technical standard of the work is high and, as in the previous edition, the text is enlivened with discussion of decided cases to identify the principles laid down and to illustrate how they are applied in practice. The second edition is based on judgments and other material available as at June 2007. The work is divided into seven parts and 30 chapters dealing with a variety of relevant topics such as statutory and non-statutory unfair labour practices, specific discriminatory practices, employment equity, victimisation, automatic unfair dismissals, specific forms of misconduct, group misconduct, misconduct outside working hours and the procedures for challenging dismissals and unfair labour practices, to name but a few. Discipline is an essential part of every workplace environment and misconduct is the most common justification for dismissal in South Africa. Chapter 16 deals with specific forms of misconduct and chapter 17 provides employers and practitioners with useful guidelines for dealing with misconduct cases in a procedurally fair manner. There is abundant reference to reported decisions and the footnotes contain very useful commentary and cross references to other parts of the work. The work has a comprehensive table of statutes and cases, an extensive word index and a list of acronyms often used in practice.