



2024



FACULTY OF LAW

Handbook 10 in this series of handbooks



UNIVERSITY OF CAPE TOWN

FACULTY OF LAW

2024

Postal Address: University of Cape Town
Private Bag X3
7701 RONDEBOSCH

Dean's & Faculty Offices: Wilfred and Jules Kramer Building, Middle Campus

Office Hours: Mondays to Fridays: 08h30 - 16h30

Fax: +27 21-650 5608

<u>Telephones:</u>	Dean's Office	(021) 650 2706
	Faculty Office	(021) 650 3086
	Accounts and Fees	(021) 650 4076/1704
	Admissions	(021) 650 2128/2130

<u>Internet:</u>	UCT's Home Page	http://www.uct.ac.za
	Law	
	Home Page	http://www.law.uct.ac.za/
	Dean's Office	law-dean@uct.ac.za
	Faculty Office	law-studies@uct.ac.za
	International Academic Programmes Office	iapo@uct.ac.za

The Registrar's and General Enquiries offices are located in the Bremner Building and remain open during the lunch hour. The Admissions Office and Student Records Office are located in the Masingene Building, Middle Campus, and are open from 08h30 to 16h30. The Cashier's Office is located in Kramer Building, Middle Campus, and is open from 09h00 to 15h30.

This handbook is part of a series that consists of

- Book 1:** Undergraduate Prospectus
- Book 2:** Authorities and information of record
- Book 3:** General Rules and Policies
- Book 4:** Academic Calendar and Meetings
- Book 5:** Student Support and Services
- Book 6-11:** Handbooks of the Faculties of Commerce, Engineering & the Built Environment, Health Sciences, Humanities, Law, Science
- Book 12:** Student Fees
- Book 13:** Bursary and Loan Opportunities for Undergraduate Study
- Book 14:** Financial assistance for Postgraduate Study and Postdoctoral Research

The University has made every effort to ensure the accuracy of the information in its handbooks. However, we reserve the right at any time, if circumstances dictate (for example, if there are not sufficient students registered), to

- (i) make alterations or changes to any of the published details of the opportunities on offer; or
- (ii) add to or withdraw any of the opportunities on offer.

Our students are given every assurance that changes to opportunities will only be made under compelling circumstances and students will be fully informed as soon as possible.

CONTENTS

Guide to the usage of this Handbook	6
Faculty of Law Statement of Values and Goals	6
General Information	8
Officers in the Faculty.....	8
Year Co-ordinators.....	9
Postgraduate Programme Conveners	9
Law Students' Council	10
Postgraduate Law Students' Council.....	10
Professional Qualification.....	10
Language proficiency in the legal profession	10
Degrees and Diplomas offered in the Faculty.....	10
Term Dates for 2024	11
Qualifications in the Faculty	12
Basic Legal Education programme	12
Advanced Legal Education programme.....	13
Departments in the Faculty	14
Department of Commercial Law.....	14
<i>DST/NRF South African Research Chairs Initiative (SARChI): Intellectual Property, Innovation and Development</i>	15
<i>Centre for Comparative Law in Africa</i>	16
<i>Corporate Law and Governance Unit</i>	17
<i>Labour, Development and Governance Unit</i>	17
<i>Intellectual Property Unit</i>	17
<i>Shipping Law Unit</i>	18
<i>Tax Unit for Fiscal Research</i>	18
Department of Private Law	19
<i>UCT Law Clinic</i>	20
<i>Centre for Rhetoric Studies</i>	20
<i>DST/NRF South African Research Chairs Initiative (SARChI): Mineral Law in Africa</i>	21
Department of Public Law	22
<i>Centre of Criminology</i>	23
<i>Centre for Law and Society</i>	24
<i>Democratic Governance and Rights Unit (DGRU)</i>	25
<i>Land and Accountability Research Centre</i>	26
<i>Refugee Rights Unit</i>	26
Other Units and Facilities	28
Brand Van Zyl Law Library.....	28
Computer Resources	28
Courses in the Faculty	30
Structure of Course Codes	30
Dean of Law.....	30
Department of Commercial Law.....	31
Department of Private Law	33
Department of Public Law	35
Courses offered by other departments.....	37
Rules for LLB Degree Streams	38
Admission and Curriculum Rules	38
Progress rules for LLB degree streams	43

4 CONTENTS

Pattern of courses for the LLB degree streams.....	48
Course Outlines (LLB).....	51
Preliminary Level LLB	51
Intermediate Level LLB	55
Final Level LLB	58
Elective Courses: Final Level.....	61
Rules for Postgraduate Programmes	79
Rules for Postgraduate Qualifications	80
Postgraduate Diploma in Law	80
Master of Laws (LLM) in approved courses and research tasks (Professional Master's degree) ..	83
Master of Laws (LLM) in approved courses and a minor dissertation.....	86
Master of Philosophy (MPhil) in approved courses and a minor dissertation.....	90
Master of Laws (LLM) by dissertation	91
Master of Philosophy (MPhil) by dissertation.....	92
Doctor of Laws (LLD)	93
Doctor of Philosophy (PhD).....	94
Postgraduate Study Programmes.....	95
Postgraduate Diploma in Law Study Programmes	95
Criminology, Law and Society.....	95
Dispute Resolution	96
Environmental Law	96
Judicial Studies.....	96
Labour Law	97
Marine and Environmental Law	97
Shipping Law	97
Tax Law.....	98
Professional Master's Study Programmes.....	98
Commercial Law	99
Dispute Resolution	100
Environmental Law	101
Intellectual Property Law	101
International Trade Law	102
Labour Law	103
Law of Mineral and Petroleum Extraction and Use	103
Marine and Environmental Law	104
Shipping Law	105
Tax Law.....	105
Master's Study Programmes (excluding Professional Master's).....	106
Commercial Law	107
Comparative Business Law in Africa.....	108
Constitutional and Administrative Law.....	108
Criminology, Law and Society.....	109
Dispute Resolution	109
Environmental Law	110
Human Rights Law.....	110
Intellectual Property Law	111
International Law	112
International Taxation	112
International Trade Law	113
Labour Law	113

Law of Mineral and Petroleum Extraction and Use	114
Marine and Environmental Law.....	114
Public Law	115
Shipping Law	115
Tax Law	116
Course Outlines (Postgraduate)	117
Exchange Students: Information and Course Outlines	184
Definitions.....	184
Exchange Courses	187
Commercial Law Service Courses for Non-Law Students.....	189
Bursaries, Scholarships and Prizes	194
Bursaries.....	194
Scholarships	194
Prizes and Awards.....	199
Dean's Merit List.....	202
Medals.....	203
Additional Information	207

Guide to the usage of this Handbook

The following is a general overview of the structure of this Handbook for the guidance of users. The contents are organised in a number of different sections (see below) each of which has a particular focus. The sections are interlinked by cross-references where relevant.

- (a) *General Information:* This section includes information on the professional status and recognition of the Faculty's degrees, its links with professional bodies and the list of qualifications offered. It also includes lists of the various prizes, medals and scholarships awarded on academic merit and contains information on the criteria for the Dean's Merit List.
- (b) *Rules for degrees:* This section covers the Faculty rules for each of the various degree programmes. These rules should be read in conjunction with the general University rules in the General Rules and Policies Handbook (Handbook 3). Students are expected to acquaint themselves with the rules in both Handbooks and to check annually whether the rules or curriculum requirements have changed since the last edition. *Important rules:* All students must familiarise themselves with the Degree Rules in this Handbook. In addition, students must refer to Handbook 3, General Rules and Policies and particularly take note of the following:
- rules relating to registration and examinations;
 - rules relating to changes of curriculum;
 - rules relating to leave of absence;
 - rules on Academic Conduct, N.B. the rules concerning dishonest conduct and plagiarism.

Detailed information on the undergraduate entrance requirements can be found in the University Prospectus. The PhD Degree rules are published in *Handbook 3, General Rules and Policies*.

- (c) *Departments and Programmes:* This section contains entries for each department in the Faculty. Each lists members of staff, a summary of laboratory, workshop and other facilities, the research entities, and the programmes of study administered by each department. The curriculum for each programme (list of required courses) is set out in table form. The curriculum tables must be read together with (cross-referenced to) the lists of courses in the Courses Offered section which is described under (e) below.
- (d) *Centres/Units established in the Faculty and Centres, Departments, Schools and Units Established in other Faculties:* There are entries for the principal Faculty entities/units which do not fall directly under academic departments e.g. the Centre for Research in Engineering Education and the Continuing Professional Development Programme and entries for the centres, units and departments in other faculties which offer courses for students registered in the Faculty. This is cross referenced to the list of courses offered in section (e).
- (e) *Courses Offered:* The full list and descriptions of courses offered by the Faculty, both undergraduate and postgraduate, is set out in this section in alpha-numeric order (i.e. based on the course code prefix) which identifies the department offering the course and the course number. The courses offered by other faculties which are more commonly taken by students in the Faculty of Engineering & the Built Environment are also listed and described. N.B. A key (guide) to the course code system, the credit system and terminology (definitions) is set out at the beginning of this section.

FACULTY OF LAW STATEMENT OF VALUES AND GOALS

We, the staff and students of the Faculty of Law of the University of Cape Town, recognise that we are a community of scholars, striving for excellence in all that we do. We are conscious of the fact that we are part of the broader South African society, and also the African and international academic community. We acknowledge the role played by the law in creating a society that was characterised by oppression and remains deeply divided by inequality.

We commit ourselves to the following goals: teaching and research which is of the highest quality; developing all staff and students to their fullest potential; promoting an institutional culture founded on mutual tolerance, respect, understanding, integrity and openness, one which values our common humanity and which celebrates and promotes diversity. In the pursuit of all these goals we hope to contribute to redressing the inequality and disparity that continues to exist within South African society.

We recognise that the realisation of these goals requires:

- Scholarship that is critical and compassionate, and which explores the potential of the law as a means to achieving justice for all;
- Leadership that is effective and promotes the values of the faculty;
- Accountable, inclusive and transparent decision-making in which staff and students are given the opportunity for effective participation;
- Open and critical debate that protects and promotes academic freedom and university autonomy;
- Provision to staff and students of opportunities and resources necessary for their optimal development.

We will strive to live these values and achieve these goals in our daily activities and exchanges with one another.

Historical Note

Law education in South African was launched with the Act 12 of 1858 - although the first lecture was not delivered until 16th April 1859. The early years are documented by Professor Denis Cowen and Professor Danie Visser in their book *The UCT Law Faculty, A History, 1858 – 2004*.

Lectures were delivered in the Master's Meeting Room in the old Supreme Court at the top of Adderley Street until 1896, after which the College Council sought to ensure that lectures be delivered in the College Buildings on Government Avenue. The year 1916 heralded the beginning of a new chapter in the story of South African legal education, when provision was made for the creation of the Universities of Cape Town and Stellenbosch. Of significance was the decision taken by the University authorities to appoint full-time professors of Law. In 1923 a Chair of Roman Law & Jurisprudence was established; and in 1925 a second Chair of Law was established. By 1939 there were 74 students registered in the Faculty. Current student numbers indicate around 1,400 registered Law students at undergraduate and postgraduate levels - drawn mostly from South Africa, but also from across the continent and elsewhere. Forty-three percent of students are postgraduate, indicating the strength of the UCT research endeavour in law, and the Faculty's growing contribution to knowledge development in the field of law.

GENERAL INFORMATION

Officers in the Faculty

	Telephone (021) 650 +
Dean of the Faculty:	
Professor D M Chirwa, LLB(Hons) <i>Malawi LLM Pret PhD UWC</i> Practitioner of the High Court of Malawi	2706
Administrative Officer in the Dean's Office:	
F Mohamed	2706
Deputy Dean (Undergraduate Studies):	
TBA	
Deputy Dean (Postgraduate Studies):	
Associate Professor K Moulton, BSocSc(Hons) <i>Cape Town MA George Washington University PhD American University</i>	1285
Director (Internationalisation and Outreach):	
Professor F Khan, BA HDE LLB LLM PhD <i>Cape Town</i> Attorney of the High Court	5632
Director (Research):	
AJ Barnard-Naudé, BCom LLB <i>Pret MA Cape Town LLD Pret</i>	5655
Director (Commercial Law Service Courses):	
J Franco BA LLB <i>Cape Town</i> Attorney, Notary, Conveyancer of the High Court	2084
Development and Marketing Manager:	
G Ritchie, BA(Hons) MA <i>Cape Town</i>	5602
Professional Development Manager:	
D Cue, MBA <i>Bond</i>	3242
Faculty Finance Staff:	
Finance Manager:	
Z Matima, CIMA UK BCompt PGDip <i>UNISA MCompt Cape Town</i>	5657
Assistant Finance Manager:	
A Abrahams, BCom <i>UWC</i>	7335
Senior Finance Officer:	
Z Ncamani, PGDip <i>Cape Town</i>	2242
Finance Administrator:	
TBA	
Finance Administrator:	
N Manana, NDip <i>NMMU</i>	7258
Human Resources Management:	
Senior Human Resources Advisor:	
N Maharaj, BCom (Human Resource Management) <i>UKZN</i>	4225
Human Resources Practitioner:	
R Savahl, BTech <i>CPUT</i> PGDip Management Practice <i>Cape Town</i>	5210
Faculty Administrative Staff:	
Faculty Manager: Academic Administration:	
N De Caires, BSocSc PGDip <i>Cape Town</i>	3087
Undergraduate Manager: Academic Administration:	
TBA	6199
Postgraduate Manager: Academic Administration:	
P Phillips, BA <i>Cape Town</i>	5409
Administrative Officer (Undergraduate Studies):	
L M Stemela, NDip <i>CPUT</i>	4485

Administrative Officer (Postgraduate Studies): 1677
C S Richfield, BSW BSocSc(Hons) *Cape Town*

Faculty Liaison Officer:
L Nontsele, NDip BTech *CPUT* BCom (Hons) *UWC* 5745

Senior Secretary:
M Kerspay 3086

Student Advisors

LLB Curriculum:

*F Adams, BA Law LLB LLM LLD *UJ* Attorney of the High Court 1841

N Ramalekana, LLB *Pret* BCL Mphil *Oxon* PhD *Oxon* 3045

Commercial Law Service Courses:

J Franco, Service Course Director, BA LLB *Cape Town* Attorney and Notary Public and Conveyancer of the High Court 2084

Humanities courses: 1750

R Cupido, BA LLB LLM *Stell*

Exchange students:

T Thabane, BA Law LLB *Lesotho* LLM *Pret* LLM *Free State* PhD *Cape Town* 5299

SALS Postgraduate Programmes (LLM and PGDip):

A Titus, BCom LLB MCom *Cape Town* PhD *Amsterdam* Attorney, Notary and Conveyancer of the High Court 2617

L-A Tong, BA(Hons) LLB *Cape Town* LLM *London* LLM *Turin* PhD *Cape Town* Attorney of the High Court (non-practising) 5686

H Woolaver, LLB *Dunelm* BCL *Oxon* PhD *Cantab* 2493

Students registered in the Commerce Faculty (BCom and BBusSc Law and Commerce Programme): Enquiries should be referred to the Student Advisors in the Commerce Faculty. See details in the Commerce Faculty handbook.

Students registered in the Humanities Faculty (BA and BSocSc with Law major): Enquiries should be referred to the Student Advisors in the Humanities Faculty. See details in the Humanities Faculty handbook.

Year Co-ordinators

1st & 2nd year UG LLB & Associate Professor A Barratt 3083

Preliminary 1 and 2:

Intermediate Level: Dr H Stoop 1936

Final Level: Professor M Paleker 5611

Postgraduate Programme Conveners

Commercial Law Dr T Thabane 5299

Comparative Business Law in Africa Professor A Ordor 5687

Constitutional and Administrative Law Professor P de Vos 3079

Criminology, Law and Society Associate Professor K Moulton 1285

Dispute Resolution M Carels 3066

Human Rights Law S Lutchman 5605

Environmental Law Associate Professor M Murcott 2586

Intellectual Property Law Associate Professor L-A Tong 5686

Judicial Studies Emeritus Professor H Corder 3085

10 GENERAL INFORMATION

International Law	Associate Professor H Woolaver	2493
International Trade Law	Dr K Lehmann	2679
Labour Law	Professor R Le Roux	5661
Marine and Environmental Law	Associate Professor M Murcott	2586
Law of Mineral and Petroleum Extraction and Use	Professor H Mostert	4122
Public Law	Associate Professor C Powell	5103
Shipping Law	Associate Professor G Bradfield	2676
Tax Law	Associate Professor A Titus	2617
International Taxation	B Cronin	5883

Law Student's Council

Telephone (021) 650 4723

Fax (021) 650 5662

Email address

President	Callum Beukes	lsc.president@uct.ac.za
Vice-President External	Nabeela Masood	lsc.vp.external@uct.ac.za
Vice-President Internal	Edith Mugadza	lsc.vp.internal@uct.ac.za
Secretary	Christina Meinert	lsc.secretary@uct.ac.za
Treasurer	Owethu Mngomezulu	lsc.treasurer@uct.ac.za
Academic	Sanele Tshabalala	lsc.academics@uct.ac.za
Student Life	Sacha-Leigh Hoedemaker	lsc.studentlife@uct.ac.za
Media & Communications	Leyyah Bedderson	lsc.communications@uct.ac.za
Transformation	Sisipho Nongqengese	lsc.transformation@uct.ac.za

Postgraduate Law Student's Council

Chairperson	Mbali Gumede	GMDMBA013@myuct.ac.za
Vice-Chairperson	Desire Runganga	desirerunganga@gmail.com
Secretary	Tshepo Tsotetsi	TSTTSH014@myuct.ac.za
Treasurer	Ruth Mirembe	MRMRUT003@myuct.ac.za
Public Relations	Ayabonga Yekani	YKNAYA001@myuct.ac.za

Professional Qualification

The Legal Practice Act 28 of 2014 provides that the LLB is the universal legal qualification for admission and enrolment as an advocate or attorney. Normally those who wish to enter private practice as advocates are required to become members of a Bar Association by undergoing a period of training in pupillage with a practising member of the Bar and by sitting an admission examination. Before admission as an attorney, an LLB graduate must serve as a candidate attorney with a practising attorney. Attendance at a practical legal training course or performance of community service may reduce the period required to serve articles. Thereafter, candidates write a professional examination set by the relevant provincial Law Society. Obtaining the LLB does not entitle non-citizens of South Africa to be admitted to practise in this country.

Language proficiency in the legal profession

There are no statutory language requirements for the practice of law. Language proficiency is, however, very important for the study and practice of law. Prospective lawyers are encouraged, therefore, to include courses in the national languages in their curricula. The four-year undergraduate LLB requires the inclusion of languages in its curriculum.

Degrees and Diplomas offered in the Faculty

Unless otherwise indicated, all qualifications are HEQSF aligned but SAQA registration numbers are still awaited for some qualifications.

Qualification	Abbreviation	Minimum Duration	SAQA ID
Bachelor of Laws #	LLB	4 years	10695
Postgraduate Diploma in Law ##	PGDip	1 year	4393

Master of Laws ###	LLM	1 year	10701
Master of Laws in Commercial Law	LLM (Commercial Law)	1 year	93690
Master of Laws in Dispute Resolution	LLM (Dispute Resolution)	1 year	93815
Master of Laws in Environmental Law	LLM (Environmental Law)	1 year	116427
Master of Laws in Intellectual Property Law	LLM (Intellectual Property Law)	1 year	93688
Master of Laws in International Trade Law	LLM (International Trade Law)	1 year	93689
Master of Laws in Labour Law	LLM (Labour Law)	1 year	93671
Master of Laws in the Law of Mineral and Petroleum Extraction and Use	LLM (Mineral & Petr Ext and Use)	1 year	112525
Master of Laws in Marine and Environmental Law	LLM (Marine & Environmental Law)	1 year	116426
Master of Laws in Shipping Law	LLM (Shipping Law)	1 year	93670
Master of Laws in Tax Law	LLM (Tax Law)	1 year	93669
Master of Philosophy ###	MPhil	1 year	104782
Doctor of Laws (by published work)	LLD	1 year	TBA
Doctor of Philosophy (by thesis)	PhD	2 years	TBA

Candidates holding first bachelor's degree may complete in shorter time.

The Postgraduate Diploma in Law can be taken in the specialisations as listed in the Postgraduate Section of this handbook.

The LLM and MPhil degrees may be taken by coursework and minor dissertation or by dissertation only.

Term Dates for 2024

Please refer to the website: <https://www.uct.ac.za/main/calendar/terms>.

QUALIFICATIONS IN THE FACULTY

The programmes in the Law Faculty are the Basic Legal Education Programme (leading to the LLB degree), the Advanced Legal Education Programme (leading to the LLM degree or a Postgraduate Diploma in Law) and research degrees in Law (leading to the LLM degree or a Doctor of Philosophy).

Basic Legal Education programme

The LLB degree provides students with a sound knowledge of the general principles of the South African legal system, and an ability to use legal materials effectively. Graduates should be able to critically assess, interpret and apply the law and have the historical, comparative and jurisprudential background that is essential for a thorough and critical understanding of law and legal institutions.

The courses taken for the LLB are Administrative Law, African Customary Law, Civil Procedure, Commercial Transactions Law, Constitutional Law, Corporation Law, Criminal Law, Criminal Procedure, Evidence, Foundations of South African Law, International Law, Jurisprudence, Labour Law, Law of Contract, Law of Delict, Law of Persons and Marriage, Law of Property, Law of Succession, South African Private Law: System and Context, and optional research and skills components.

These courses are offered in three streams: a five- or six-year combined Law and Humanities or Law and Commerce LLB stream, a three-year graduate LLB stream, and a four-year undergraduate LLB stream.

In each of these streams, the courses are graded into three levels.

