

CML4607F

Law for Engineers

Tutorial 1

Instructions: Read the below set of facts and answer the question(s). Use the mark allocation to guide the length of your answer. Prepare your answer and bring it to the tutorial class (which takes place during the lecture timeslot) on **23 February 2024**.

Facts:

Aakira is an engineer and owns Waterwise Systems (Pty) Ltd. (private company) based in Rondebosch. Waterwise Systems develops water saving mechanisms and does business in the Cape Town area. Aakira also works for the company and recently developed “SupaSave”, an effective water-saving showerhead. Waterwise Systems is highly profitable, with substantial goodwill. However, Aakira decides to sell the company as running Waterwise Systems, though profitable, has been stressful and exhausting. Aakira proceeds to sell Waterwise Systems to Robert and backpacks through Indonesia for 6 months.

Aakira returns from her trip feeling rejuvenated and decides to start another water saving business, Water Warriors (Pty) Ltd. in Paarl (a town in the Western Cape area, approximately 60 km from Rondebosch). Aakira receives a letter from Waterwise Systems, managed by Robert, warning her that she must close her business (Water Warriors) or face legal action. Waterwise Systems bases its argument on the following clause contained in the contract of sale:

“upon conclusion of this contract of sale, Aakira agrees and undertakes that she will never be employed by, directly or indirectly, or in any manner be involved in a business or enterprise that develops or manufactures, or in any manner involved in the water or water saving industry, as a competing business to that of Waterwise Systems within the Western Cape”.

Answer the following question:

Aakira believes that she is entitled to practice her profession as an engineer and wants to know whether Robert/Waterwise Systems has a valid claim against her. Advise Aakira fully.

TOTAL: (15 marks)