- At the Preliminary Level, the courses acquaint students with both the background to and the foundations of the South African legal system, with legal thinking and analysis, and with an understanding of the role and function of law. In addition, particular attention is paid to reading and writing skills required for the senior courses.
- The Intermediate Level courses provide instruction on a more advanced level in a broad range of core subjects.
- The Final Level completes the degree and students are able to specialise by choosing from a range of optional courses.

Each level of the LLB degree curriculum includes a skills component that forms part of the degree programme and which cumulatively teaches students various generic skills such as problem solving, analysis, research and communication skills, and practical legal skills such as drafting of particular kinds of legal documents and legal argumentation, both written and oral. In particular, at the Final Level, a compulsory integrated assessment moot draws on elements of the skills components and courses studied in the earlier parts of the curriculum. Law students are required to make constructive use of the knowledge and skills they acquire by contributing to the community through Legal Aid or various other community service or outreach organisations.

Five- or six-year combined Law and Humanities or Law and Commerce LLB stream

Students enter this stream with the intention of following an undergraduate programme in Law and Humanities or Law and Commerce, leading to a BA, BSocSc or a BCom/BBusSc and thereafter a two-year graduate LLB. The objective of a broad-based education is achieved in this stream by including cognate courses which ensure that the student has a thorough grasp of at least one discipline outside of law.

Graduate LLB stream

Students enter this stream after having completed at least a bachelor's degree without law subjects. Students who have done a full degree in another discipline will have had an opportunity to develop

their critical and analytical skills in a non-legal environment, and therefore will be equipped to benefit from legal studies.

Four-year undergraduate LLB stream

Students enter this stream as matriculants and complete the LLB degree in four years. Humanities courses are included in the curriculum so as to fulfil the objective of providing UCT Law graduates with a well-rounded broad-based legal education.

Advanced Legal Education programme

This programme provides an opportunity for law graduates to pursue their academic interests at a higher postgraduate level (towards a Postgraduate Diploma, LLM or PhD) or for any other suitably qualified graduate to gain high-level knowledge of a particular field of law (through an MPhil degree) by way of coursework (in a very wide range of subjects) and an associated dissertation.

DEPARTMENTS IN THE FACULTY

The Departments of the Faculty are located in the Wilfred and Jules Kramer Law School Building, Middle Campus. There are also Research Units attached to each of these departments.

* *Denotes on leave for part or all of the 2024 academic year.*

DEPARTMENT OF COMMERCIAL LAW

Head of Department:

M Louw, BJuris LLB LLM LLD *Unisa*, Diploma in Insolvency Law and Practice (SARIPA) *UJ*
Advocate of the High Court

Professors:

*J Hattingh, BCom LLB *Stell* LLM *Leiden* LLM *Cape Town* PhD *Cantab* Advocate of the High Court

R le Roux, BJuris LLB *UPE* LLM *Stell* PGDip (Employment Law and Social Security Law)*Cape Town* LLM *Anglia Polytechnic* PhD *Cape Town* Attorney and Conveyancer of the High Court

*C Ncube, LLB *Zimbabwe* LLM *Cantab* PhD *Cape Town* Legal Practitioner, Notary Public & Conveyancer of the High Court of Zimbabwe

A Ordor, LLB *Jos* LLM *Nig* PhD *Cape Town*

*J Yeats, BA LLB LLM *Stell* PhD *Cape Town* Attorney of the High Court

Emeritus Professors:

J E Hare, BCom LLB *Cape Town* LLM *London* LLD *Cape Town* Dip (Navigation) *City of London Polytechnic* Attorney and Notary Public of the High Court

R D Jooste, BA BCom(Hons) (Taxation) LLB *Cape Town* DCLS LLM *Cantab* Attorney of the High Court

E R Kalula, LLB *Zambia* LLM *London* PhD *Warwick*

J Kinderlerer, BSc(Hons) *Cape Town* PhD *Cantab*

A J Rycroft, BA *Rhodes* LLB *Natal* LLM *London* Attorney of the High Court

DP Visser, BJuris LLB LLD *Pret* Dr Jur *Leiden* Advocate of the High Court

Adjunct Professors:

A L Bosman, BA LLB *Cape Town* LLM *Notre Dame*

DM Davis, BCom LLB *Cape Town* MPhil *Cantab* Judge of the High Court

N G Jeram, BA LLB LLM *Cape Town*

M M Le Roux, BA LLB *Cape Town* LLM *New York*

T S Madima (S.C.), BLuris *Unin* MBA Executive MPhil *Cape Town* LLM *Johannesburg* LLM PhD *Essex* Advocate of the High Court of South Africa

W B Wendland, BA LLB *Cape Town* LLM *Unisa* Attorney of the High Court

G White, BA LLB *Cape Town* MA *Oxon* Barrister (Inner Temple)

D Kruger, BCom LLB *Natal* HDip Tax *Witwatersrand* LLM *Harvard*

Associate Professors:

G Bradfield, BCom LLB *Natal* LLM *Cape Town* Attorney of the High Court

K Idensohn, BA LLB *Cape Town* LLM *Cantab* PhD *Cape Town* Advocate of the High Court

T Schönwetter, LLB equivalent *Hamburg* LLM PhD *Cape Town*

A Titus, BCom LLB MCom *Cape Town* PhD *Amsterdam* Attorney, Notary and Conveyancer of the High Court

L-A Tong, BA(Hons) LLB *Cape Town* LLM *London* LLM *Turin* PhD *Cape Town* Attorney of the High Court (non-practising)

Emeritus Associate Professors:

T S Emslie, SC BA LLB *Witwatersrand* BCom(Hons) (Taxation) MBA *Cape Town* Advocate of the High Court (Part-time)

J Hofman, BL LLB *Zimbabwe* LPhil *Heythrop* BTheol LJC *Greg* Legal Practitioner of the High Court of Zimbabwe

Adjunct Associate Professors:

E Swanepoel, BA LLB LLM *Cape Town*

E Muyaa, LLB PGDip (Law) *Nairobi*, LLM *Leiden*, AdvancedDip (Accounting and Business) *Kenya*

Senior Lecturers:

*F Adams, BA Law LLB LLM LLD *UJ* Attorney of the High Court

J Franco, BA LLB *Cape Town* Attorney and Notary Public and Conveyancer of the High Court

K Lehmann, BA LLB *Cape Town* LLM *Nottingham* PhD *Cape Town* Attorney and Conveyancer of the High Court

M Maphiri, LLB *Limpopo* LLM PhD *Cape Town* Attorney of the High Court

H Stoop, LLB *Pret* LLM *Stell* PhD *Durham*

T Thabane, BA Law LLB *Lesotho* LLM *Pret* LLM *Free State* PhD *Cape Town* Advocate of the High Court

S Phungula LLB LLM PhD *UKZN*, Advocate of the High Court

Adjunct Senior Lecturers:

A Marais BAcc LLB *Stell*, PGDip *Cape Town*, AdvancedCert (Tax) *Pret*, MCom *Cape Town*, LLD *Stell*

Lecturers:

M Carels, LLB LLM *UWC* LLM *Missouri*

B Cronin, HDip *UJ* BSocSc LLB LLM *Cape Town* Cert *Wits*

B Zungu, BCom Law *UJ* LLB PGDip (Taxation) *Cape Town*

S Mesthrie, BA LLB LLM *Cape Town* Attorney of the High Court

L Mkhwanazi, LLB *UWC* LLM *Cape Town*

C de Villiers, LLB LLM LLD *Stell* Attorney of the High Court

Honorary Research Associate:

Y N A Idun, BA *Ghana* LLM PhD *Cape Town* Certificate in Project Management and in Monitoring & Evaluation *Israel*

Administrative Officer:

PC Murphy

Administrative Assistant:

TBA

DST/NRF South African Research Chairs Initiative (SARChI): Intellectual Property, Innovation and Development

The SARChI Chair for Intellectual Property, Innovation and Development was launched in 2019 as part of the South African Research Chairs Initiative established by the Department of Science and Innovation (DSI) and the National Research Foundation (NRF). It is now in its second term of operation (2024–2028). The SARChI: Intellectual Property, Innovation and Development is hosted by the University of Cape Town within the Faculty of Law, Department of Commercial Law. Its research focus is on intellectual property law, innovation and development in South Africa specifically, and Africa and the rest of the world more generally. Its research generates independent

16 DEPARTMENTS IN THE FACULTY

and original research outputs which contributes to legislative and policy-making processes nationally, regionally and globally.

The SARChI: Intellectual Property, Innovation and Development has a large and vibrant cohort of postgraduate students pursuing master's and doctoral students. The chair participates in offering the specialised Masters (LLM / MPhil) on IP and has offers two LLM courses in the department of Commercial Law (Electronic Intellectual Property Law CML5657F and Electronic Transactions Law CML5658S).

Further information about the Chair, its objectives, projects and activities can be accessed from its official website (<https://law.uct.ac.za/ip-chair>) or solicited by email (sarchi-ip@uct.ac.za).

Chair

*Professor Caroline B Ncube, LLB (Zimbabwe) LLM (Cambridge) PhD (Cape Town)

Centre for Comparative Law in Africa

The Centre for Comparative Law in Africa (CCLA) was established in 2011 to promote the study of comparative law and draw on the strengths of comparative methodology to research into the multifaceted field of law in Africa. The Centre presents an opportunity to develop a discipline that lends itself to optimal application in the pluralistic legal frameworks within which life is lived in Africa. In its mission to contribute to the development of comparative law in Africa, the strategy of the CCLA is to establish the field at UCT, build capacity in it across the continent through academic programmes, apply comparative law expertise in consultancies and disseminate new knowledge in comparative law in Africa through conferences, publications and professional networks. Its location within the Department of Commercial Law recognises the centrality of comparative law to ongoing efforts at economic integration on the African continent. The CCLA offers an LLM/MPhil specialising in Comparative Business Law in Africa and conducts research on a variety of themes that apply the comparative methodology. The CCLA also provides support for Africa-focused doctoral research and undertakes capacity-building programmes in various issues of law in development in Africa that require comparative methods.

Director:

A Ordor, LLB *Jos* LLM *Nig* PhD *Cape Town*

Affiliate Professor:

F Ismail, BA LLB *UKZN* MPhil *IDS Sussex* PhD *Manchester*

Research Associates:

O Abe, LLB(Hons) *Benin BL* LLM *Budapest* PhD *Cape Town*

N Amodu, LLB(Hons) *LAS BL* LLM PhD *Lagos*

A Arimoro, LLB(Hons) *Maiduguri BL* LLM *Derby* PhD *Cape Town*

T Badejogbin, LLB *OAU* LLM *Jos* PhD *Cape Town*

J Bashi Rudahindwa, LLB *Universite Protestante au Congo* LLM *Indiana University* PhD *SOAS, University of London*

E Kalula, LLB *Zambia* LLM *London* PhD *Warwick*

T Tsietsi, LLB *Lesotho* LLM *Cambridge* PhD *Cape Town*

Research Assistants:

Y Nagu

Postdoctoral Research Fellow:

V Amadi, LLB LLM PhD *UWC*

J Gudo, LLB *Limpopo* PhD *Cape Town*

Administrator:

TBA

Corporate Law and Governance Unit

The Corporate Law and Governance Unit (CLGU) was established in 2021 and is situated within the Department of Commercial Law. Corporate governance has rapidly evolved, both internationally and in South Africa, into a complex and nuanced field. It is underpinned by principles of established company law, but potentially impacts many areas of commerce, law and society in new and challenging ways. The CLGU aims to create a forum which bridges the divide between academia and practice in this area, and to pursue innovative, excellent and relevant research, engagement and education in the field of corporate governance. CLGU members are academics and practitioners currently involved in various areas of corporate governance research and teaching on postgraduate courses at LLB and LLM/MPhil level. The CLGU also provides supervision and support for masters and doctoral research in the field of corporate law and governance.

Director:Dr H Stoop, LLB *Pret* LLM *Stell* PhD *Durham***Executive Members:***F Adams, BA Law LLB LLM LLD *UJ* Attorney of the High CourtE Fergus, BPsych *Stell* LLB PhD *Cape Town*M Maphiri, LLB *Limpopo* LLM PhD *Cape Town*H Stoop, LLB *Pret* LLM *Stell* PhD *Durham*T Thabane, BA Law LLB *Lesotho* LLM *Pret* LLM *Free State* PhD *Cape Town*G White, BA LLB *Cape Town* MA (Law) *Oxon***Labour, Development and Governance Unit**

Labour, Development and Governance (LDG) is a cross-disciplinary research unit based in the Faculty of Law and is hosted in the Department of Commercial law at UCT. LDG has a presence in both the Commercial Law and the Sociology Department. LDG aims to conduct research in South Africa, as well as in countries in the sub-Saharan African region in the fields of labour, development and governance, and the interfaces between them. Over the years LDG was involved in various projects, either on its own or in collaboration with others. The projects involved examining labour regulation and development in South Africa and in the region. LDG has long roots, going back to the establishment of a Labour Law Unit (“LLU”) in the Law Faculty in 1987, concerned at the time with the struggle for labour rights in South Africa in the 1980’s and 1990’s. LLU later merged with the Development Law Unit (DLU) in 1992, to form the Institute of Development and Labour Law (IDLL). Subsequently, during 2019, IDLL and the Labour and Enterprise Project (LEP), an independent research group associated with IDLL (LEPs roots go back to a 1990 research project in the Department of Sociology on the emergent trade union movement), resulted in the establishment of a new entity – LDG - that would incorporate the activities of both the IDLL and LEP.

Labour, Development and Governance Unit Director:

TBA

Finance Administrator:

TBA

Intellectual Property Unit

The Intellectual Property Unit (IP Unit) was set up in 2007 as a centre for policy research and teaching in intellectual property law. The IP Research Unit believes that it is important that

18 DEPARTMENTS IN THE FACULTY

developing countries participate in the evolution of the Intellectual Property policy and law systems to ensure that any changes take full account of the needs of emerging economies and therefore can benefit them.

The Unit and its members focus on examining the link between IP, innovation, development and public policy. The objective of the Unit is to create a leading IP programme in Africa that translates cutting edge research into excellent teaching and increases the number of highly skilled African IP experts. Important issues range from the way in which we access and share knowledge to strategies how to commercialise inventions and avoid misappropriation. IP is a key determinant of human development, economic growth and competitiveness; and IP rules impact on various public policy areas including health, research and development, biodiversity, clean technologies, food security, and education.

Founding Director:

D P Visser, BJuris LLB LLD *Pret Dr Jur Leiden* Advocate of the High Court

Director:

T Schönwetter, LLB equivalent *Hamburg* LLM PhD *Cape Town*

Unit Staff:

TBA

Shipping Law Unit

The Shipping Law Unit has been in operation since the beginning of 1993. The Unit was set up within the Department of Commercial Law to accommodate part-time and full-time studies in Shipping Law at higher postgraduate level, and it supports the International Trade and Maritime Law optional elective course offered to Final Level LLB students. The Shipping Law Unit provides postgraduate tuition and research in Shipping law and practice, covering public and private law relating to the sea and ships. It serves as an information and advice centre to the shipping industry, and monitors developments in maritime law and policy in South Africa and abroad.

Associate Professor and Head:

G Bradfield, BCom LLB *Natal* LLM *Cape Town* Attorney of the High Court

Tax Unit for Fiscal Research

The Tax Unit for Fiscal Research is an interdisciplinary grouping that draws together academics from UCT's Faculties of Law and Commerce. It was founded in 2015. The Unit's vision is to be Africa's leading academic research unit in fiscal matters; to draw on global knowledge and research networks in developing fiscal knowledge for the benefit of developing countries, particularly the African continent and South Africa; to provide a globally recognised platform for engagement in fiscal matters, with an emphasis on a developing country / BRICS context; to maximise UCT's existing research and teaching capacity in the field of taxation and to develop and retain African expertise within Africa. Several large research projects, consultancy work for government bodies and private entities are all undertaken in the Unit. Academic staff associated with the Unit teach a substantial offering of tax courses across the Faculties of Law and Commerce, as well as organising and participating in conferences, seminars and public engagements. The Unit's activities are supported by a comprehensive cooperation agreement concluded with the International Bureau of Fiscal Documentation (IBFD).

Director:

J J Roeleveld, BCom *Unisa* BCom(Hons) (Tax) LLM *Cape Town* CA(SA)

Unit Members:

*J Hattingh, BCom LLB *Stell* LLM *Leiden* LLM *Cape Town* PhD *Cantab* Advocate of the High Court

T Johnson, BBusSc MCom *Cape Town*

R Oosthuizen, BCom BCom(Hons) *NWU* MCom *Pret* CA(SA)

A Titus, BCom LLB MCom *Cape Town* PhD *Amsterdam* Attorney, Notary and Conveyancer of the High Court

D West, MCom MPhil *Cape Town* LLB *Unisa* CA(ANZ) CFA Advocate of the High Court

DEPARTMENT OF PRIVATE LAW**Professor and Head of Department:**

F du Toit, BA LLB LLM LLD *Stell*

Distinguished Professor in Rhetoric and Humane Letters:

Ph-J Salazar, Ecole Normale Supérieure *Paris* MPhilosophy *Paris-Sorbonne* M Modern Letters *Paris-Sorbonne* M Political Science *Paris-Panthéon-Sorbonne* PhD Social and Cultural Anthropology *Paris-René Descartes* Doctorat d'Etat Letters and Human Sciences *Paris-Sorbonne*

Professors:

AJ Barnard-Naudé, BCom LLB *Pret* MA *Cape Town* LLD *Pret*

A G Fagan, BA LLB *Cape Town* BA DPhil *Oxon* (WP Schreiner Chair)

H Mostert, BA LLB LLM LLD *Stell* *CJD-Cape Town* (DST/NRF SAHRChI Research Chair: Mineral Law in Africa)

T Naudé, BA LLB LLD *Stell* Attorney of the High Court

M Paleker, BA LLB LLM PhD *Cape Town* Attorney of the High Court

Emeritus Professors:

C N Himonga, LLB *Zambia* LLM PhD *London*

D B Hutchison, BCom LLB *Cape Town* PhD *Cantab* Advocate of the High Court

D P Visser, BJuris LLB LLD *Pret* Dr Jur *Leiden* Advocate of the High Court

Associate Professors:

A Barratt, BA(Hons) HDLIS *Cape Town* LLB LLM *Unisa* PhD *Cape Town*

F Osman, BBusSc LLB LLM PhD *Cape Town*

Emeritus Associate Professors:

L Greenbaum, BA LLB *Natal* MEd(HE) PhD *UKZN*

A Pope, LDipLib *Stell* BA LLB *Rhodes* PGDip (Int Res Ethics) *Cape Town*

Adjunct Associate Professors:

A M Price, BBusSc LLB *Cape Town* BCL *Oxon* PhD *Cantab* Advocate of the High Court

H M van den Berg, BA(Hons) LLB *Stell* LLM PhD *Cape Town*

Senior Lectures:

L Boonzaier, BSocSc LLB *Cape Town* BCL DPhil *Oxon*

R Cupido, BA LLB LLM *Stell*

G Mathiba, LLB *NWU* LLM *UWC* PhD *Cape Town*

K Moshikaro, LLB *Pret* BCL MSc *Oxon* PhD *Cantab*

N L Sono, LLB *Univen* LLM LLD *Stell*

Lecturers:

I Ahmed, LLB *Cape Town* LLM *Cornell* Attorney of the New York Bar

M Baase, BA LLB LLM *NWU*

20 DEPARTMENTS IN THE FACULTY

Honorary Research Associates:

E J M Descheemaeker, Maîtrise DEA *Sorb* LLM *London* DPhil *Oxon*

P Garufu, LLB *Fort Hare* LLM *UKZN* PhD *Witwatersrand*

B Luhende, LLB LLM *Dar es Salaam* PhD *Cape Town* PGDip (Legal Practice) *Tanzania*

H J Scott, BA(Hons) LLB *Cape Town* BCL MPhil DPhil *Oxon*

C L Young, LLB PhD *Cape Town* Attorney of the High Court

Administrative Officer:

N Campbell, BSocSc *Cape Town* National Certificate (Computer Data Processing) *Cape Technikon*

Administrative Assistant:

S Esterhuizen

UCT Law Clinic

The UCT Law Clinic operates as a fully functioning law practice run by a professional staff of practising attorneys who litigate in the District, Regional and High Courts on behalf of indigent people who would otherwise not have access to the law.

Final year students who work at the Law Clinic register for the Legal Practice course (DOL4500F/S) which allows them the opportunity to work as student legal advisors under the supervision of the Clinic's attorneys. The students take instruction from clients and learning is largely experiential. Skills learnt include how to consult and communicate with clients, interpersonal and organizational skills, file management, reflection, trial advocacy and analytical problem solving, to list a few.

The Law Clinic is accredited by the Legal Practice Council and adheres strictly to its guidelines on professional conduct. The Law Clinic may be contacted at uctlawclinic@uct.ac.za or on +27 21-650 3775.

Director:

TBA

Supervising Attorneys:

M Le Roux, BSocSc LLB *Cape Town* Attorney of the High Court

L Soupen, BA UHDE *UDW* FDE *RAU* LLB *Unisa* Attorney of the High Court

Attorney:

L Kriel, LLB *Cape Town*

Candidate Attorneys:

N Da Costa, LLB *Cape Town*

R Stein, LLB *Cape Town*

Administrative Assistant:

S Abrahams, Paralegal Executive Secretarial Diploma *Montrose Secretarial College*

Centre for Rhetoric Studies

The Centre for Rhetoric Studies is located in the Kramer Law Building, Cross Campus Road, Middle Campus. The Centre can be contacted by email: philippe.salazar@uct.ac.za or website: www.rhetoricafrica.uct.ac.za. The Centre was founded in 1995 and remains unique on the African continent where it has pioneered the emergence of rhetoric studies (as mentioned in Blackwell's *International Encyclopaedia of Communication*). It concerns itself with multidisciplinary research in public rhetoric, deliberative democracy and argumentative culture. The

Centre engages in three main activities: hosting research fellows, organising academic conferences and registering postgraduate students (M and PhD). It publishes its findings through the open access journal *African Yearbook of Rhetoric*. The Centre offers the Masters in Rhetoric Studies and the PhD in Rhetoric Studies (currently ten postgraduates are under supervision).

An LLB course on Rhetoric, Law and Society (PVL4604S) is also part of Private Law offerings. The Centre's directors may also offer supervision of LLB Independent Research Papers, as part of Private Law offerings, on appropriate topics related to rhetoric at large.

Director:

Ph-J Salazar, *Ecole Normale Supérieure Paris MPhilosophy Paris-Sorbonne M Modern Letters Paris-Sorbonne M Political Science Paris-Panthéon-Sorbonne PhD Social and Cultural Anthropology Paris-René Descartes Doctorat d'Etat Letters and Human Sciences Paris-Sorbonne*

Co-Director:

AJ Barnard-Naudé, *BCom LLB Pret MA Cape Town LLD Pret*

Honorary Research Affiliates:

K Kotzé, *BA(Hons) Cape Town, MPhil Leipzig PhD Cape Town*
J Snell, *BArch Cape Town MPhil PhD Cantab*

DST/NRF South African Research Chairs Initiative (SARChI): Mineral Law in Africa

The SARChI Chair for Mineral Law in Africa (MLiA) was launched in 2016 as part of the South African Research Chairs Initiative established by the Department of Science and Technology (DST) and the National Research Foundation (NRF). The SARChI: MLiA is hosted by the University of Cape Town within the Faculty of Law, Department of Private Law. Its research focus is on mineral law development in Africa. It produces independent and original research output on matters concerning this field of expertise. Its objectives include engaging with mining policy frameworks in South Africa and the rest of the African continent, to make constructive contributions towards shaping the legislative framework, and support the building of strong state capacity for the relevant institutions co-ordinating governance in the mining sector.

The SARChI: MLiA is responsible for offering the specialised Masters (LLM / MPhil) in the Law on the Extraction and Use of Mineral and Petroleum Resources. It also offers an undergraduate course in Mineral Law (PVL4504S).

Further information about MLiA, its objectives, projects and activities can be accessed from its official website (<http://www.mlia.uct.ac.za/>) or solicited by email (mlia@uct.ac.za).

Chair

H Mostert, *BA LLB LLM LLD Stell Cfd Cape Town*

Administrator (Finance and Research):

D Forbes

DEPARTMENT OF PUBLIC LAW

The Department of Public Law offers degrees in both the Faculty of Law and the Faculty of Humanities. The Centre for Criminology, the Centre for Law and Society, the Democratic Governance and Rights Unit, the Land and Accountability Research Centre, the Institute of Marine and Environment Law and the Refugee Rights Unit and Southern African Legal Information Institute is housed within the Department.

The Department of Public Law and most of its research units are housed in the Kramer Law Building, 5th and 6th Levels, on Middle Campus.

The letter code for the Department is PBL.

The Department can be contacted by email at Rene.Francke@uct.ac.za.

Associate Professor and Head of Department:

C Powell, BA LLB *Cape Town* LLM *Humboldt* SJD *Toronto*

Professors:

*W Amien, BA LLB *Cape Town* LLM *UWC* PhD *Ghent* Attorney of the High Court

D M Chirwa, LLB(Hons) *Malawi* LLM *Pret* PhD *UWC* Practitioner of the High Court of Malawi

P de Vos, BCom LLB LLM *Stell* LLM *Columbia* LLD *UWC* (Claude Leon Foundation Chair in Constitutional Governance)

F Khan, BA HDE LLB LLM PhD *Cape Town* Attorney of the High Court

*A R Paterson, BSocSc LLB LLM PhD *Cape Town* Attorney of the High Court

*P J Schwikkard, BA *Witwatersrand* LLB LLM *Natal* LLD *Stell* Attorney of the High Court

Emeritus Professors:

T W Bennett, BA LLB *Rhodes* PhD *Cape Town*

J Burchell, BA LLB *Natal* LLM *Cantab* PhD *Witwatersrand*

M H Cheadle, BA(Hons) *Natal* BProc *Unisa* LLB *Witwatersrand* Advocate of the High Court of South Africa, Advocate of the High Court of Namibia (Part-time)

H M Corder, BCom LLB *Cape Town* LLB *Cantab* DPhil *Oxon* Advocate of the High Court

D J Devine, BA LLB *NUI* LLB *Unisa* LLD *Cape Town* Solicitor of the Supreme Court of Ireland, Advocate of the High Court of Kenya

J I Glazewski, BCom LLB MA *Cape Town* LLM *London* LLD *Cape Town* Advocate of the High Court

I Leeman, BA LLB *Stell*

R Manjoo, BA LLB LLM *Natal* Advocate of the High Court

C M Murray, BA LLB *Stell* LLM *Michigan*

C D Shearing, BSocSc(Hons) *Natal* MA PhD *Toronto* (Senior Scholar)

E van der Spuy, BA(Hons) MA *Stell* PhD *Cape Town*

Honorary Professors:

L Dobbs, D.B.E BSc *Surrey* LLM PhD *LSE* Judge of the High Court of the United Kingdom

D Moseneke, BA BLuris LLB *Unisa* Judge of the High Court

D Smythe, BA LLB *Cape Town* JSM JSD *Stanford* Advocate of the High Court

Adjunct Professors:

M Du Plessis, BLuris *Unisa* LLB *UKZN* LLM *Cantab* PhD *UKZN*

T Ngcukaitobi, BProc LLB *Unitra* LLM *Rhodes* LLM *LSE* Advocate of the High Court

GM Wachira, LLB *Nairobi* LLM *Pret* Dip *Abo/Turku* Advocate of the High Court of Kenya

Associate Professors:

I Kinnes, HDE UWC MSc LSE PhD Cape Town
 K Moulton, BSocSc(Hons) *Cape Town MA George Washington University PhD American University*
 M J Murcott, LLB *UCT LLM UP LLD NWU*
 J Omar, LLB LLM PhD *Cape Town Attorney of the High Court*
 H Woolaver, LLB *Dunelm BCL Oxon PhD Cantab*

Adjunct Associate Professors:

M Judge, BSocSc(Hons) *Cape Town MA PhD UWC*
 S Mnisi Weeks, BA LLB *Cape Town MSt DPhil Oxon*

Senior Lecturers:

*N Ally, BA LLB *Witwatersrand MSc Edinburg MStOxon Attorney of the High Court*
 *L Kohn, BBusSc LLB LLM *Cape Town Attorney of the High Court*
 S Lutchman, LLB *UKZN LLM New York*
 T Mosaka, LLB *Wits LLM Cape Town PhD Nottingham*
 R Nunlall- Hiralal, BSocSc(Hons) LLM *UKZN*
 *N Ramalekana, LLB *Pret BCL MPhil Oxon PhD Oxon*

Adjunct Senior Lecturer:

O Rumble, LLM LLB *Cape Town LPPE Stell*

Lecturers:

TBA

Adjunct Lecturer:

M De Beer, LLB *Witwatersrand LLM Notre Dame Advocate of the High Court*

Honorary Research Associates:

C Darch, BA *Oxon ALA (Library and Information Science) Northwestern Polytechnic PhD Bradford*
 T Masengu, LLB *Rhodes LLM LSE PhD Cape Town/Ghent*
 B E Morgan, TBC

Research Associate:

C Kavuro, LLB *UWC LLM Cape Town LLD Stell*

Administrative Officer:

TBA

Administrative Assistant:

R Francke

Centre of Criminology

The Centre of Criminology is a research and teaching unit committed to advancing policy-relevant research and analysis on key issues of public safety, criminal justice and responses to crime. An enduring concern of the Centre has been a critical engagement with the conceptual and political boundaries of criminological enquiry, including South Africa's contribution to the discussion of Southern Criminology. Research topics have ranged from the local to the global. Recent years have seen detailed qualitative work conducted on criminal justice reforms and alternative forms of policing in South Africa; and violence against women. The Centre is actively involved in the teaching of courses at undergraduate and postgraduate levels. The Centre co-convenes the LLM and MPhil Programme on Criminology, Law and Society in the Department of Public Law, is involved

24 DEPARTMENTS IN THE FACULTY

in postgraduate supervision and supports a large cohort of doctoral students researching a wide range of topical issues.

Director:

K Moul, BSocSc(Hons) *Cape Town* MA *George Washington University* PhD *American University*

Associate Professors:

I Kinnes, HDE *UWC MSc LSE* PhD *Cape Town*

Emeritus Professors:

C D Shearing, BSocSc(Hons) *Natal* MA PhD *Toronto* (Senior Scholar)

E van der Spuy, BA(Hons) MA *Stell* PhD *Cape Town*

Senior Lecturer:

R Nunlall- Hiralal, BSocSc(Hons) LLM *UKZN*

Senior Research Scholar:

D Van Zyl Smit, BA LLB *Stell*, PhD *Edinburg*

Post-doctoral Fellows:

S Mgzulwa, BTech *CPUT*, BSocSc (Hons) MSocSc *Cape Town*

Researcher (part-time):

S Howell, BA(Hons) MPhil PhD *Rhodes*

Research Associates:

D Dziewanski, BCom *Victoria* MA (NPSIA) PhD *London*

A Faull, BSocSc MPhil *Cape Town* DPhil *Oxon*

D H Pinnock, BA MA *Cape Town* PhD *Rhodes*

J Rauch, BSocSc(Hons) *Cape Town* MPhil *Cantab*

Research Assistant:

A Kok, MPhil *Cape Town*

Centre for Law and Society

The Centre for Law and Society (CLS) is an innovative multi-disciplinary research centre which provides a hub for scholars, students and activists to engage critically with, and work together on, the challenges facing Africa at the intersection of law and society. Through socio-legal research, teaching and critical exchange, CLS works with a new generation of lawyers, scholars, practitioners and activists to bring African perspectives to bear on questions of global significance in the field of law and society. CLS is committed to social justice, constitutionalism and transformation, providing an interactive space to collaborate on solutions to pressing social injustices, and to incubate ideas and projects to promote justice. CLS hosts a vibrant mix of young and established researchers, working across a range of disciplines, including development studies, law, anthropology and history, and actively supports the work of public intellectuals.

CLS co-convenes the LLM and MPhil Programme on Criminology, Law and Society in the Department of Public Law, where we teach a core course on Law and Society in Africa, focused on the work of African scholars writing in, on and from Africa.

Director:

N Ally, BA LLB *Wits* MSc *Edinburgh* MSt *Oxon* Attorney of the High Court

Research Officer:

D Jeffhas, BSocSc(Hons) MSocSc *Cape Town*

Programme Director:

J Omar, LLB LLM PhD *Cape Town* Attorney of the High

Research Affiliates:

V Gastrow, BA LLB MPhil *Cape Town* PhD *Witwatersrand*

M Judge, BSocSc(Hons) *Cape Town* MA PhD *UWC*

D Smythe, BA LLB *Cape Town* JSM JSD *Stanford* Advocate of the High Court

Finance Officer/Administrator:

J Thomas

Democratic Governance and Rights Unit (DGRU)

Our vision is of a socially just Africa, where equality and constitutional democracy are upheld by progressive and accountable legal systems, enforced by independent and transformative judiciaries anchored by a strong rule of law.

Our mission is to advance social justice and constitutional democracy in Africa by:

- Conducting applied and comparative research;
- Supporting the development of an independent, accountable and progressive judiciary;
- Promoting gender equality and diversity in the judiciary and in the legal profession;
- Providing free access to law; and
- Enabling scholarship, advocacy and online access to legal information.

Director:

V Karth, BA(Hons) MPhil *Cape Town*

Senior Researcher:

J A Mavedzenge, BA *MSU* LLB LLM PhD (Public Law) *Cape Town*

Researchers:

M Benjamin, LLB *Witwatersrand*

Z Ndlebe, LLB *UWC* LLM *Cape Town* Attorney of the High Court

Professional Staff:

M Badeva-Bright, LLB *Plovdiv* LLM (Law and IT) *Stockholm*

S.Mdleleni, BA PGCE *Fort Hare*, PGDip *Cape Town*

A Tilley, LLB *Cape Town*

Affiliated Adjunct Professor:

M Twomey, BA *Kent* LLM PhD (Comparative Law) *Ireland*

Institute of Marine and Environmental Law (IMEL)

The Institute of Marine and Environmental Law offers courses and research supervision for postgraduate students in Environmental Law and aspects of the Law of the Sea. It monitors developments in Environmental Law and Law of the Sea and at both the international level and in the Southern African context. Its functions include keeping interested parties, in both the public and private sectors, informed of these developments; publishing substantial articles of an academic nature as monographs or occasional papers; providing opinions and undertaking research projects on

26 DEPARTMENTS IN THE FACULTY

a fee-paying basis when commissioned to do so; and providing such incidental lectures on these subjects as may be required by the University or outside interests.

Director and Professor:

*A R Paterson, BSocSc LLB LLM PhD *Cape Town* Attorney of the High Court

Emeritus Professors:

D J Devine, BA LLB *NUI* LLB *Unisa* LLD *Cape Town* Solicitor of the Supreme Court in Ireland, Advocate of the High Court of Kenya

J I Glazewski, BCom LLB MA *Cape Town* LLM *London* LLD *Cape Town* Advocate of the High Court

Associate Professor:

M J Murcott, LLB *Cape Town* LLM *UP* LLM *NWU*

Adjunct Senior Lecturer:

O Rumble, LLM LLB *Cape Town* LPPE *Stell*

Lecturer:

TBA

Land and Accountability Research Centre (LARC)

The Land and Accountability Research Centre (LARC) is a research and advocacy centre that supports people living in rural areas of the former homelands in South Africa to defend and assert their land rights, confront oppression and hold power to account. LARC aims to expose the legal and political mechanisms that entrench rural marginalisation by actively working in partnerships and engaging in collaborative and grounded research. We see research, advocacy and litigation as three necessary and interlocking components of our work. LARC has three programmes: land, mining and governance.

Director:

N Luwaya, BA LLB LLM *Cape Town*

Deputy Director:

M de Souza Louw, LLB LLM *Cape Town*

Researchers:

T Duda, BSocSc(Hons) *Cape Town*

N Mngqibisa, BA(Hons) *UWC* MA *Cape Town*

A Motala, LLB LLM *UKZN*

K Ramantsima, BA BCom(Hons) MCom *Witwatersrand*

N Sihlali, BA *Witwatersrand* BA(Hons) *Rhodes* MA *Witwatersrand*

Administrative Officer:

A Wilkinson, BA(Hons) MA *NMMU*

Finance Administrative Officer:

N Tom, BBusSc (Finance) *Cape Town*

Refugee Rights Unit

The work of the Refugee Rights Unit comprises the following four components; a legal aid clinic, a research unit, teaching, and advocacy and training. The Refugee clinic is funded by and operates as

an implementing partner of the United Nations High Commissioner for Refugees (UNHCR) and the main research funding is from the European Union Horizon 2020 scheme.

The Refugee Unit teaches three elective courses in the Law Faculty: Refugee and Immigration Law (PBL4506F), and Public Interest Litigation (PBL4111S) to final year LLB students, and Refugee Law and Human Rights (PBL5653F) to the LLM class. The Unit's teaching components also include supervision of graduate level research work in the field of forced migration (including refugee and immigration law, statelessness and internal displacement). Students engage with current issues facing refugees and asylum seekers in South Africa, including litigation undertaken by the Practice. Students are also encouraged to volunteer at the Refugee Law Clinic in order to gain practical experience and fulfil community service requirements.

The legal practice work provides the Unit with a close link to the practical application of refugee law in South Africa and therefore directly informs and supports the Unit's teaching activities and research outputs. As experts and practitioners in the areas of refugee and immigration law, the Unit produced two books: Refugee law in South Africa(2014) and Immigration law in South Africa(2018). It has also published a substantial number of peer-reviewed articles.

The Working Paper Series (<http://www.refugeerights.uct.ac.za/working-papers-series/>) publishes the research reports of the Refugee Rights Unit, occasional papers of the Unit's staff, and versions of some of the papers presented by the Refugee Rights Unit. A key focus of the Working Papers is the promotion of the rights of refugees in South Africa and the Global South. The Unit remains committed to directly assisting refugees and asylum seekers, and to teaching and engaging in research which can be used to promote and further the law in this area and as an advocacy tool in the future.

Further details may be obtained from The Refugee Rights Unit, Department of Public Law, Faculty of Law, University of Cape Town, Private Bag X3, Rondebosch, 7701, Telephone +27 21 650 5581, Fax +27 21 650 4107, or Web: <http://www.refugeerights.uct.ac.za>.

Director and Associate Professor:

F Khan, BA HDE LLB LLM PhD *Cape Town* Attorney of the High Court

Attorneys and Researchers:

N Marinus, BSocSc LLB *Cape Town*

S Sader, LLB *UWC* Attorney of the High Court

M Schoeman, BA LLB *UWC* Attorney of the High Court

Candidate Attorneys:

R Titus, LLB *UWC*

T Chigona, LLB *Cape Town*

B Pillay, LLB *Cape Town*

Research Assistants:

M Jahng (occasional)

S Kruger (occasional)

E Viljoen (occasional)

Administrator:

TBA

OTHER UNITS AND FACILITIES

Brand Van Zyl Law Library

The Brand Van Zyl Law Library is located in the Wilfred & Jules Kramer Law building and has South African, foreign, international and comparative legal materials, including monographs, law reports, statutes and journals. It also offers electronic resources, including indexes and full-text databases of case law, statutes and journal articles.

The Brand van Zyl Antiquarian collection, reputedly the finest outside Europe and the USA, comprises about 5,000 volumes chiefly on Roman-Dutch Law, including many 17th- and 18th-century legal works.

The library facilities include the Postgraduate Research Commons, the Training Room, private and group study carrels, and multifunctional printers. It offers a 24/7 study space, has 460 seating spaces, 90 computers, WiFi and power points. Students can also access our electronic resources off campus.

The library offers a reference service in person and electronically, LibGuides, Faculty research guides and YouTube videos. Students can also access the RefWorks and EndNote bibliographic management tools. The library offers a current awareness service to academics and students via Legalbrief.

Principal Librarian:

S Keraan, BA(Hons) *Unisa* BBibl(Hons) *Cape Town*

Senior Librarian:

A Paulsen, BBibl *UWC* BBibl(Hons) MBibl *Cape Town*

Principal Librarian Assistant:

R Carlse, BSocSci LLB *Cape Town*

Senior Library Assistant:

Z Jaffer

Library Assistant:

P Matshoba

Computer Resources

The Law Faculty believes that all its graduates should be computer literate and must know how to use the internet and electronic legal resources for research and communication. Each student registered in the Faculty has a UCT email account, along with the use of the computers in the Law Faculty computer room in the Kramer Law building (on level 2) and in the Brand Van Zyl Law Library (level 2 and 1). All law students have access to a range of South African and international electronic legal databases.

Students in the Faculty are offered training in general computer knowledge and wordprocessing skills, also in the use of a wide range of electronic legal resources, such as LexisNexis and Jutastat. Many of these resources are listed on the Law Library's homepage at <http://www.law.lib.uct.ac.za/>.

The Law Faculty has a comprehensive website which gives details about degrees and courses offered in the Faculty, about the staff and their teaching and research, and about the Brand Van Zyl Law Library and the services offered.

Visit the Law Faculty's homepage at www.law.uct.ac.za, and find links to the web presence of our three academic departments, our multiple research units, and our School for Advanced Legal Studies

COURSES IN THE FACULTY

COURSE CODES

Every course described has a name and corresponding code. Each code has eight characters as follows, AAAInnnB, where:

AAA	is the three-alpha code of the department or unit administering the course (or in the case of a Faculty-administered course, of the Dean’s Office)		
I	indicates the academic level of the course		
nnn	a number between 001 and 999 identifying the course		
B	the ‘year portion’ indicator, or suffix, identifying the type of course and when it is offered		
A	1 st quarter course	B	2 nd quarter course
C	3 rd quarter course	D	4 th quarter course
F	1 st semester (half) course	H	Half course taught over full year
J	Summer term session 1 course	L	Winter term course
M	Commerce entrance examination	N	Commerce entrance examination
P	Summer term session 2 course	Q	Semester 1 online course
R	Semester 2 online course	S	2 nd semester (half) course
T	Whole year online course	U	Summer term course taught over full session
V	Non-standard online course	W	Course taught over whole year
X	Special allocation	Z	Non-standard course
EWA	Examination without attendance at lectures	SUP	Supplementary examination in a course
CE	Continuing education course		

The following examples show how this works:

PVL2002H	Law of Property
PVL	designates a Private Law course
2	designates a second-year course
002	character number unique to course
H	designates a half course, over the whole year
PBL4604F	Social Justice and the Constitution
PBL	designates a Public Law course
4	designates a fourth-year course
604	character number unique to course
F	designates a first semester course

LECTURE PERIODS

1	08:00 - 08:45	Meridian	13:00 - 13:45
2	09:00 - 09:45	6	14:00 - 14:45
3	10:00 - 10:45	7	15:00 - 15:45
4	11:00 - 11:45	8	16:00 - 16:45
5	12:00 - 12:45	9	17:00 - 17:45

Dean of Law

DOL3000X	Moot Competition
DOL3001X	Community Service
DOL3002X	Intermediate Year Skills Component
DOL4000H	Integrative Assessment Moot

Lectures and examination electives: Final Level LLB

DOL4500F/S Legal Practice

*Seminars and research paper electives: Final Level LLB*DOL4501S Law, Democracy and Social Justice (*not offered in 2024*)**Department of Commercial Law**

CML3001W Corporation Law
 CML4004S Labour Law
 CML4006W Commercial Transactions Law

Lectures and examination electives: Final Level LLB

CML4501F Dispute Resolution
 CML4502F Insurance Law (*not offered in 2024*)
 CML4503F Copyright & Patents
 CML4504S Trade Marks & Unlawful Competition
 CML4505F International Trade and Maritime Law (*not offered in 2024*)
 CML4506F Fundamental Principles of Tax Law
 CML4507S Statutory Tax Law of Entities and Transactions
 CML4508S Trusts and Estate Planning (*not offered in 2024*)
 CML4509S Ways of Doing Business
 CML4510F Cyberlaw

Seminars and research paper electives: Final Level LLB

CML4401H Independent Research Option
 CML4601F Theory and Practice of Commercial Regulation and Governance (*not offered in 2024*)
 CML4602S Competition Law
 CML4603S Banking Law
 CML4604F Current Developments in Company Law (*not offered in 2024*)
 CML4605F Law, Development, Labour and Social Policy (*not offered in 2024*)
 CML4606H Moot Caput
 CML4629S Law and Regional Integration in Africa

Undergraduate courses (for students from other faculties)

CML1001F Business Law I
 CML1004S Business Law I
 CML2001F Company Law
 CML2005F Labour Law
 CML2010Z Business Law II
 CML4607F Law for Engineers

Postgraduate Diploma courses

CML4613S Collective Labour Law (*not offered in 2024*)
 CML4624F Admiralty Jurisdiction and Practice
 CML4625F Maritime Law
 CML4626S Carriage of Goods by Sea
 CML4631S Mediation
 CML4641S Commercial Arbitration
 CML4651F Individual Employment Law (*not offered in 2024*)
 CML4661F General Tax Law Provisions (*not offered in 2024*)
 CML4661S Specific Tax Law Provisions (*not offered in 2024*)
 CML4662F Tax Treaty Law (*not offered in 2024*)

32 COURSES IN THE FACULTY

CML4662S	Tax Policy in a Developmental Context (<i>not offered in 2024</i>)
CML4671F	Negotiation
CML4673S	International Commercial Transactions Law (<i>not offered in 2024</i>)
CML4676S	Workplace Discrimination and Equality Law (<i>not offered in 2024</i>)
CML4693S	Marine Insurance Law

Higher postgraduate courses

CML5601S	Advanced Company Law
CML5613S	Collective Labour Law
CML5619F	Law of International Trade
CML5624F	Admiralty Jurisdiction and Practice
CML5625F	Maritime Law
CML5626S	Carriage of Goods by Sea
CML5631S	Mediation
CML5641S	Commercial Arbitration
CML5651F	Individual Employment Law
CML5654S	Competition Law
CML5657F	Electronic Intellectual Property Law (<i>not offered in 2024</i>)
CML5658S	Electronic Transactions Law (<i>not offered in 2024</i>)
CML5661S	Specific Tax Law Provisions
CML5664F	Law, Regional Integration and Development in Africa
CML5665S	Tax Policy in a Developmental Context
CML5666F	Comparative Law and Business in Africa
CML5667S	Corporate Law and Governance (<i>not offered in 2024</i>)
CML5668F	General Tax Law Provisions
CML5669F	Tax Treaty Law
CML5671F	Negotiation
CML5672S	The Legal Aspects of Corporate Financing Structures
CML5673S	International Commercial Transactions Law
CML5676S	Workplace Discrimination and Equality Law
CML5677F	Islamic Law and Finance (<i>not offered in 2024</i>)
CML5678F	Principles of Intellectual Property Law
CML5680S	Advanced Intellectual Property Law
CML5687S	Chinese Law and Investments in Africa
CML5691S	Intellectual Property Law, Development and Innovation
CML5692F	Company Law, Corporate Governance and Stakeholder Relations
CML5693S	Marine Insurance Law
FTX4036S	Research Methods in Taxation
FTX5034F	International Tax I
FTX5033S	International Tax II
CML5695F	Banking & Finance Law and Regulation (<i>on offer from 2025</i>)
CML5696S	Law of Banking, Finance and Payments

Thesis and dissertation codes

CML5600W	Masters in Commercial Law
CML5606W	Masters in Commercial Law Dissertation Part
CML5611W	Masters in Tax Law Dissertation Part
CML5614W	Masters in Labour Law Dissertation Part
CML5616W	Masters in Shipping Law Dissertation Part
CML5632W	Masters in Dispute Resolution Dissertation Part
CML5674W	Masters in International Trade Law Dissertation Part
CML5681W	Masters in Intellectual Property Law Dissertation Part
CML5688W	Masters in Comparative Law in Africa Dissertation Part

CML5694W	Masters in International Taxation Dissertation Part
CML6700W	PhD in Commercial Law
CML6701W	LLD in Commercial Law (Thesis)
CML6702W	LLD in Commercial Law (Published Work)

Research project codes for Professional Master's

CML5000X	Commercial Law – Research Task
CML5601X	Advanced Company Law – Research Task
CML5613X	Collective Labour Law – Research Task
CML5619X	Law of International Trade – Research Task
CML5624X	Admiralty Jurisdiction & Practice – Research Task
CML5625X	Maritime Law – Research Task
CML5626X	Carriage of Goods by Sea – Research Task
CML5631X	Mediation – Research Task
CML5641X	Commercial Arbitration – Research Task
CML5651X	Individual Employment Law – Research Task
CML5654X	Competition Law – Research Task
CML5657X	Electronic Intellectual Property Law – Research Task (<i>not offered in 2024</i>)
CML5658X	Electronic Transactions Law – Research Task (<i>not offered in 2024</i>)
CML5661X	Specific Tax Law Provisions – Research Task
CML5664X	Law, Regional Integration and Development in Africa – Research Task
CML5665X	Tax Policy – Research Task
CML5666X	Comparative Law and Business in Africa – Research Task
CML5667X	Corporate Law and Governance – Research Task (<i>not offered in 2024</i>)
CML5668X	General Tax Law Provisions – Research Task
CML5669X	Tax Treaty Law – Research Task
CML5671X	Negotiation – Research Task
CML5672X	The Legal Aspects of Corporate Financing Structures – Research Task
CML5673X	International Commercial Transactions Law – Research Task
CML5676X	Workplace Discrimination and Equality Law – Research Task
CML5677X	Islamic Law and Finance – Research Task (<i>not offered in 2024</i>)
CML5678X	Principles of Intellectual Property Law – Research Task
CML5680X	Advanced Intellectual Property Law – Research Task
CML5687X	Chinese Law and Investments in Africa – Research Task
CML5691X	Intellectual Property Law, Development and Innovation – Research Task
CML5692X	Company Law, Corporate Governance and Stakeholder Relations – Research Task
CML5693X	Marine Insurance Law – Research Task
CML5695X	Banking & Finance Law and Regulation – Research Task (<i>on offer from 2025</i>)
CML5696X	Law of Banking, Finance and Payments - Research Task

Department of Private Law

PVL1003W	Foundations of South African Law
PVL1004F	South African Private Law: System and Context
PVL1008H	Law of Persons and Family
PVL2002H	Law of Property
PVL2003H	Law of Succession
PVL3003S	African Customary Law
PVL3003F	Law of Delict
PVL3005W	Law of Contract
PVL3006S	Jurisprudence
PVL4008H	Civil Procedure

34 COURSES IN THE FACULTY

Lectures and examination electives: Final Level LLB

PVL4504S	South African Mineral Law: Theory, Context and Reform
PVL4505F	The Law of Cession
PVL4507F	Conflict of Laws
PVL4511F	Unjustified Enrichment
PVL4512S	Advanced African Customary Law
PVL4513F	Advanced Contract Law

Seminars and research paper electives: Final Level LLB

PVL4401H	Independent Research Option
PVL4601S	Advanced Property Law: Capita Selecta
PVL4602S	Civil Justice Reform
PVL4603F	Jurisprudence and South African Law
PVL4604S	Rhetoric, Law and Society
PVL4606F	Spatial Justice, Ubuntu and the Nomos of Apartheid
PVL4608S	The South African Law of Delict in Theoretical and Comparative Perspective
PVL4609H	Moot Caput

Exchange programme courses

PVL1003F	Foundations of South African Law (Part A)
PVL1003S	Foundations of South African Law (Part B)

Postgraduate Diploma Courses

PVL4624F	Human Rights and Private Law
PVL4625S	Property Law in a Constitutional Order
PVL4630F	Comparative Mineral Law in Africa
PVL4631S	Negotiating Extractive Agreements and Mining Contracts
PVL4632F	Oil and Gas Law in South Africa
PVL4633S	Resource Revenue Law
PVL4636F	Extractives Law and the Energy Transition

Higher postgraduate courses

PVL5620S	Advanced Contract Law
PVL5624F	Human Rights and Private Law
PVL5625S	Property Law in a Constitutional Order
PVL5626S	Human Rights, Gender and Family
PVL5627S	Delict, Unjustified Enrichment, and Human Rights (<i>not offered in 2024</i>)
PVL5630F	Comparative Mineral Law in Africa
PVL5631S	Negotiating Extractive Agreements and Mining Contracts
PVL5632F	Oil and Gas Law in South Africa
PVL5633S	Resource Revenue Law
PVL5635F/S	Law of Trusts (from 2025)
PVL5636F	Extractive Law and the Energy Transition

Thesis and dissertation codes

PVL5606W	Masters in Private Law
PVL5607W	Masters in Rhetoric Studies
PVL5628W	Masters in Private Law and Human Rights Dissertation Part (<i>not offered in 2024</i>)
PVL5634W	Masters in the Law of Mineral and Petroleum Extraction and Use
PVL6700W	PhD in Private Law
PVL6701W	LLD in Private Law (Thesis)
PVL6702W	LLD in Private Law (Published Work)
PVL6703W	PhD in Rhetoric Studies

Research project codes for Professional Master's

PVL5000X	Private Law - Research Task
PVL5620X	Advanced Contract Law – Research Task
PVL5624X	Human Rights and Private Law – Research Task
PVL5625X	Property Law in a Constitutional Order – Research Task
PVL5626X	Human Rights, Gender, and Family – Research Task
PVL5627X	Delict, Unjustified Enrichment, and Human Rights - Research (<i>Not offered in 2024</i>)
PVL5630X	Comparative Mineral Law in Africa – Research Task
PVL5631X	Negotiating Extractive Agreements and Mining Contracts - Research Task
PVL5632X	Oil and Gas Law in South Africa - Research Task
PVL5633X	Resource Revenue Law - Research Task
PVL5635X	Law of Trusts – Research Task (from 2025)
PVL5636X	Extractives Law and the Energy Transition – Research Task

Department of Public Law

PBL2000W	Constitutional Law
PBL3001F	International Law
PBL3801W	Criminal Law
PBL4001W	Administrative Law
PBL4801F	Law of Evidence
PBL4802F	Criminal Procedure

Lectures and examination electives: Final Level LLB

PBL4111S	Public Interest Litigation (<i>not offered in 2024</i>)
PBL4501F	Criminology: Selected Issues
PBL4502F	Environmental Law
PBL4503F	European Union Law (<i>not offered in 2024</i>)
PBL4504F	International Criminal Law and Africa (<i>not offered in 2024</i>)
PBL4505S	International Human Rights Law and the Constitution
PBL4506F	Refugee and Immigration Law
PBL4508F	Local Government Law (<i>not offered in 2024</i>)

Seminars and research paper electives: Final Level LLB

PBL4401H	Independent Research Option (Public Law)
PBL4402H	Independent Research Option (Criminal Justice)
PBL4601S	Constitutional Litigation
PBL4602F	Criminal Justice and the Constitution
PBL4604F	Social Justice and the Constitution
PBL4605F	Women and Law
PBL4606H	Moot Caput

Exchange programme courses

PBL2000F	Constitutional Law (Part A)
PBL3001F	International Law
PBL3801F	Criminal Law (Part A)

Undergraduate Criminology course (for Humanities students only)

PBL2800F	Crime and Deviance in South African Cities
----------	--

Postgraduate course for postgraduate students from other faculties such as Science, Humanities, and Engineering and the Built Environment

PBL5045S	Environmental Law for Non-Lawyers (<i>not offered in 2024</i>)
----------	--

36 COURSES IN THE FACULTY

Postgraduate Diploma courses

PBL4607F	International Law of the Sea
PBL4615F	International Law in Theory and Practice
PBL4618S	International Law on Disputes and Use of Force
PBL4619S	International Environmental Law
PBL4623F	Governing under the Constitution: Law and Practice
PBL4631F	International Protection of Human Rights
PBL4640F	Principles of Environmental Law
PBL4641F	Land Use Planning Law (<i>not offered in 2024</i>)
PBL4642S	Natural Resources Law
PBL4643F	Pollution Law
PBL4658S	Administrative Justice and Open Government
PBL4659S	Human Rights, Legal Pluralism, Religion and Culture (<i>not offered in 2024</i>)
PBL4661F	Judicial Skills and Practical Jurisprudence
PBL4662S	Judging in a Constitutional Democracy
PBL4663F	Practical Approach to Evidence Law
PBL4664S	Practical Court Processes
PBL4665S	Environmental Law for Judicial Officers (<i>not offered in 2024</i>)
PBL4666S	Independent Research Paper for Judicial Officers
PBL4667S	Law and Technology for Judicial Officers
PBL4668S	Regional Instruments, Courts and Cases for Judicial Officers
PBL4815S	Punishment and Human Rights (<i>not offered in 2024</i>)
PBL4820F	Theories of Crime and Social Order (<i>not offered in 2024</i>)
PBL4822S	Victims and Victimology: Theory, Policy and Practice (<i>not offered in 2024</i>)
PBL4844S	Police and Policing: Explorations in Security Governance (<i>not offered in 2024</i>)
PBL4847S	Forensics and the Law (<i>not offered in 2024</i>)
PBL4849F	Law in Action – Research Methods (<i>not offered in 2024</i>)

Higher postgraduate courses

PBL5602F	International Law of the Sea
PBL5615F	International Law in Theory and Practice
PBL5618S	International Law on Disputes and Use of Force
PBL5619S	International Environmental Law
PBL5623F	Governing under the Constitution: Law and Practice
PBL5628F	International Rights of the Child
PBL5631F	International Protection of Human Rights
PBL5640F	Principles of Environmental Law
PBL5641F	Land Use Planning Law (<i>not offered in 2024</i>)
PBL5642S	Natural Resources Law
PBL5643F	Pollution Law
PBL5644S	Sexual Offences and the Law
PBL5651S	International Protection of Women's Human Rights
PBL5653F	Refugee Law and Human Rights
PBL5658S	Administrative Justice and Open Government
PBL5659S	Human Rights, Legal Pluralism, Religion and Culture (<i>not offered in 2024</i>)
PBL5661S	Litigating South African Bill of Rights
PBL5663S	Transparency Law & Governance: Global and Local Theory & Practice (<i>not offered in 2024</i>)
PBL5815S	Punishment and Human Rights
PBL5820F	Theories of Crime and Social Order
PBL5822S	Victims and Victimology
PBL5844S	Police and Policing: Explorations in Security Governance
PBL5847S	Forensics and the Law
PBL5848F	Law and Society in Africa (<i>not offered in 2024</i>)
PBL5849F	Law in Action

PBL5851S Criminal Process and Human Rights (*not offered in 2024*)

Thesis and dissertation codes

PBL5600W Masters in Public Law
 PBL5601W Masters in Public Law Dissertation Part
 PBL5602W Masters in Constitutional and Administrative Law Dissertation Part
 PBL5624W Masters in Marine and Environmental Law Dissertation Part
 PBL5625W Masters in Constitutional Law Dissertation Part
 PBL5626W Masters in Human Rights Law Dissertation Part
 PBL5627W Masters in International Public Law Dissertation Part
 PBL5654W Masters in Environmental Law Dissertation Part
 PBL5800W Masters in Criminology
 PBL5809W Masters in Criminal Justice
 PBL5850W Masters in Criminology, Law and Society Dissertation Part
 PBL6700W PhD in Public Law
 PBL6701W LLD in Public Law (Thesis)
 PBL6702W LLD in Public Law (Published Work)
 PBL6703W PhD in Criminal Justice
 PBL6704W PhD in Criminology

Research project codes for Professional Master's

PBL5000X Public Law - Research Task
 PBL5602X International Law of the Sea – Research Task
 PBL5619X International Environmental Law – Research Task
 PBL5640X Principles of Environmental Law – Research Task
 PBL5641X Land Use Planning Law – Research Task (*not offered in 2024*)
 PBL5642X Natural Resources Law – Research Task
 PBL5643X Pollution Law – Research Task

Courses offered by other departments

Elective courses: Final Level LLB

PTY4008S Medicina Forensis

RULES FOR LLB DEGREE STREAMS

The following are rules for specific study programmes in the Faculty. They must be read in conjunction with the general rules for degrees and diplomas in Book 3: *General Rules and Policies* of the University of Cape Town.

NOTE: *The rules in this section apply to all students who registered for the LLB for the first time in or after 2012 or who repeated the preliminary year in or after 2012. Students who registered for the LLB for the first time up to and including 2011 should refer to Rules for LLB Degree Streams (up to 2011) in the 2015 Law Faculty Handbook.*

Admission and Curriculum Rules

The Basic Legal Education Programme is offered in three streams:

- (a) the three-year graduate LLB
- (b) the two-year graduate LLB
- (c) the four-year undergraduate LLB

Admission requirements for these streams as well as for the combined Law and Humanities and Law and Commerce LLB streams may be found in Book 1: *Undergraduate Prospectus*.

Transferring students

Internal

A UCT student who has not been excluded from another faculty within UCT may be considered for admission to the Faculty of Law for the purpose of taking or completing the LLB degree, provided the applicant satisfies the requirements for admission to the degree programme into which the student would be transferring. Successful applicants may be granted credits or exemptions or both for courses already completed, up to a maximum of four full courses (or the equivalent).

External

A non-UCT student who has not been excluded from another university may be considered for admission to the Faculty of Law, provided the applicant satisfies the requirements for admission to the degree programme into which the student would be transferring. Successful applicants may be granted credits or exemptions or both for courses already completed, up to a maximum of four full courses (or the equivalent). Credits and exemptions will only be granted for courses completed at another institution if the Faculty is satisfied that the courses taken elsewhere are substantially equivalent, in both content and standard, to the courses offered at UCT. Such transferring students will be required to complete the remaining courses prescribed for the degree at this University over a period of not less than two years.

Duration of the streams of the Basic Legal Education programme

- FP1 Subject to the provisions that follow, the curriculum for the four-year undergraduate stream of the Basic Legal Education programme will extend over four years; the curriculum for the five-year undergraduate curriculum stream will extend over five years.
- FP2 Subject to the provisions that follow, the curriculum for the three-year graduate stream of the Basic Legal Education programme will extend over three years.
- FP3 Subject to the provisions that follow, the curriculum for the two-year graduate stream of the Basic Legal Education programme will extend over two years.

Curriculum Requirements:

Graduate LLB stream (LP001)

- FP4.1 The courses prescribed for the graduate LLB stream are:

Graduate LLB Stream

[LP001]

First Year YEAR 1 (PRELIMINARY LEVEL)

Code	Course	NQF Credits	NQF Level
PVL1003W	Foundations of South African Law	36	5
PVL1004F	South African Private Law: System and Context.....	18	5
PVL1008H	Law of Persons and Family	18	5
PBL2000W	Constitutional Law	36	7
PVL2002H	Law of Property.....	18	6
PVL2003H	Law of Succession.....	18	7
Total credits for Preliminary Level		144	

Second Year YEAR 2 (INTERMEDIATE LEVEL)

Code	Course	NQF Credits	NQF Level
CML3001W	Corporation Law	36	7
PBL3001F	International Law	18	7
PBL3801W	Criminal Law	36	7
PVL3003S	African Customary Law.....	18	7
PVL3003F	Law of Delict	18	7
PVL3005W	Law of Contract	36	7
PVL3006S	Jurisprudence	18	7
DOL3001X	Community Service	0	7
DOL3002X	Intermediate Year Skills Component.....	0	7
Total credits for Intermediate Level		180	

Third Year YEAR 3 (FINAL LEVEL)

Code	Course	NQF Credits	NQF Level
CML4004S	Labour Law.....	18	8
CML4006W	Commercial Transactions Law	36	8
PBL4001W	Administrative Law	36	8
PBL4801F	Law of Evidence	18	8
PBL4802F	Criminal Procedure	18	8
PVL4008H	Civil Procedure	18	8
DOL4000H	Integrative Assessment Moot.....	0	8
	Research Component (elective courses and research paper)	36	8
Total credits for Final Level.....		180	
Total credits for the graduate LLB stream		504	

FP4.2 The research component and Community Service are compulsory requirements for the degree; the research component is weighted 36 NQF credits.

FP4.3 Elective courses in the Final Level of the degree are weighted 9 NQF credits each.

FP4.4 A candidate in the Final Level of the degree must choose elective courses totalling a minimum of 36 NQF credits. Two kinds of electives are on offer: lectures and examination electives and seminars and research paper electives. Every Final Level student must do at least one seminars and research paper elective, but any student may do an Independent Research Paper of 8000 words instead of the seminars and research paper elective.

FP4.5 A candidate may undertake additional elective courses amounting to not more than 18 NQF credits.

FP4.6 The maximum number of credits for elective courses in the Final Level is 54 credits.

FP4.7 Intermediate Level students may register for DOL4500F/S Legal Practice (previously Legal Aid and Legal Practice) if

40 RULES FOR LLB DEGREE STREAMS

- (i) they have achieved an average of 65% in the Preliminary Level law courses; and
- (ii) the Director of UCT Law Clinic has admitted them into the course.

NOTE: The Head of Department together with the Faculty member concerned is responsible for deciding whether an approved optional course for which fewer than five students register should be offered.

Four-year undergraduate LLB stream (LB002)

FP5.1 The curriculum for the four-year, undergraduate LLB stream requires a candidate to complete prescribed law courses and a minimum number of non-law courses as set out below.

FP5.2 A candidate must

- (a) show in a test prescribed by Senate that he or she has an ability to deal with the numerical problems that arise in law; or
- (b) if he or she fails to obtain at least 66% in this test, complete the course MAM1013F Law That Counts: Quantitative Literacy for Law

A candidate may not attempt the numeracy test a second time.

Note that candidates admitted to the third (Intermediate) year and graduate LLB programme are exempted from this course.

Candidates are referred to FP5.3.1. A candidate who has passed the numeracy test with a score of at least 66% must complete an additional semester course offered in another faculty.

FP5.3 The courses prescribed for the undergraduate LLB stream are:

Four-year undergraduate LLB stream [LB002]

First Year YEAR 1 (PRELIMINARY LEVEL)

Code	Course	NQF Credits	NQF Level
PVL1003W	Foundations of South African Law.....	36	5
PVL1004F	South African Private Law: System and Context	18	5
PVL1008H	Law of Persons and Family	18	5
	One English (ELL) course OR SLL1002S Word Power	18	5
MAM1013F	Law That Counts	18	5
	AND two semester courses in another faculty	36	5
	Total credits for first (Preliminary) year.....	144	

Second Year YEAR 2 (PRELIMINARY LEVEL)

Code	Course	NQF Credits	NQF Level
PBL2000W	Constitutional Law	36	7
PVL2002H	Law of Property	18	6
PVL2003H	Law of Succession	18	7
	Two semester courses in a single language, or a whole course in a language	36	5
	Two 2000-level semester courses in one discipline (e.g., English) offered in another faculty	48	6
	Total credits for second (Preliminary) year	156	

Third Year YEAR 3 (INTERMEDIATE LEVEL)

Code	Course	NQF Credits	NQF Level
CML3001W	Corporation Law	36	7
PBL3001F	International Law	18	7

Code	Course	NQF Credits	NQF Level
PBL3801W	Criminal Law	36	7
PVL3003S	African Customary Law	18	7
PVL3003F	Law of Delict	18	7
PVL3005W	Law of Contract	36	7
PVL3006S	Jurisprudence	18	7
DOL3001X	Community Service	0	7
DOL3002X	Intermediate Year Skills Component.....	0	7
Total credits for third (Intermediate) year		180	

Fourth Year YEAR 4 (FINAL LEVEL)

Code	Course	NQF Credits	NQF Level
CML4004S	Labour Law	18	8
CML4006W	Commercial Transactions Law	36	8
PBL4001W	Administrative Law	36	8
PBL4801F	Law of Evidence	18	8
PBL4802F	Criminal Procedure	18	8
PVL4008H	Civil Procedure	18	8
DOL4000H	Integrative Assessment Moot.....	0	8
	Research Component (elective courses and research paper)	36	8
Total credits for fourth (Final) year		180	
Total credits for the undergraduate LLB stream		660	

Note: FP4.2 – FP4.7 apply also to the undergraduate LLB curriculum.

FP5.3.1 A candidate who has passed the numeracy test with a score of at least 66% must complete an additional semester course offered in another faculty.

Five-year LLB stream (LB003)

FP5.4 The courses prescribed for the five-year LLB stream are:

Five-year stream - *No new intake after 2019. Offered to continuing students only. [LB003]

First Year Core Modules

Code	Course	NQF Credits	NQF Level
PVL1006W	Foundations of South African Law (5YP) <i>(No longer on offer after 2019)</i>	36	5
PVL1009S	Law of Persons and Family (5YP) <i>(No longer on offer after 2019)</i>	18	5
MAM1013F	Law That Counts	18	5
SLL1002S	Word Power.....	18	5
Total credits for first year.....		90	

Second Year Core Modules

Code	Course	NQF Credits	NQF Level
PVL1007F	South African Private Law: System and Context (5YP) <i>(No longer on offer after 2020)</i>	18	5
PBL2002W	Constitutional Law (5YP) <i>(No longer on offer after 2020)</i>	36	7
	Two semester courses in another faculty.....	36	5
Total credits for second year		90	

Third Year Core Modules

42 RULES FOR LLB DEGREE STREAMS

Code	Course	NQF Credits	NQF Level
PVL2002H	Law of Property	18	6
PVL2003H	Law of Succession	18	7
PBL3801W	Criminal Law	36	7
	Two semester courses in a single language, or a whole course in a language	36	5
	Two 2000-level semester courses in one discipline (e.g., English) offered in another faculty	48	6
	Total credits for third year	156	

Fourth Year Core Modules

Code	Course	NQF Credits	NQF Level
CML3001W	Corporation Law	36	7
PBL3001F	International Law	18	7
PVL3003S	African Customary Law	18	7
PVL3003F	Law of Delict	18	7
PVL3005W	Law of Contract	36	7
PVL3006S	Jurisprudence	18	7
DOL3001X	Community Service	0	7
DOL3002X	Intermediate Year Skills Component	0	7
	Total credits for fourth year	144	

Fifth Year Core Modules

Code	Course	NQF Credits	NQF Level
CML4004S	Labour Law	18	8
CML4006W	Commercial Transactions Law	36	8
PBL4001W	Administrative Law	36	8
PBL4801F	Law of Evidence	18	8
PBL4802F	Criminal Procedure	18	8
PVL4008H	Civil Procedure	18	8
DOL4000H	Integrative Assessment Moot	0	8
	Research Component (elective courses and research paper)	36	8
	Total credits for fifth year	180	
	Total credits for the five-year undergraduate LLB stream... 660		

Note: FP4.2 – FP4.7 and FP5.1 – FP5.3 apply also to the five-year undergraduate LLB curriculum.

NOTE: For continuing students who registered for the LB003 programme for the first time in or before 2019.

- (i) Foundations of South African Law (PVL1006W) and Law of Persons and Family (PVL1009S) will not be offered after 2019;
- (ii) South African Private Law: System and Context (PVL1007F) and Constitutional Law (PBL2002W) will not be offered after 2020;
- (iii) Students who have not completed Foundations of South African Law (PVL1006W) or Law of Persons and Family (PVL1009S) by the end of 2019 must complete and will receive one additional class per week in Foundations of South African Law (PVL1003W) or Law of Persons and Family (PVL1008H), as the case may be;
- (iv) Students who have not completed South African Private Law: Systems and Context (PVL1007F) or Constitutional Law (PBL2002W) by the end of 2020 must complete and will receive one additional class per week in South African Private Law:

- Systems and Context (PVL1004F) or Constitutional Law (PBL2000W), as the case may be.
- FP6.1 All streams of the curriculum for the LLB degree have a skills component which forms part of each level of the degree programme. The skills component is compulsory.
Candidates in the respective levels of the degree must comply with the requirements of the skills component tasks. For the purposes of design and co-ordination, the four-year LLB stream pattern is used.
- FP6.2 In each academic year the following are included:
- writing skills (including essay work, opinion work and drafting)
 - computer skills
 - problem solving
 - analysis
 - research (including library skills)
 - oral presentation (including preparation for debates and seminars)
- FP6.3 In the FIRST year, there should be emphasis on:
- writing skills
 - problem solving
 - reading skills
- FP6.4 In the SECOND year, there should be emphasis on:
- problem solving
 - analysis including critical analysis
 - oral presentation
- FP6.5 In the THIRD year, in addition to fulfilling course-specific requirements such as assignments and tests every student must:
- write one essay and one opinion
 - attend all tutorials (or submit written work at the discretion of the course convener)
- FP6.6 In the FOURTH year, there should be:
- an Integrative Assessment Moot. The Integrative Assessment Moot ('IAM') is an integrative capstone LLB assessment. Its objectives are to assess students' ability to work collaboratively in pairs to identify the legal issues and apply the relevant law to a complex factual scenario or given case that integrates a variety of areas of law taught as separate compulsory courses in the LLB curriculum; prepare written Heads of Argument; present legal argument orally; and respond to oral questioning in simulated court proceedings.

Progress rules for LLB degree streams

Graduate LLB stream

Note: In the following rules provision is made for the permission of Senate to deviate from the rules. Senate's authority to permit deviations from the rules governing the curriculum of an LLB student is delegated to the Deputy Dean (Undergraduate Studies).

- FP7.1 A candidate who has only *one half course* outstanding from the Preliminary Level may proceed to the Intermediate Level of study and repeat the outstanding half course in that year; and a candidate who has only *one course* (or two half courses) outstanding from the Intermediate Level may proceed to the Final Level of study and repeat the outstanding course (or two half courses) in that year. Additional courses may only be carried with the permission of Senate.

NOTE: *Such candidates are advised that they must check lecture timetables to ensure that they do not register for courses inducing clashes either during the year, or in the examinations. Students are required to fulfil all course requirements, including attendance, when repeating a course.*

- FP7.2 A candidate who has more than

44 RULES FOR LLB DEGREE STREAMS

- (a) one half course outstanding from the Preliminary Level may not register for more than four full courses or the equivalent, which must include the outstanding course(s) from the Preliminary Level; or
- (b) one course (or two half courses) outstanding from the Intermediate Level may not register for more than four full courses or the equivalent, which must include the outstanding course(s) from the Intermediate Level.

NOTE: *With permission of the relevant course convener and provided he or she is representing the Faculty at a national, regional or international moot court competition, a student at Intermediate Level may register for DOL3000X Moot Competition. The student may be credited with 9 NQF credits and may be exempted from a seminar and research paper elective (Moot Caput option) in the Final Level of the LLB.*

Combined undergraduate/graduate stream

A student in the combined stream must follow the curriculum as set out below subject to the rules of the Humanities or Commerce Faculties. Please note that students are not permitted to register for senior law courses unless the pre-requisites are met. See the syllabus section in the relevant Faculty handbook for details.

Four-year undergraduate LLB stream

FP8.1 A candidate who has only *one half course* outstanding from the first or second year may proceed, with permission of Senate, to the second or third year respectively and repeat the outstanding half course in that year. This provision applies in respect of non-law and law courses inclusively.

A candidate who has only *one course* (or two half courses) outstanding from the third year may proceed, with permission of Senate, to the fourth year of study and repeat the outstanding course (or two half courses) in that year.

NOTE: *Such candidates are advised that they must check lecture timetables to ensure that they do not register for courses inducing clashes either during the year, or in the examinations. Students are required to fulfil all course requirements, including attendance, when repeating a course.*

FP8.2 A candidate who has failed more than one half course in the first or second year, or a candidate who has failed more than one course (or two half courses) in the third year, may not register for the set of courses prescribed for the second, third or final year of study (respectively) but may, nevertheless, register for not more than four full courses or the equivalent, which must include the course(s) outstanding from the previous year of study.

NOTE: *With permission of the relevant course convener and provided he or she is representing the Faculty at a national, regional or international moot court competition, a student at Intermediate Level may register for DOL3000X Moot Competition. The student may be credited with 9 NQF credits and may be exempted from a seminar and research paper elective (Moot Caput option) in the Final Level of the LLB.*

Five-year stream * No new intake after 2019. Offered to continuing students only.

FP9.1 Except with permission of Senate, a candidate may not register for any course prescribed for the second year of study unless he or she has completed all the courses prescribed for the first year of study.

FP9.2 Except with permission of Senate, a candidate may not register for any course prescribed for the third year of study unless he or she has completed all the courses prescribed for the second year of study.

FP9.3 Except with permission of Senate, a candidate may not register for any course

prescribed for the fourth year of study unless he or she has completed all the courses prescribed for the third year of study.

- FP9.4 Except with permission of Senate, a candidate may not register for any course prescribed for the fifth year of study unless he or she has completed all the courses prescribed for the fourth year of study.

NOTE: With permission of the relevant course convener and provided he or she is representing the Faculty at a national, regional or international moot court competition, a student at Intermediate Level may register for DOL3000X Moot Competition. The student may be credited with 9 NQF credits and may be exempted from a seminar and research paper elective (Moot Caput option) in the Final Level of the LLB.

- FP9.5 Notwithstanding the provisions of Rules FP9.1, FP9.2, FP9.3 and FP9.4, a candidate who has only one half course outstanding from the first, second or third year may proceed, with permission of Senate, to the second, third or fourth year respectively and repeat the outstanding half course in that year. This provision applies in respect of non-law and law courses inclusively.

A candidate who has only one course (or two half courses) outstanding from the fourth year may proceed, with permission of Senate, to the fifth year of study and repeat the outstanding course (or two half courses) in that year.

NOTE: Such candidates are advised that they must check lecture timetables to ensure that they do not register for courses inducing clashes either during the year or in the examinations. Students are required to fulfil all course requirements, including attendance, when repeating a course.

- FP9.6 In addition to the provisions of Rules FP9.1, FP9.2, FP9.3 and FP9.4, a candidate who has failed more than one half course in the first, second or third year, and a candidate who has failed more than one course (or two half courses) in the fourth year, may register for not more than four full courses or the equivalent, which must include all the courses outstanding from the previous year of study.

General progress rules for all streams

Maximum number of courses in any year

- FP10.1 Except with permission of Senate, a candidate may not register for more than the equivalent of:
- (i) nine half courses at the Preliminary Level
 - (ii) twelve half courses at the Intermediate Level
 - (iii) fourteen half courses at the Final Level.

NOTE: For the purposes of this rule, year 3 of the undergraduate five-year curriculum stream is regarded as Preliminary Level.

- FP10.2 Notwithstanding FP10.1 a student may take Humanities courses offered in the Summer Term.

Minimum requirements for readmission

- FP11.1 A candidate may be refused permission to renew his/her registration in the Faculty if he/she fails:
- (i) the equivalent of four half courses or more at any level; or
 - (ii) to complete all the courses prescribed for the degree within the prescribed time plus **one year**; or
 - (iii) to fulfil any condition imposed on him/her by the Faculty Examinations

46 RULES FOR LLB DEGREE STREAMS

Committee in relation to his/her continued registration and/or any condition of re-admission imposed on him/her by the Readmissions Appeal Committee.

- FP11.2 A student on a five-year undergraduate curriculum stream may be refused permission to renew his/her registration in the Faculty if he or she fails the equivalent of three half courses.

NOTE: Where a student is permitted to write supplementary examinations, the minimum requirements for readmission will apply only after such supplementary examinations are written.

- FP12 A student who is refused permission to re-register in the Faculty may appeal to the Faculty Readmission Appeal Committee in accordance with procedures laid down by Senate. The decision of the Faculty Readmission Appeal Committee will be final and will not be subject to further review or appeal.

Absence from examinations

- FP13.1 A student who fails to write the examination in a course for which he or she is registered will be deemed to have failed the course for the purposes of the minimum requirements for readmission.
- FP13.2 Senate may grant permission to a student to write a test on a different day where he or she is unable to write for medical reasons, or has religious objections, or political objections, or other good cause for not writing on the scheduled day or days. The granting of permission is entirely at the discretion of Senate, irrespective of the grounds (including medical) on which the application is made. The application must be made to the Dean within 7 days of the test. Exemption from a test or other course requirement is a concession to depart from degree requirements (see FP20).

Sub-minimum mark in final examinations

- FP14 A candidate must obtain a sub-minimum of 45% in each University examination in a course in order to obtain credit for that course, subject to Rule FP15.

Oral examination

- FP15.1 A candidate in his or her final year of study has the right to an oral examination in any course which he or she has failed (because he or she failed to obtain a mark of 50% overall or failed to obtain a mark of 45% in the final examination) if he or she has scored 47% or more overall in that course.
- FP15.2 A candidate must be given at least three days' (72 hours) notice of any oral examination.
- FP15.3 Where possible, the external examiner will be present at an oral examination. If the external examiner is not able to be present, another examiner external to the course, who may be a member of staff, must be present.

NOTE: Oral examinations may be held over a weekend.

Supplementary examinations

- FP16.1 Senate may permit a candidate to write supplementary examinations in any course(s) in any year, provided that he or she has reached a sufficiently high standard when failing such course(s).

The decision on whether to award a supplementary examination will be taken by the Faculty Examination Committee on the recommendation of the Head of Department in which the course is offered.

Students who are granted supplementary examinations will be required to re-write the whole formal examination component, including all papers, practicals, etc., which constituted the original formal

examination component.

Deferred examinations

- FP17.1 Deferred examinations on medical or compassionate grounds are considered by a committee established by Senate for this purpose in terms of the general university rules (see G27.1 in “General Rules for Degrees”, Handbook 3 *General Rules and Policies*). If the deferred examination is granted, the candidate will be required to write only those portions of the original examination which he or she missed.
- FP17.2 Application must be submitted to the Student Records Office, in the prescribed format, within seven days from the first examination (written, oral, or practical) which the student missed or was unable to complete.
- FP17.3 A student who becomes ill during an examination must proceed directly from the examination venue to the Student Wellness Service unless the nature of the illness makes this impossible.
- FP17.4 Misreading of the examination timetable will not be condoned or accepted; neither is it a ground for a deferred examination. (See G20.9 in “General Rules for Degrees”, Handbook 3 *General Rules and Policies*.)

Distinction

- FP18 The degree may be awarded *cum laude* or *magna cum laude*.
- FP18.1 For the degree to be awarded *cum laude* a candidate must:
 - (i) complete the curriculum in the minimum time without failing any course, unless such failure is condoned by Senate;
 - (ii) obtain an average of 70% in all law courses completed at this University; and
 - (iii) obtain a First Class pass in at least six full law courses or the equivalent.
- FP18.2 For the degree to be awarded *magna cum laude* a candidate must:
 - (i) complete the curriculum in the minimum time without failing any course, unless such failure is condoned by Senate;
 - (ii) obtain an average of 75% in all law courses completed at this University; and
 - (iii) obtain a First Class pass in at least nine full law courses, or the equivalent.
- FP18.3 In the case of a candidate who has transferred from another university, Senate may in exceptional circumstances depart from the rules relating to the number of courses for which a First Class pass must be obtained and award a degree *cum laude* or *magna cum laude*. Senate may do so only if, after having reviewed the academic record of the candidate at such other university, Senate is satisfied that the candidate would have fulfilled the requirements for the degree to be so awarded if he or she had completed the degree at this University.

NOTE: For an explanation on how averages are computed, please refer to the entry on “Dean’s Merit List”.

Concurrent registration

- FP19 Except with permission of Senate, a student may not register for any course taken at another university in the same year during which such student is registered at the University of Cape Town.

Deviations from the rules

- FP20 Senate may, on the recommendation of the Dean after consultation with the Head of Department concerned, permit a deviation from the rules governing the curriculum of a student.
A student may apply for such deviation by timeously submitting to the Dean a completed concession application form, obtainable from the Faculty Office.

48 RULES FOR LLB DEGREE STREAMS

NOTE: Senate's authority to permit deviations from the rules governing the curriculum of an LLB student is delegated to the Deputy Dean: Undergraduate Studies.

Revision of the rules

FP21 Senate may at any time revise any rule.

Pattern of courses for the LLB degree streams

NOTE: In the absence of compelling circumstances a student may not register for the following optional courses in Intermediate Level:

Fundamental Principles of Tax Law, Statutory Tax Law of Entities and Transactions, Trusts and Estate Planning, Competition Law, Constitutional Litigation, Conflict of Laws, The Law of Cession, Moot Option.

Graduate LLB Main Stream (LP001)

Preliminary Level	Intermediate Level	Final Level
Foundations of SA Law: PVL1003W	Corporation Law: CML3001W	Labour Law: CML4004S
South African Private Law: System and Context PVL1004F	International Law: PBL3001F	Commercial Transactions Law: CML4006W
Law of Persons and Family: PVL1008H	Criminal Law: PBL3801W	Administrative Law: PBL4001W
Constitutional Law: PBL2000W	African Customary Law: PVL3003S	Law of Evidence: PBL4801F
Law of Property: PVL2002H	Law of Delict: PVL3003F	Criminal Procedure: PBL4802F
Law of Succession: PVL2003H	Law of Contract: PVL3005W Jurisprudence: PVL3006S	Civil Procedure PVL4008H Integrative Assessment Moot: DOL4000H
	Community Service: DOL3001X Intermediate Year Skills Component: DOL3002X	Research Component (36 credits)

Combined Undergraduate / Graduate LLB Main Stream (LP001)

Preliminary completed in BA, BCom, etc.	Intermediate Level	Final Level
Foundations of SA Law: PVL1003W	Corporation Law: CML3001W	Labour Law: CML4004S
South African Private Law: System and Context PVL1004F	International Law: PBL3001F	Commercial Transactions Law: CML4006W
Law of Persons and Family: PVL1008H	Criminal Law: PBL3801W	Administrative Law: PBL4001W
Constitutional Law: PBL2000W	African Customary Law: PVL3003S	Law of Evidence: PBL4801F
Law of Property: PVL2002H	Law of Delict: PVL3003F	Criminal Procedure: PBL4802F
Law of Succession: PVL2003H	Law of Contract: PVL3005W	Civil Procedure: PVL4008H

Jurisprudence: PVL3006S	Integrative Assessment Moot: DOL4000H
Community Service: DOL3001X	Research Component: (36 credits)
Intermediate Year Skills Component: DOL3002X	

NOTE: Admission to the graduate part of this stream is NOT automatic and it is subject to the admission requirements as set out in Book 1: Undergraduate Prospectus.

Four-Year Undergraduate LLB Main Stream (LB002)

Preliminary Level A	Preliminary Level B	Intermediate Level	Final Level
Foundations of SA Law: PVL1003W	Constitutional Law: PBL2000W	Corporation Law: CML3001W	Labour Law: CML4004S
South African Private Law: System and Context PVL1004F	Law of Property: PVL2002H	International Law: PBL3001F	Commercial Transactions Law: CML4006W
Law of Persons and Family: PVL1008H	Law of Succession: PVL2003H	Criminal Law: PBL3801W	Administrative Law: PBL4001W
ELL course(s) * or Word Power	Language option (1 st and 2 nd semester)	African Customary Law: PVL3003S	Law of Evidence: PBL4801F
Non-law option (1 st and 2 nd semester) **	2000-level non-law option (1 st and 2 nd semester)	Law of Delict: PVL3003F	Criminal Procedure: PBL4802F
Law That Counts: MAM1013F		Law of Contract: PVL3005W Jurisprudence: PVL3006S	Civil Procedure: PVL4008H Integrative Assessment Moot: DOL4000H Research Component (36 credits)
		Community Service: DOL3001X Intermediate Year Skills Component: DOL3002X	

NOTE: Non-law components are drawn from the Law and Humanities programme. See Rule FP5 for details.

* Candidates who wish to take English in Year 2 must register for two semester courses in English in Year 1, one of which must be ELL1013F.

Five-Year Undergraduate LLB Curriculum Stream (LB003)

Year 1	Year 2	Year 3	Year 4	Year 5
Foundations of South African Law (5YP): PVL1006W (No longer on offer after 2019)	South African Private Law: System and Context (5YP): PVL1007F (No longer on offer after 2020)	Criminal Law: PBL3801W	Corporation Law: CML3001W	Labour Law: CML4004S

50 RULES FOR LLB DEGREE STREAMS

Law of Persons and Family (5YP): PVL1009S (No longer on offer after 2019)	Constitutional Law (5YP): PBL2002W (No longer on offer after 2020)	Law of Property: PVL2002H	International Law: PBL3001F	Commercial Transactions Law: CML4006W
Word Power (2nd semester)	Non-law option (1st and 2nd semester) *	Law of Succession: PVL2003H	African Customary Law: PVL3003S	Administrative Law: PBL4001W
Law That Counts: MAM1013F		2000-level non-law option (1st and 2nd semester) *	Law of Delict: PVL3003F	Law of Evidence: PBL4801F
		Language option (1st and 2nd semester)	Law of Contract: PVL3005W	Criminal Procedure: PBL4802F
			Jurisprudence: PVL3006S	Civil Procedure: PVL4008H
			Community Service: DOL3001X	Integrative Assessment Moot: DOL4000H
			Intermediate Year Skills Component: DOL3002X	Research Component (36 credits)

NOTE: Non-law components are drawn from the Law and Humanities programme. See Rule FP5 for details.

*Candidates must ensure that their 'first year' non-law choices enable them to proceed to their 'second year' non-law choices. The entrance requirements for the second-year course should be checked with the appropriate Faculty.

NOTE: For continuing students who registered for the LB003 programme for the first time in or before 2019.

- (i) Foundations of South African Law (PVL1006W) and Law of Persons and Family (PVL1009S) will not be offered after 2019;
- (ii) South African Private Law: System and Context (PVL1007F) and Constitutional Law (PBL2002W) will not be offered after 2020;
- (iii) Students who have not completed Foundations of South African Law (PVL1006W) or Law of Persons and Family (PVL1009S) by the end of 2019 must complete and will receive one additional class per week in Foundations of South African Law (PVL1003W) or Law of Persons and Family (PVL1008H), as the case may be;
- (iv) Students who have not completed South African Private Law: Systems and Context (PVL1007F) or Constitutional Law (PBL2002W) by the end of 2020 must complete and will receive one additional class per week in South African Private Law: Systems and Context (PVL1004F) or Constitutional Law (PBL2000W), as the case may be.

COURSE OUTLINES (LLB)

Preliminary Level LLB

Non-Law Courses: Undergraduate LLB

NOTE: Some of the non-Law courses required for the undergraduate LLB appear below. This is not an exhaustive list. Curriculum requirements for the different LLB streams are set out in the section Rules for LLB degree streams.

ELL1013F LITERATURE: HOW AND WHY?

18 NQF credits at NQF level 5

Convener: Dr B Fortuin

Course entry requirements: None

Course outline:

What is 'literature' and how does it work? How and why can we read and think critically? What does close attention to plays, novels and poems tell us as we grapple with the meanings of being human within a 21st century world? How can we trace the shift from 'English literature' to 'literature in English', from our specific and simultaneously myriad locations? This introduction to literary studies offers a range of critical tools and methods for reading and writing about texts in the most interesting and thought-provoking ways possible. The course also introduces students to literary and rhetorical terms, and to basic issues in literary studies. Different literary genres will be explored and analysed, including the novel, poetry and drama. Students will be introduced to different kinds of critical writing and will engage in honing their own critical skills. As an introductory course, we use content that engages the diversity of students' lifeworlds and is cognizant of our African location. We employ innovative teaching and delivery methods that allow more time for active engagement and the development of critical reading and writing skills in the Humanities.

Lecture times: 2nd period, Monday, Tuesday and Thursday.

DP requirements: All written work to be handed in and at least 75% attendance at tutorials.

Assessment: Continuous assessment (essays, projects, tests, etc.) counts 100%.

ELL1016S IMAGE, VOICE, WORD

18 NQF credits at NQF level 5

Convener: H Moosa

Course entry requirements: None

Course outline:

As an introduction to cultural and literary studies, this course examines an array of modes of expression as we seek to understand how texts of various kinds accomplish their acts of meaning-making and persuade their readers. We will give attention to the impact of a text's form and context in shaping its message, as well as its content. In trying to understand the rhetorical effects of any given text, we will examine examples from across a variety of genres that use words, images and even sound to engage their audience or readers, within a variety of historical and political contexts. Objects of study will include texts that use sound as well as words (such as contemporary ballads, performance poetry and hip hop, or contemporary adaptations of Shakespeare's plays), visual images (such as posters in a protest action, photographs that document war and suffering, and historical maps that retraced the shape the world), and words collated and presented in particular ways on the page (such as the archived documents from the apartheid censors, the published journal of a fugitive slave, the extended prose of a stream-of-consciousness novel). By drawing on key theoretical insights into the politics of representation, we aim to develop the critical skills needed to become savvy readers of contemporary culture and politics. The course aims to build upon the skills in critical reading and writing taught in ELL1013F.

Lecture times: 2nd period, Monday, Tuesday and Thursday.

52 COURSE OUTLINES (LLB)

DP requirements: All written work to be handed in and at least 75% attendance at tutorials.

Assessment: Continuous assessment (essays, projects, tests, etc.) counts 100%.

SLL1002FS WORD POWER

(A course in etymology) (NOTE: This course may also be offered in Summer/Winter Term – please consult the Department.)

18 NQF credits at NQF level 5

Convener: Dr J A Murray

Course entry requirements: None

Course outline:

The course consists of two components:

- i. words and ideas: focus on concepts associated with the ancient Greek and Roman civilisations of the Mediterranean and key words in English derived from Greek and Latin;
- ii. a knowledge of English word-formation and evolution from the lexical resources of the Greek and Latin languages, as well as other languages, particularly as this knowledge enhances word-building skills and increases confidence in the use of English of an academic register. As an introductory course to the study of language, we use content that engages the diversity of students' own lexicons and is cognizant of our African location. We employ innovative teaching and delivery methods, including multilingual pedagogies and digital literacy, that allow more time for active engagement and the development of critical reading and writing skills in the Humanities.

Lecture times: 1st semester: Monday, Tuesday, Wednesday 5th period; 2nd semester: Monday, Tuesday, Wednesday 5th or 8th periods.

DP requirements: Students must attend all tutorials, submit all tutorial assignments, and write all tests.

Assessment: One two-hour examination at the end of the semester counts for 50% of the final mark; coursework counts for 50%.

MAM1013F LAW THAT COUNTS

18 NQF credits at NQF level 5

Convener: R Rix

Course entry requirements: None. Students can be exempted ONLY on the basis of adequate performance in the Quantitative Literacy component of the National Benchmark Test.

Objective: The course is intended to provide Law students with the necessary quantitative literacy to be able to understand, express and interpret appropriate quantitative ideas. The aim of the course is to give students an appreciation and understanding of mathematical and statistical ideas within real life and legal contexts, and generally with a social justice focus.

Course outline:

Content covered includes percentages, ratios, interest and finance concepts, interpretation of graphs, manipulation of data, interpretation of statistics and use of spreadsheets.

Lecture times: Monday - Friday, 4th period

DP requirements: Achieve a class record of 40% and 75% attendance at lectures and tutorials.

Assessment: Two written assessments, one assignment and assessment of computer tutorials contribute to the class record that counts 50% of the final mark. The final examination consists of a written paper and a computer assessment that together count 50% of the final mark.

Law Courses

PBL2000W CONSTITUTIONAL LAW

Preliminary Level, whole year course

36 NQF credits at NQF level 7

Convener: Dr N Ramalekana

Course entry requirements: Undergraduate LLB students: concurrent registration with PBL2001H and PVL2002H. Graduate LLB students: concurrent registration with PVL1003W, PVL1004F, PVL1008H, PVL2002H, PVL2003H.

Course outline:

The first part of the course provides an introduction to the history of South African constitutional law and basic concepts such as democracy, legitimacy, constitutionalism, federalism, separation of powers and the rule of law. It then considers the institutional framework provided by the South African Constitution in detail.

The second part of the course focuses on the protection of human rights in the Constitution. It examines the operation of the Bill of Rights and, using both SA cases and the jurisprudence of constitutional courts in other jurisdictions as well as the European Court of Human Rights, considers freedom of speech, equality and affirmative action, the protection of property rights and social and economic rights among other issues.

DP requirements: None

Assessment: November examination (3 hour) 60%; The year mark contributes the remaining 40% of the mark.

PVL1003W FOUNDATIONS OF SOUTH AFRICAN LAW

Preliminary Level, whole year course, three lectures per week.

36 NQF credits at NQF level 5

Convener: Professor AJ Barnard-Naudé

Course entry requirements: Undergraduate LLB students: concurrent registration with PVL1004F and PVL1008H. Graduate LLB students: concurrent registration with PVL1004F, PVL1008H, PBL2000W, PVL2002H, PVL2003H.

Course outline:

An introduction to the South African legal system is covered in the first section of the course. This is followed by an introduction to critical post-apartheid jurisprudence, including transformative constitutionalism and decolonisation. An outline of the development of public law culture, viewed through the lens of the rule of law, follows in the second semester. Finally, a section on the rules of interpretation of law and the practical application of those rules, concludes the course.

DP requirements: None

Assessment: Coursework 50%, final examination 50%.

PVL1004F SOUTH AFRICAN PRIVATE LAW: SYSTEM AND CONTEXT

Preliminary Level, first semester, three lectures per week.

18 NQF credits at NQF level 5

Convener: M Baase

Co-requisites: Undergraduate LLB students: PVL1003W and PVL1008H. Graduate LLB students: concurrent registration with PVL1003W, PVL1008H, PBL2000W, PVL2002H, PVL2003H.

Course outline:

The course serves primarily as an introduction to the common law of property and obligations, although other areas of private law may be covered. Its main aims are, first, to provide both a map of the law and an understanding of the operation of the system of private law rules; and, second, to provide students with an understanding of the development of legal rules in their historical and comparative contexts.

DP requirements: None

Assessment: Coursework 50% Final Examination 50%.

PVL1008H LAW OF PERSONS AND FAMILY

Preliminary Level, half course, thirty-six lectures and three tutorials.

18 NQF credits at NQF level 5

Convener: Associate Professor A Barratt

54 COURSE OUTLINES (LLB)

Co-requisites: Undergraduate LLB students: concurrent registration with PVL1003W and PVL1004F. Graduate LLB students: concurrent registration with PVL1003W, PVL1004F, PVL2002H, PVL2003H and PBL2000W

Course outline:

This is a foundational law course and focuses particularly on developing legal problem-solving skills. The course aims to introduce students to the study of private law. We examine the nature of legal personality; the principles of legal capacity; and look at the principles of domicile. Most of the course focuses on Family Law and looks particularly at the legal relationships between parents and children; the personal consequences of marriage; the law of marital property; divorce; and the law governing unmarried people who live in long-term domestic partnerships. The course also examines the ways in which South African family law is changing to become compliant with the Constitution and Bill of Rights.

DP requirements: None

Assessment: Coursework 50%; Final Examination 50%

PVL2002H LAW OF PROPERTY

Preliminary Level, half course, 36 lectures.

18 NQF credits at NQF level 6

Convener: Dr N Sono

Course entry requirements: Undergraduate LLB students: concurrent registration with PBL2000W and PVL2003H. Graduate LLB students: concurrent registration with PVL1003W, PVL1004F, PVL1008H, PBL2000W and PVL2003H.

Course outline:

The purpose of this course is to introduce students to fundamental concepts and common law principles of the South African Law of Property as regards what is property, how rights in property are acquired or lost and are protected. The law is examined in its current constitutional and socio-political context. In addition to the focus on the content of this area of law, considerable attention is given to development of appropriate analytical and problem-solving skills, independent and active learning as well as appropriate study methodology and techniques.

Assessment: Coursework 50% Final Examination 50%.

PVL2003H LAW OF SUCCESSION

Preliminary Level, half course, 36 lectures.

18 NQF credits at NQF level 7

Convener: Professor F du Toit

Course entry requirements: Undergraduate LLB students: concurrent registration with PBL2000W and PVL2002H. Graduate LLB students: concurrent registration with PVL1003W, PVL1004F, PVL1008H, PBL2000W and PVL2002H.

Course outline:

Aims and objectives

The course is concerned with the consequences of death and in particular, the devolution of a person's property on death.

Course content

The course considers the distinction between testate and intestate succession; the devolution of an estate under intestacy law; testamentary capacity; formalities for wills; revocation and revival of wills; capacity to inherit; freedom of testation; vesting and conditional bequests; the different kinds of testamentary vehicles and the content of wills; doctrine of collation; interpretation of wills and succession by contract. The course will also consider legal ethics in the context of the law of Succession.

DP requirements: Please refer to course handout.

Assessment: Coursework 50%, Final examination 50%.

Intermediate Level LLB

CML3001W CORPORATION LAW

Intermediate Level, whole course, 72 lectures and tutorials.

36 NQF credits at NQF level 7

Convener: Dr S Phungula

Course entry requirements: All Preliminary Level courses to have been completed.

Course outline:

The course will provide an overview of the law governing various structures available for the carrying on of business and will then focus on the general principles of Company Law, the provisions of the Companies Act 71 of 2008, corporate governance and corporate law reform.

DP requirements: Please refer to the course handout and/or the intermediate year schedule.

Assessment: Optional essay/opinion 20%, mid-year test (compulsory) 30%. Examination 50% (if essay/opinion submitted) or 60% (if no essay/opinion submitted)

DOL3000X MOOT COMPETITION

9 NQF credits at NQF level 7

Course outline:

Intermediate and final year students selected to participate in national or international moot competitions may register for this course. To complete it successfully, students must submit adequate heads of argument and participate in a national or international moot competition presided over by more than one person under the supervision of a Faculty academic member of staff. Students may be credited with 9 NQF credits and may be exempted from a seminars-and-research-paper elective (Moot Caput option) in the Final Level of the LLB.

Assessment: Heads of argument will count for 100% unless the supervisor agrees to allocate a percentage of the mark to oral presentation. The percentage of the mark allocated to oral presentation shall be in the supervisor's discretion and may not exceed 50 %.

DOL3001X COMMUNITY SERVICE

0 NQF credits at NQF level 7

Convener: Associate Professor J Omar

Course entry requirements: For students who first register for the course in or after 2020, all Preliminary Level courses to have been completed.

Course outline:

It is a compulsory requirement for the LLB degree that, during the course of the degree, all law students must complete a certain number of hours of community service work. The clinical and/or field work must be legally orientated, must be offered through an approved service provider, and must provide a direct service or benefit to an underprivileged or disadvantaged or vulnerable group or person. An approved service provider is one that has been approved by the Law Faculty's Community Service Convener and may include: a) organisations that are directly affiliated to the Law Faculty; b) organisations that are directly affiliated to Law Faculty-based approved service providers; c) external organisations or projects that have been specifically approved by the Law Faculty's Community Service Convener. Programmes/projects of approved service providers and organisations that are linked to Law Faculty-based approved service providers and through which services are offered must also have been approved by the Law Faculty's Community Service Convener. Details of approved service providers are available from the Community Service Vula site. Administrative queries should be directed to N Campbell (Servicing Officer), Room 4.38.1, Kramer Law Building, email: nikki.campbell@uct.ac.za and substantive queries may be directed to Associate Professor J Omar, email: jameelah.omar@uct.ac.za. Students must regularly complete and submit their official timesheets to the servicing officer via Vula for verification, signature and uploading.

56 COURSE OUTLINES (LLB)

Students registered for the course will be required to complete a certain number of hours in Intermediate Year in the form of community service tuition and assignment activities. The details of these will be communicated to students at the beginning of the academic year. Students will also be required to complete 18 hours of unremunerated community service through approved service providers, usually in their final year. Students who have successfully completed Legal Practice DOL4500F/S will receive a credit for the 18 hours of service but not for the tuition and assignment activities. Students must be registered for community service in the year that it is performed in order for those hours to qualify as part of their community service. Students who have not completed all the tuition and assignment activities and all 18 hours of community service will not be permitted to graduate.

Assessment: Coursework 100%

DOL3002X INTERMEDIATE YEAR SKILLS COMPONENT

0 NQF credits at NQF level 7

Convener: TBA

Course outline:

In the Intermediate year of the LLB, in addition to fulfilling course-specific requirements such as assignments and tests, every student must write one essay and one opinion and attend all tutorials (or submit written work at the discretion of the course convener). This non-credit bearing course will ensure compliance with the Intermediate year requirements and also ensure that each student benefits from the skills component of the LLB.

Assessment: No formal assessment. Students are required to submit two written assignments (one essay and one opinion) and attend all tutorials.

PBL3001F INTERNATIONAL LAW

Intermediate Level, half course, first semester

18 NQF credits at NQF level 7

Convener: Associate Professor H Woolaver

Course entry requirements: All Preliminary Level courses to have been completed.

Course outline:

The course addresses the following aspects of international law: introduction and sources of law; subjects and objects of international law; the relationship between international and South African law; state responsibility; peaceful settlement of disputes; the use of force; the United Nations and other key international organisations; and international criminal law.

DP requirements: Please refer to the course handout and/or the intermediate year schedule.

Assessment: Optional essay/opinion: 20%; Mid-course assessment: 30%; Final exam: 50% (if essay/opinion) or 70% (if no essay/opinion)

PBL3801W CRIMINAL LAW

Intermediate Level, whole year course.

36 NQF credits at NQF level 7

Convener: TBA

Course entry requirements: All Preliminary Level courses to have been completed.

Course outline:

Introduction: The course covers the general principles of criminal law. Students are introduced to these principles by a brief examination of the nature of criminal law and selected specific offences, the principle of legality and the operation of the Bill of Rights on the rules of criminal law.

Analysis of principles: The course focuses on an analysis of the case law and legal principles governing the elements of (i) voluntariness of conduct (including the defence of automatism); (ii) causation; (iii) defences excluding unlawfulness (private defence, necessity, impossibility, obedience to orders, public authority and consent); (iv) capacity (including the defences of youth, insanity, intoxication, provocation and emotional stress); (v) fault in the forms of intention and

negligence; (vi) common purpose, accomplice and accessory-after the-fact liability; (vii) attempt, incitement and conspiracy

Selected specific offences: Essential elements of crimes such as murder, culpable homicide, assault, rape, theft, robbery, and fraud are considered.

DP requirements: Please refer to the course handout and/or the intermediate year schedule.

Assessment: Optional essay/opinion 20%; June test 20%; Assignment/test 10%; November examination (2hour): 50% (if essay/opinion), 70% (if no essay/opinion).

PVL3003F LAW OF DELICT

Intermediate Level, half course, first semester, 36 lectures and tutorials

18 NQF credits at NQF level 7

Convener: Professor A G Fagan and Dr L Boonzaier

Course entry requirements: All Preliminary courses to have been completed.

Course outline:

The course deals with the general principles of the South African law of delict and their application to specific delicts. Among the topics that could be discussed are the following: fault (negligence and intent), wrongfulness, causation, remoteness, damage, contributory negligence and the apportionment of damages, self-defence, necessity, statutory authority, consent, vicarious liability, omissions, pure economic loss, emotional shock, defamation, privacy, wrongful arrest, and insult.

DP requirements: Please refer to the course handout and/or the intermediate year schedule.

Assessment: Coursework 30%, Examination 70%.

PVL3003S AFRICAN CUSTOMARY LAW

Intermediate Level, second semester, 36 lectures and tutorials.

18 NQF credits at NQF level 7

Convener: Associate Professor F Osman

Course entry requirements: All Preliminary Level courses to have been completed.

Course outline:

The course provides an overview of the historical recognition of customary law during the colonial and apartheid periods to demonstrate the effect of these policies on customary law today. It analyses the Constitution's recognition of customary law and impact the Constitution has had on both the application and development of customary law. The course further facilitates an understanding of legal theory with the objective of analysing whether customary law is consistent with modern legal theory. At a substantive level, the course examines the customary law regulating marriage, succession, traditional authority, land and dispute resolution.

Lectures and tutorials are aimed at ensuring that students engage critically with customary law sources and can contextualise the law, politics and commercial interests surrounding the substantive topics.

DP requirements: Please refer to the course handout and/or the intermediate year schedule.

Assessment: Coursework 50% Final Examination 50%.

PVL3005W LAW OF CONTRACT

Intermediate Level, whole course, 72 lectures and tutorials.

36 NQF credits at NQF level 7

Convener: Professor T Naudé

Course entry requirements: All Preliminary Level courses to have been completed.

Course outline:

The course aims to give students a thorough understanding of the general principles of the law of contract in South Africa - knowledge which is essential for mastery of many other subjects in the LLB curriculum, and for success in legal practice. All aspects of the general principles of the law of contract will be covered, including: the nature and basis of contract; formation and termination of a contract; the contents and operation of contracts; breach of contract and remedies for breach; as well as relevant provisions of the Consumer Protection Act and other legislation bearing on contracts.

58 COURSE OUTLINES (LLB)

DP requirements: Please refer to the course handout and/or the intermediate year schedule.

Assessment: If essay/ opinion: 20% for essay/opinion, 30% coursework, 50% exam. If no essay/opinion: 40% coursework, 60% exam

PVL3006S JURISPRUDENCE

Intermediate Level, half course, second semester, 36 lectures and tutorials.

18 NQF credits at NQF level 7

Convener: Professor A G Fagan, Professor AJ Barnard-Naudé and Dr L Boonzaier

Course entry requirements: All Preliminary Level courses to have been completed.

Course outline:

This course deals with central issues in analytical, normative, and critical and postcolonial jurisprudence. Topics that could be discussed include the following: the nature of law, the nature of adjudication, and the role of morality in each. Authors whose work could be discussed include the following: John Austin, Hans Kelsen, H L A Hart, Joseph Raz, Jules Coleman, Ronald Dworkin, John Finnis, Duncan Kennedy, Kimberle Crenshaw, Upendra Baxi and Cornell West.

DP requirements: Please refer to the course handout and/or the intermediate year schedule.

Assessment: Coursework 30%, November examination 70%.

Final Level LLB

CML4004S LABOUR LAW

Final Level course, half course, second semester

18 NQF credits at NQF level 8

Convener: Professor R Le Roux

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

The aims of this course are to develop an understanding of the purpose and function of labour law and the industrial legislation framework, and to examine and analyse the role of the common law; basic conditions of employment; unfair dismissal; the institutions of collective bargaining and participative decision-making, statutory and non-statutory dispute resolution as well as discrimination and equity in employment.

DP requirements: Completion of all work required of the class and attendance at all tutorials.

Assessment: Coursework 40% November examination 60%

CML4006W COMMERCIAL TRANSACTIONS LAW

Final Level, whole year course, six small group teaching sessions and 72 lectures.

36 NQF credits at NQF level 8; Refer to the Final Level Year Plan distributed at registration for details regarding the small group teaching dates.

Convener: B Zungu and S Mesthrie

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Objective: The course covers principles of the law of agency, sale, lease, credit agreements, insurance, secured transactions and insolvency. Aspects of consumer protection, financial inclusion, and financial technology will also be covered.

Course outline:

Assessment: One compulsory class test in June, 30%; One optional written assignment, 20%; One November examination, 50% or 70%. The material tested in June will not be examined directly in the final examination but students will be expected to be familiar with that material for the final examination. If a student elects to do the assignment option, the proportion of that student's examination mark to the overall final mark for the course will be adjusted accordingly. Refer to the course outline distributed at the beginning of the year for further details.

DP requirements: None

Assessment: Coursework 30% or 50% Final Examination 70% or 50%

DOL4000H INTEGRATIVE ASSESSMENT MOOT

0 NQF credits at NQF level 8

Convener: TBA

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Objective: The Integrative Assessment Moot ('IAM') is an integrative capstone LLB assessment. Its objectives are to assess students' ability to work collaboratively in pairs to identify the legal issues and apply the relevant law to a complex factual scenario or given case that integrates a variety of areas of law taught as separate compulsory courses in the LLB curriculum; prepare written Heads of Argument; present legal argument orally; and respond to oral questioning in simulated court proceedings.

Course outline:

The IAM will take place in the second semester. Students registered for the course will be divided into and will moot against each other in pairs. Each moot will have two opposing teams of two members. Participants in each moot will be provided with a complex factual scenario or stated case that raises legal issues and covers law from a number of compulsory LLB courses. Each mooting team will be required to submit joint written Heads of Argument and each student will be required to present oral argument and respond to oral questioning on the issues and law arising out of the given scenario or case before a bench of judges made up of a number of academic members of staff in simulated court proceedings. Each student will be assessed individually on the basis of their joint written Heads of Argument, their individual oral argument and their individual responses to questioning from the judges. Students will be graded on a Pass/Fail basis by the panel of judges who adjudicated the moot concerned. The best-performing student in the Moot-Off will be awarded the Faculty Moot Prize.

DP requirements: Attendance and completion of a library training session in legal research resources.

Assessment: Examination 100%

PBL4001W ADMINISTRATIVE LAW

Final level, whole year course.

36 NQF credits at NQF level 8

Convener: TBA

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

This course deals primarily with the legal rules surrounding the exercise of public power, both as they empower and regulate. In particular it deals with the role of the courts in controlling the exercise of public power, but it also looks at alternatives to judicial review as other important ways of holding public power to account. After a general introduction, an overview of administrative law, the course focuses on the sources, types and extent of administrative power, and the scope of judicial review (both in theory and practice) in a democratic state. The course takes into account the combined effect of the Constitution and legislation on administrative law. The second part of the course focuses mainly on the grounds of review which have been developed by the courts, most of which are found in s 6 of the Promotion of Administrative Justice Act.

DP requirements: None

Assessment: Assessment during the year counts 40%; November examination (3 hour) 60%.

PBL4801F LAW OF EVIDENCE

Final Level, half course, first semester, three lectures per week.

18 NQF credits at NQF level 8

60 COURSE OUTLINES (LLB)

Convener: Professor PJ Schwikkard

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

The aim of the course is to equip students with knowledge of the history and sources of the law of evidence; the rules for admissibility in the context of the relevancy requirement, such as character, similar fact and opinion evidence; rules excluding relevant evidence such as privilege and hearsay; detrimental statements such as confessions; kinds of evidence and presentation thereof; witnesses including their competence and compellability and calling of witnesses; proof without evidence; evaluation of evidence; and the standards and burdens of proof.

DP requirements: None

Assessment: Coursework 40%; June examination (2 hour) 60%

PBL4802F CRIMINAL PROCEDURE

Final Level, half course, first semester, three lectures per week.

18 NQF credits at NQF level 8

Convener: Associate Professor J Omar

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

Criminal Procedure deals with the practice and procedure of the criminal process, from the police to the courts. Students are given concrete and topical examples in class, tutorials and assignments and are expected to apply their knowledge of general principles in a critical way, having regard to criminal justice and contemporary social justice imperatives. Students are challenged with legal and ethical dilemmas that they would confront in practical situations and are required to provide justiciable answers in conformity with ethics norms often informed by constitutional values. The course draws heavily on principles of criminal law, constitutional law as well as the law of evidence, to illustrate the interaction between adjectival and substantive law.

DP requirements: None

Assessment: Coursework 40%, June examination 60%.

PVL4008H CIVIL PROCEDURE

Final Level, half course, two lectures per week.

18 NQF credits at NQF level 8

Convener: Professor M Paleker

Course entry requirements: Successful completion of all Preliminary and Intermediate Level courses and in particular, family law, property law, contract law, and the law of delict.

Course outline:

Aims and objectives:

The aim of this course is to teach the rules and procedures that courts and litigants are obliged to follow when litigating different kinds of civil suits.

Course content:

The course covers the civil procedure of the High Court, the Magistrates' Court and the Small Claims Court. Accordingly, the following subject areas will be covered: Alternative dispute resolution, jurisdiction of the courts; locus standi; parties to proceedings; service of process; applications; actions; provisional sentence; matrimonial proceedings; legal drafting; and ethics. The course also covers broader access to justice issues and the impact of the Constitution on civil justice and civil justice reform.

DP requirements: None

Assessment: Coursework: 50% Examination: 50%

Elective courses: Final Level

(All 9 NQF credits)

A candidate in the Final Level of the degree must choose elective courses totalling a minimum of 36 NQF credits. Two kinds of electives are on offer: lectures and examination electives and seminars and research paper electives. Every Final Level student must do at least one seminars and research paper elective, but any student may do an Independent Research Paper of 8000 words instead of the seminars and research paper elective.

Dean's Office, Law

LECTURES AND EXAMINATION ELECTIVES

DOL4500F/S Legal Practice

SEMINARS AND RESEARCH PAPER ELECTIVES

DOL4501S Law, Democracy and Social Justice (*not offered in 2024*)

Department of Commercial Law

LECTURES AND EXAMINATION ELECTIVES

CML4501F Dispute Resolution
 CML4502F Insurance Law (*not offered in 2024*)
 CML4503F Copyright & Patents
 CML4504S Trade Marks & Unlawful Competition
 CML4505F International Trade and Maritime Law (*not offered in 2024*)
 CML4506F Fundamental Principles of Tax Law
 CML4507S Statutory Tax Law of Entities and Transactions
 CML4508S Trusts and Estate Planning (*not offered in 2024*)
 CML4509S Ways of Doing Business (*not offered in 2024*)
 CML4510F Cyberlaw

SEMINARS AND RESEARCH PAPER ELECTIVES

CML4401H Independent Research Option
 CML4601F Theory and Practice of Commercial Regulation and Governance (*not offered in 2024*)
 CML4602S Competition Law
 CML4603S Banking Law
 CML4604F Current Developments in Company Law (*not offered in 2024*)
 CML4605F Law, Development, Labour and Social Policy (*not offered in 2024*)
 CML4606H Moot Caput
 CML4629S Law and Regional Integration in Africa

Department of Private Law

LECTURES AND EXAMINATION ELECTIVES

PVL4504S South African Mineral Law: Theory, Context and Reform
 PVL4505F The Law of Cession
 PVL4507F Conflict of Laws
 PVL4511F Unjustified Enrichment
 PVL4512S Advanced Studies in African Customary Law
 PVL4513F Advanced Contract Law

SEMINARS AND RESEARCH PAPER ELECTIVES

PVL4601S Advanced Property Law: Capita Selecta
 PVL4602S Civil Justice Reform

62 COURSE OUTLINES (LLB)

PVL4603F	Jurisprudence and South African Law
PVL4604S	Rhetoric, Law and Society
PVL4606F	Spatial Justice, Ubuntu and the Nomos of Apartheid
PVL4608S	The South African Law of Delict in Theoretical and Comparative Perspective
PVL4609H	Moot Caput

Department of Public Law

LECTURES AND EXAMINATION ELECTIVES

PBL4111S	Public Interest Litigation (<i>not offered in 2024</i>)
PBL4501F	Criminology: Selected Issues
PBL4502F	Environmental Law
PBL4503F	European Union Law (<i>not offered in 2024</i>)
PBL4504F	International Criminal Law and Africa
PBL4505S	International Human Rights Law and the Constitution
PBL4506F	Refugee and Immigration Law
PBL4508F	Local Government Law (<i>not offered in 2024</i>)

SEMINARS AND RESEARCH PAPER ELECTIVES

PBL4601S	Constitutional Litigation
PBL4602F	Criminal Justice and the Constitution
PBL4604F	Social Justice and the Constitution
PBL4605F	Women and Law
PBL4606H	Moot Caput

INDEPENDENT RESEARCH PAPER ELECTIVES

CML4401H	Independent Research Option (Commercial Law)
PBL4401H	Independent Research Option (Public Law)
PBL4402H	Independent Research Option (Criminal Justice)
PVL4401H	Independent Research Option (Private Law)

COURSES OFFERED BY DEPARTMENTS IN OTHER FACULTIES

PTY4008S	Medicina Forensis
----------	-------------------

Course Outlines:

CML4501F DISPUTE RESOLUTION

Final Level, half course, first semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: M Carels

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed. The course is limited to 24 students; application (with motivation) to do the course must be directed to Monique Carels by 31 October.

Course outline:

The nature and path of conflict; approaches to managing conflict; positional and interest-based negotiation; defining the process of mediation; the stages of mediation; specialised forms of mediation; comparing adjudication and mediation, arbitration: the forms of arbitration and the defining characteristics and dispute system design.

DP requirements: None

Assessment: Reflective journal: 25%, Class test: 25%, May/June examination: 50%

CML4502F INSURANCE LAW

(Not offered in 2024) Final Level, half course, first semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Dr H Stoop and S Mesthrie

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

This course will serve as a complement to the discussion on insurance in Commercial Transactions Law (CML4006W), for those with a deeper interest in the subject. Both capital and indemnity insurance will be discussed. The course seminars will focus on specific topics (which may vary from year to year) and will provide deeper context and detail on South African insurance law than there is time for in Commercial Transactions Law.

DP requirements: Satisfactory attendance at and participation in lectures.

Assessment: Coursework 3000 word assignment (compulsory) 30%; Presentation on a topic of choice (voluntary) 20%; June examination 50% (if presentation) 70% (if no presentation).

CML4503F COPYRIGHT & PATENTS

Final Level, half course, first semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Associate Professor L-A Tong

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

This course provides an introduction to two of the main intellectual property rights, namely copyright and patents. This is done primarily from a South African perspective. In addition to covering the principles of copyright and patent law, the course provides an opportunity for students to explore topical issues related to these intellectual property rights. The effect of intellectual property rights on access to medicines and educational materials, and the protection of traditional knowledge, are examples of such issues. Students are encouraged to also register for CML4504S Trade Marks & Unlawful Competition in order to gain a more comprehensive exposure to intellectual property law.

DP requirements: None

Assessment: Coursework: 40%, 60% capstone assignment/examination

CML4504S TRADE MARKS & UNLAWFUL COMPETITION

Final Level, half course, second semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Associate Professor L-A Tong

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

This course provides an introduction to two of the key pillars in intellectual property law, namely trade marks and unlawful competition. It covers the principles of statutory trade mark law and explores various manifestations of unlawful competition, including passing off and the protection of confidential information. It also provides an opportunity for students to explore related topical issues, such as geographical indications, advertising, and domain names. Students are encouraged to also register for CML4503F Copyright & Patents in order to gain a more comprehensive exposure to intellectual property law.

DP requirements: None

Assessment: Coursework: 40%, 60% capstone assignment/examination.

CML4505F INTERNATIONAL TRADE AND MARITIME LAW

(Not offered in 2024) Final Level, half course, first semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: TBA

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

Part 1: International Trade Law (the business of carriage of goods by sea, incoterms, payment in international law; tender of shipping documents).

Part 2: Maritime Law (ship registration, admiralty jurisdiction, carriage of goods by sea, charterparties, pollution, salvage and wreck, marine insurance).

DP requirements: None

Assessment: Coursework 40%, June examination 60%

CML4506F FUNDAMENTAL PRINCIPLES OF TAX LAW

Final Level, half course, first semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Associate Professor A Titus

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

Every area of the law affects understanding and practical application of tax law. The study of tax law is therefore introduced in the final stage of the LLB curriculum. Taxation is complex because it overlays all fields of the law, draws on other disciplines, transcends national borders, affects every commercial transaction and often influences societal behaviours.

This course introduces the subject of tax law. It seeks to illustrate the interrelation of tax law with other fields of law by focussing on primary themes and structural challenges faced by a tax system. In much of the coursework, the emphasis will be on the South African income tax. A selection of fundamental features of the South African income tax will be considered, mainly through critical evaluation of case law. Key jurisdictional concepts comprising the source and residence basis of income taxation will be considered. The course will analyse the statutory and jurisprudential frameworks for the determination of taxable income, including the notion of income, the distinction between capital and revenue receipts and the deductibility of expenditure and losses.

At the end of this course students are expected to be able to start to identify the broader relevance and impact of tax law

DP requirements: None

Assessment: Coursework: 20%, Examination: 80%

CML4507S STATUTORY TAX LAW OF ENTITIES AND TRANSACTIONS

Final Level, half course, second semester, two lectures per week

9 NQF credits at NQF level 8

Convener: B Cronin

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

This course builds on Fundamental Principles of Tax Law as a further introductory course for law undergraduates on the subject of tax law. The focus of the course is on legislation as the primary source of tax law. In much of the coursework, the emphasis will be on the South African income tax legislation. Because the focus is on legislation, the course is introduced by a recapitulation of the legal framework for statutory construction. Throughout the course, the emphasis will be on development of the competencies required to use revenue legislation in a responsible manner. A selection of features of the South African Income Tax Act, 58 of 1962, will be considered. The relevant provisions are categorised into those dealing with the main tenants of the taxation of

individuals, companies and other vehicles such as trusts and partnerships. Selected issues affecting the taxation of corporate income will be considered. In addition, the legislation imposing tax on capital gains will be dealt with, in overview. The course is concluded by a consideration of the various common law and statutory measures that address tax evasion and tax avoidance. Brief consideration will be given to common legitimate tax planning techniques.

DP requirements: None

Assessment: Coursework 20%; Examination 80%

CML4508S TRUSTS AND ESTATE PLANNING

(Not offered in 2024) Final Level, half course, second semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Dr K Lehmann

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

The primary objective of this course is to outline aspects of the law relevant to the use of trusts in estate planning. More specifically the course covers the law of trusts, the income tax implications of using trusts, the calculation of estate duty and the standard estate plans using trusts.

DP requirements: None

Assessment: Coursework 20% (optional), Examination 80%/100%

CML4509S WAYS OF DOING BUSINESS

Final Level, half course, second semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Associate Professor K Idensohn

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

This course provides a comparative and critical overview of the legal nature, regulation, relative advantages and disadvantages, and ideological and theoretical bases of a number of different legal forms and models that are used for the carrying on of commercial activities and in structuring commercial relationships, with an emphasis on those that fall outside the compulsory LLB course curriculum. The particular forms and models that will be considered each year will vary in accordance with current legal and commercial trends and are likely to include partnerships, joint ventures, companies, franchising, licensing and distribution agreements, co-operatives and trusts.

DP requirements: None

Assessment: Coursework 20%, November examination 80%

CML4510F CYBERLAW

Final Level, half course, first semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Associate Professor T Schönwetter

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

Given the ubiquitous nature of digital technologies, and the complex legal issues that these technologies raise, it is imperative that the next generation of legal practitioners and scholars is properly prepared for these new realities. This course affects numerous areas of law and addresses the key legal issues related to digital technologies, including: electronic contracting, electronic evidence, cybercrime, data protection, consumer protection online, e-commerce & tax, electronic communications, IP in the digital realm, the liability of internet service providers, and the right to freedom of expression online. While emphasis is on South African law, the multi-jurisdictional

66 COURSE OUTLINES (LLB)

dimension of the Internet digital technologies, especially the internet, requires that some attention is paid to other jurisdictions.

One important element of this course is to identify and examine issues that are of particular relevance for South Africans, such as mobile technology for accessing the Internet and the use of domestic digital services (such as 'mobile money'); access to information; the digital divide between those who have access to digital technology and those who don't; and developments in the area of cyberlaw in other African countries.

The course includes some computer skills instructions for technology tools that are available to lawyers and legal researchers.

DP requirements: None

Assessment: Coursework 20%, Examination 80%.

CML4601F THEORY AND PRACTICE OF COMMERCIAL REGULATION AND GOVERNANCE

(Not offered in 2024) Final Level, half course, first semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Associate Professor K Idensohn

Course outline:

The regulation of commercial activities is seen as a necessary measure to manage risk and mediate the conflicting interests of parties. Increasingly however, formalistic legal (or state) regulation of commercial activities is under pressure to give way to 'softer' forms of governance. This course in regulation and governance introduces students to (i) basic economic perspectives on regulation and governance and global trends in this regard; (ii) basic sociological perspectives on the regulation of commercial activities; which will provide students with an understanding of various regulatory models – from the traditional command-and-control to more reflexive/responsive models – and will equip students with the tools to critique the contemporary regulatory regime and its impact on commercial activity.

DP requirements: None

Assessment: Participation in class 20%, Research paper (5000 words) 80%

CML4602S COMPETITION LAW

Final Level, half course, second semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Dr H Stoop and Judge D M Davis

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Co-requisites: This course requires a large measure of student participation. Class attendance is compulsory. Class participation takes the form of both group-work and individual presentations.

Course outline:

In this course we examine the regulation of competition under the 'new' Competition Act 89 of 1998. The focus of the course is on the statutory regulation of competition and the underlying policy considerations which the Act aims to address. In particular, we examine the practices that firms are prohibited from engaging in under the Act, and the way in which the Act regulates the merger of firms. The content of the Act has been heavily influenced by European and American Antitrust Law and practice. Since the South African competition authorities have not yet had an opportunity to develop an extensive jurisprudence of their own, we look to comparative sources for guidance as to how the Act might come to be interpreted and applied.

DP requirements: None

Assessment: Research 80% and Test 20%

CML4603S BANKING LAW

Final level, half course, second semester.

9 NQF credits at NQF level 8

Convener: Professor M Louw

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

In the first half of the course students are introduced to the private law aspect of banking. The course will examine the concepts of money and payments by exploring both the traditional forms of payments to modern methods such as digital finance. The course also examines African banking concepts such as stokvels and credit-rotating associations, and critically analyse the greater need for financial inclusion in South Africa. In this section students are introduced to the different roles of banks including banks as intermediaries, banks as guarantors, and banks as lenders (domestically and in the international financial markets). This section also focuses on the bank-customer relationship and bank liability arising out of contract, delict or enrichment. The second half of the course examines the regulation of the banking and finance sector by exploring key legislation such as the Banks Act, the Financial Advisory and Intermediary Services Act, the Financial Markets Act amongst many others. In this section students will be introduced to key theoretical concepts such as systemic risk. This part of the module will also examine South Africa's reform of the banking and finance sector towards Twin Peaks with focus on what is twin peaks and why is there a global trend towards twin peaks.

DP requirements: None

Assessment: Research Paper (5000 words) 100%

CML4604F CURRENT DEVELOPMENTS IN COMPANY LAW

(Not offered in 2024) Final Level, half course, first semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Dr T Thabane

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

The Companies Act 71 of 2008 introduced major developments that modernised company law, aligned it with the constitution, and rendered it responsive to business needs and global trends. Over the years, the Act has been tested by rapid developments in business and the economy at large. Case law and academic commentary show that the various aspects of the Act require clarification, amendment, or realignment. The aims of this course are to critically explore the changes that will be ushered by amendment Bills to the Companies Act 71 of 2008; analyse recent case law; engage with academic commentary on new developments and expose students to research and writing techniques that will enable them to produce research papers that address current developments in company law.

DP requirements: None

Assessment: Research paper (5000 words) 100%

CML4605F LAW, DEVELOPMENT, LABOUR AND SOCIAL POLICY

(Not offered in 2024) Final Level, half course, first semester, two lectures per week. This course is limited to 15 students.

9 NQF credits at NQF level 8

Convener: Associate Professor K Idensohn

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

The aim of this course is to introduce students to selected debates around the role of law in development, specifically in the context of labour market regulation in the era of globalisation. Topics may include developments in case law, social security principles and implementation,

68 COURSE OUTLINES (LLB)

statutory and extra-legal social dialogue arrangements, the harmonisation of labour standards and social policy in Southern Africa, workplace discrimination, affirmative action, freedom of association, HIV/AIDS in the workplace, dispute prevention and resolution, and health and safety.

DP requirements: None

Assessment: Participation in class 20%, Research paper (5000 words) 80%

CML4629S LAW AND REGIONAL INTEGRATION IN AFRICA

9 NQF credits at NQF level 8

Convener: Professor A Ordor

Course entry requirements: None

Co-requisites: None

Course outline:

This course provides a forum for students to study the ways in which the law has been utilised to shape and direct regional integration processes in Africa. The course starts with a discussion of theories of regional integration, followed by an overview of the historical trajectory of integration on the continent, with a focus on development integration. Its comparative dimension is directed at identifying and analysing strengths, weaknesses and challenges reflected in various regional efforts at integration on the continent, including the AU, SADC, EAC, ECOWAS, AMU, the Tripartite Free Trade Area (TFTA) as well as the proposed African Continental Free Trade Area (AfCFTA). Furthermore, the role of regional institutions such as regional courts is discussed, along with relevant cases. Current regional integration issues worldwide constitute a vital context for class discussions. The course is delivered through a series of weekly seminars, with occasional guest lectures. Students' participation is essential and various avenues created for this purpose include group discussions, in-class review of literature, student presentations and simulation of a multilateral negotiation session. Students are expected to develop their presentations into a research paper under the supervision of the course conveners.

DP requirements: None

Assessment: Coursework 20%; final research paper 80%

DOL4500F/S LEGAL PRACTICE

This course is capped at 40 students per semester.

9 NQF credits at NQF level 8

Convener: Y Moodley

Course entry requirements: All preliminary courses to have been completed. Students are required to motivate by way of letter prior to registration why they want to work at the Clinic as the course cannot accommodate more than 40 students per semester due to capacity issues.

Course outline:

This course gives students an opportunity of working with real clients under the supervision of attorneys at the Law Clinic. Students attend lectures and clinics. There are two lectures per week on practical aspects of litigation. Students must attend 3 clinics per semester where they consult with prospective clients. Files will be opened upon instruction from supervising attorneys after a merit and financial assessment. Students assist with the files by consulting with clients, drafting letters, pleadings and notices; conducting research and communicating with clients to keep them abreast of progress in their matter. At the end of this course students will be able to conduct a consultation with a client; maintain a typical attorneys file; draft letters, notices affidavits; pleadings and a will. Students will also be taught trial advocacy through simulation.

DP requirements: Attendance at 85% of lectures; compulsory attendance at all 3 clinics and a minimum mark of 40% for Assignment 1

Assessment: Assignment 1: Mock trial / Assignment (if course is online): 40% Assignment 2: File Assessment: 60%

PBL4501F CRIMINOLOGY: SELECTED ISSUES

Final Level, half course, first semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Associate Professor I Kinnes

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

The aim of this course is to critically engage with a select number of issues of criminological relevance to the South African society. For each of the substantive areas to be discussed we will organise our discussion around a number of key questions: What are the key features of criminological discourse on issues such as: gangs; corporate crime; environmental crimes; organised crime; state crime; gendered violence; youth violence and crime prevention etc. What are the main strategies (social, legal and administrative) for addressing the particular phenomenon? What is known about the size, shape and content of the phenomenon in South Africa? What are the main features of public/popular debate on the issue in South Africa?

DP requirements: Satisfactory attendance at weekly seminars.

Assessment: Class attendance, participation and hand-ins 30%; Take home exam (6 hours) 70%.

PBL4502F ENVIRONMENTAL LAW

Final Level, half course, first semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Associate Professor M Murcott and TBA

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

The course examines the law applicable to selected environmental problems. The following issues are covered: an introduction to environmental problems; the nature of environmental law; land-use management (environmental impact assessment & other tools); and resource conservation (water, marine living resources, biodiversity, protected areas and mineral resources).

DP requirements: None

Assessment: Coursework 40%; Examination 60%.

PBL4503F EUROPEAN UNION LAW

(Not offered in 2024) Final Level, half course, first semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Emeritus Professor D J Devine

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

The course provides an introduction to the institutions and instruments of the European Union, with a focus on its relationship with Southern Africa. A few of the aspects covered include: organisation of the European Communities and their Institutions; Union Law and National Law; the foundations of the European Union (Competition Policy and the Internal Market) and Human Rights in the European Union (the relationship between the European Court of Justice and the European Court of Human Rights).

DP requirements: None

Assessment: Coursework: 20%, Exam 80%

PBL4504F INTERNATIONAL CRIMINAL LAW AND AFRICA

(Not offered in 2024) Final Level, half course, first semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Associate Professor H Woolaver

70 COURSE OUTLINES (LLB)

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

This course provides students with a firm understanding of the key aspects of international criminal law, focusing on the impact and application of this body of law in the African continent. The first section of the course will provide an overview of the historical development of international criminal law, from its origins in the Nuremberg Tribunal, culminating in the establishment of the International Criminal Court. The second section of the course will examine the legal elements of the core international crimes: genocide, crimes against humanity, war crimes, and the crime of aggression. Section three will provide an analysis of the modes of liability of international crimes, focusing on liability for the commission of group crimes and superior responsibility. The final section will detail the procedural aspects of enforcement, including jurisdiction of domestic and international courts and the issue of immunity of senior State officials. This section will emphasise prosecution of international crimes in the domestic courts of South Africa and will also consider the validity of domestic amnesty agreements for international crimes. Case studies throughout the course will be based on situations in the African continent, to draw out the particular challenges and possibilities for enforcement of international criminal law on the continent.

DP requirements: Satisfactory attendance at weekly seminars.

Assessment: Essay (2500 words) 20%; In-class presentation 10%; Final examination 70%

PBL4505S INTERNATIONAL HUMAN RIGHTS LAW AND THE CONSTITUTION

Final Level, half course, second semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: S Lutchman

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

The course aims to examine the relationship between International Human Rights Law and the South African Constitution, particularly how international human rights norms are received and enforced under the Constitution and the extent to which the South African Bill of Rights can and does give effect to international human rights norms. It will provide participants with the opportunity to consider and critically reflect upon the relationship between international and municipal law, the development of international human rights norms and standards, the tension between universal norms and cultural specificity, the content and interpretations of the South African Bill of Rights and the suitability of domestic Bills of Rights as vehicles through which to receive and implement international human rights law.

DP requirements: Satisfactory attendance at weekly seminars.

Assessment: Written assignments and class participation 40%. One written examination (2 hours) 60%.

PBL4506F REFUGEE AND IMMIGRATION LAW

Final Level, half course, first semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Associate Professor F Khan

Course entry requirements: Successful completion of Constitutional and International Law.

Course outline:

The course will focus primarily on the basic criteria for the attainment, denial, and withdrawal of refugee status and the rights and treatment of refugees in accordance with the South African Refugees Act (130 of 1998) and other relevant legislation and international instruments. A comprehensive analysis of the South African Refugees Act as well as the relevant sections of the Immigration Act (13 of 2002), will be undertaken. Furthermore, a review of the case-law of international, regional, and national courts will provide an understanding of how refugee law is interpreted and implemented in South Africa as well as in other jurisdictions.

Students will attain a thorough understanding of South African and International Refugee law.

DP requirements: None

Assessment: Two-hour written open-book class test – 40%; A 3000-word written assignment – 50%; Class attendance and participation - 10%.

PBL4508F LOCAL GOVERNMENT LAW

(Not offered in 2024) Final Level, half course, first semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: TBA

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed. The course is limited to 25 students; application to do the course must be directed to the Convener by 31 October.

Course outline:

The course is intended to provide students with a deeper understanding of Local Government. It provides students with an opportunity to explore and critically reflect on selected advanced issues in local government law in more detail. Students will critically engage with issues relating to the nexus of local government in the intergovernmental arena, municipal governance and administration, municipal elections, powers and functions, municipal finances and financial management, service delivery and socio-economic rights, community participation, and municipal planning and budgeting.

DP requirements: Satisfactory attendance at weekly seminars

Assessment: Class participation 20%; Compulsory assignment 30%; Exam 50 %.

PBL4601S CONSTITUTIONAL LITIGATION

Final Level, half course, second semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Judge D M Davis

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

The object of this course is to gain greater insight into constitutional law by means of learning about litigation. The course focuses on one key area (for example in 1997 abortion was the chosen topic). The course examines key constitutional issues (e.g. life, equality, privacy, dignity, bodily integrity) relevant to this issue. A study is also made of the rules of the Constitutional Court. Thereafter students are divided into legal teams and with assistance are required to prepare heads of argument as if the matter is to be heard before the Constitutional Court. The matter is then argued fully. In this way the critical principles of constitutional law and the requirements for constitutional litigation are taught.

DP requirements: None

Assessment: The mark is given for group work (to be negotiated with the class) based on heads of argument and oral argument.

PBL4602F CRIMINAL JUSTICE AND THE CONSTITUTION

Final level, first semester half course, two lectures per week. This course is capped at 25 students.

9 NQF credits at NQF level 8

Convener: Associate Professor J Omar

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

This course provides students with the opportunity to explore selected advanced issues in criminal justice, punishment and the manner in which the Constitution impacts the criminal justice system in the context of South Africa's socio, politico and economic history and the transition to democracy. Students will use the group discussions to develop research skills, including critical

72 COURSE OUTLINES (LLB)

thinking and produce research papers. The course draws on principles of criminal law, constitutional law, the law of evidence and interacts with criminology.

DP requirements: Satisfactory attendance at weekly seminars.

Assessment: Coursework - 20%; Research Paper 80%

PBL4604F SOCIAL JUSTICE AND THE CONSTITUTION

Final Level, half course, first semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Professor P de Vos

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

The course is intended to give students an opportunity to engage with a number of discrete constitutional law problems in more detail than is possible in the general introductory Constitutional Law course offered in the preliminary year. The course is aimed at providing a space for contestation, critical discussion and reflection on important constitutional law issues and the manner in which lawyers, judges and legal academics engage with such issues against a broader socio-political background. Aiming to go beyond a black letter law discussion of constitutional law principles and legal precedent (but not ignoring such principles and precedent), the course encourages students to ask questions about the nature of constitutional adjudication; the interaction between law, politics and values; and the various ways in which social and political issues should be dealt with from a constitutional perspective.

DP requirements: None

Assessment: Presentations by individual students in seminars 25%; End of semester essay 75%.

PBL4605F WOMEN AND LAW

Final Level, half course, first semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Dr N Ramalekana and N Luwaya

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

The course aims to introduce students to literature and debates on the relationship between women and the law, allowing them to examine specific aspects of South African law in the light of feminist theory. In the seminars we consider feminist theories of law and the position of women in South African Law. For these seminars students are required to read and reflect on prescribed texts and participate in discussions. Attention is also paid to research skills and research methodology. Students can research a subject of their choice. Possible subjects include feminist and social theory; the constitutional protection of women; family law including divorce, maintenance, adoption and custody, abortion and surrogate motherhood; the law relating to violent crimes against women, including rape and domestic violence; employment law, including sex discrimination, equal pay, maternity benefits, sexual harassment and domestic workers; aspects of customary law; and the law governing censorship and pornography.

DP requirements: None

Assessment: Reflection papers 10%; Presentation at symposium on women and law 10%; Research paper 80%.

PTY4008S MEDICINA FORENSIS

This course is offered by Division of Forensic Medicine and Toxicology in Department of Pathology. The maximum intake is 30 students.

9 NQF credits at NQF level 8; 15 lectures.

Convener: Doctor Y van der Heyde

Course entry requirements: None

Course outline:

This course covers the South African legal system and statutory obligations of doctors and healthcare workers; introduction to human anatomy and physiology; introduction to medico-legal concepts of life and death; the changes which occur in the body after death; the mechanisms of injury and death causation; identity and disputed parenthood; sexual offences and violence against women; choice on termination of pregnancy; child abuse and other forensic aspects of paediatric forensic medicine; iatrogenic disorders; alcohol intoxication and drunken driving; drug addiction and poisoning as cause of death; pathology of head injury; anoxic mechanisms as cause of death and domestic violence.

Lecture times: Monday double lecture from 10h00 to 11h45.

DP requirements: None.

Assessment: A two-hour written examination in October/November (100%). A supplementary written examination is offered in January the following year to students who have obtained 45-49%.

PVL4504S SOUTH AFRICAN MINERAL LAW: THEORY, CONTEXT AND REFORM

Final Level, second semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Professor H Mostert

Course entry requirements: PVL2002H (Law of Property) at Preliminary B level

Co-requisites: PBL4001W (Administrative Law)

Course outline:

In enabling the study of the theory and practice of mineral law, this course focuses on building understanding of the complexities of South African mineral law in its historical, constitutional and political setting. It introduces the topic by dealing with the origins and historical development of mineral law, and the core concepts thereof. It deals specifically with the nature and content of rights to minerals and the current regulatory framework for these rights. In doing so, it analyses critically the extent of current regulatory controls and / or lack thereof, focusing specifically on provisions dealing with social and environmental responsibility and the recording of rights to minerals. This allows students to gain a critical understanding of the practical context in which mineral law operates, and the need for reform.

DP requirements: None

Assessment: 100% continuous assessment.

PVL4505F THE LAW OF CESSION

Final Level, half course, first semester, two lectures per week

9 NQF credits at NQF level 8

Convener: Dr K Moshikaro and R Cupido

Course outline:

Law graduates entering legal practice (particularly in a commercial law firm) will find themselves immediately confronted with issues relating to the transfer of personal rights by cession. Most wealth today is held in the form of personal rights or claims against other parties (including banks, employers, investment and insurance companies, pension funds and the like) and much commercial activity concerns the transfer or pledging of such rights. The course aims to familiarise students with all aspects of the law of cession – a complex and challenging subject – to prepare them for commercial legal practice.

DP requirements: None

Assessment: Coursework: Optional assignment 20%; Examination 100% if no optional assignment; 80% if optional assignment completed.

PVL4507F CONFLICT OF LAWS

Final Level, half course, first semester, two lectures per week.

9 NQF credits at NQF level 8

74 COURSE OUTLINES (LLB)

Convener: Associate Professor A Barratt

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

This course introduces the rules and principles governing conflict of laws problems. For example: a South African testator bequeaths all his property to his mistress. He leaves nothing to his wife. This is permitted in terms of South African laws of succession. He and his wife were married in Scotland, and his widow argues that according to the Scottish law of marriage, she is entitled to a third of her husband's estate. Should a South African court apply the South African succession rule or the Scottish marital property rule? Meanwhile, the widow's sister publishes unflattering comments about the mistress on Twitter. The comments would be deemed defamatory in terms of South African law, but the sister lives in Malawi and the comments would not be considered defamatory in terms of Malawian law. Which rules of defamation should a South African court apply? In this course we examine the general principles governing application of foreign law and focus particularly on conflict of law questions arising in the context of contract, delict, property, succession, marriage, and divorce.

DP requirements: None

Assessment: Coursework 30%, Final examination 70%

PVL4511F UNJUSTIFIED ENRICHMENT

Final Level, half course, first semester, two lectures per week

9 NQF credits at NQF level 8

Convener: I Ahmed

Course entry requirements: None

Co-requisites: None

Course outline:

Unjustified enrichment constitutes the third part – with contract and delict – of the law of obligations and is thus essential to an integrated understanding of private law. Typically seen as the last resort in the law of obligations, the law of enrichment guards against instances of imbalance where there is an unjustified patrimonial transfer and in this sense, the law of enrichment forms a part of the self-corrective norms of the law. The aim of this course is to give students a good overall knowledge of the South African law of unjustified enrichment and to explore current debates in the law of enrichment – in particular about the proper definition and analysis of the subject itself.

DP requirements: None

Assessment: Assignment: 25% Class participation: 5% Final Exam: 70%

PVL4512S ADVANCED STUDIES IN AFRICAN CUSTOMARY LAW

Final Level, half course, second semester, two lectures per week

9 NQF credits at NQF level 8

Convener: Associate Professor F Osman and N Luwaya

Course entry requirements: PVL3003S

Co-requisites: None

Course outline:

The course aims to advance students' understanding of African customary law by equipping students with the skills to ascertain customary law and understand contemporary issues in the subject. The course will reflect current legal developments and the focus of the course may shift accordingly. The course may engage with the theoretical debates surrounding the recognition of African customary law, practical questions regarding the ascertainment and recordal of customary law, and developments in family law, traditional leadership, dispute resolution, and natural resources.

DP requirements: None

Assessment: Exam 70% Course work 30%

PVL4513F ADVANCED CONTRACT LAW ELECTIVE

Final Level, half course, first semester, two lectures per week

9 NQF credits at NQF level 8

Convener: Professor T Naudé

Course entry requirements: Passed Law of Contract PVL3005W (or obtained a credit for an equivalent course if a transferring student)

Co-requisites: Registered for Commercial Transactions Law CML4006W (or passed it before)

Course outline:

This course covers aspects of the general principles of the law of contract not covered in the core Law of Contract course, PVL3005W. These include termination of obligations, including important topics like prescription, supervening impossibility of performance and change of circumstances more generally, compromise and performance. Also included are aspects of breach and remedies for breach of contract, such as whether negative interest may be claimed upon breach, and the effect of a tender to cure a breach on the other party's remedy of termination of the contract, as well as a more in depth study of controlling unfair contract terms. In addition, drafting of contracts in plain and understandable language, and using contract design, including illustrations and graphics will be considered. The course also covers aspects of certain specific contracts not covered in the core Commercial Transactions Law course, CML4006W. These may differ from year to year but may include principles and rules on conclusion of sales, and rules on contracts for the rendering of services. The course will focus on active learning and discussion in class, as well as on a critical evaluation of the current rules. A voluntary oral assessment will be offered, to enhance oral skills.

DP requirements: Satisfactory lecture attendance Obtained 35% average overall in assessments prior to exam (if exempted from one of these assessments, then 35% in the other)

Assessment: Mid-semester test 25% Oral assessment 25% OR assignment 25% Exam (May/June) 50%

PVL4601S ADVANCED PROPERTY LAW: CAPITA SELECTA

Final Level, half course, second semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Dr N Sono and Dr G Mathiba

Course entry requirements: PVL2002H (Law of Property) at Preliminary B level. The course offers a comprehensive mentorship programme and is therefore capped at 15 students per year

Course outline:

This course aims to deepen LLB students' understanding of key aspects of property law, particularly expropriation law by enabling them to explore and specialise in topical areas of this field of study. The course covers the following: (i) the basic theories underlying expropriation law; (ii) the legislative framework governing expropriations; (iii) the importance and influence of the constitutional property clause in respect of the legislative framework; (iv) the various stakeholders impacted by expropriations; (v) the social and political considerations that inform this area, including land reform; (vi) the procedural requirements to effect a lawful expropriation. Upon completion of this course, students must demonstrate their ability to engage critically with an identified issue in expropriation law by researching independently, producing a written analysis, and presenting their findings orally.

DP requirements: None

Assessment: Coursework: 30%, research paper (5000 words) 70%.

PVL4602S CIVIL JUSTICE REFORM

Final Level, half course, second semester, two lectures per week

9 NQF credits at NQF level 8

Convener: Professor M Paleker

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

76 COURSE OUTLINES (LLB)

Course outline:

Objective: The aim of the course is to consider contemporary debates in civil justice and civil justice reform and to engage with the different methods of civil dispute resolution.

Course outline:

This course will consider the theoretical and philosophical debates around access to civil justice. To this extent, the writings of the famous Venetian proceduralist, Prof Mauro Cappelletti, and many other jurists will be studied to give content to s 34 of the Constitution of the Republic of South Africa, 1996. Secondly, there will be an analysis of the strengths or weaknesses of the South African civil justice system, and how foreign jurisdictions have dealt with challenges in civil justice. For example, the Woolf reforms in England and Wales will be considered. Thirdly, different litigation models will be studied to understand the similarities and differences in adjudication styles between civil law and common law systems.

DP requirements: None

Assessment: Coursework 40%, Research paper (5000 words) 60%

PVL4603F JURISPRUDENCE AND SOUTH AFRICAN LAW

Final Level, half course, first semester, two lectures per week

9 NQF credits at NQF level 8

Convener: Professor A G Fagan and Dr L Boonzaier

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

This course aims to deepen LLB students' understanding of the nature of law, adjudication, and the relationship of morality and politics to each, by getting them to explore the implications of important debates in jurisprudence for various aspects of and issues in modern South African law. Questions arising in constitutional theory and the philosophical foundations of civil law, criminal law, and causation, for example, may be addressed.

DP requirements: None

Assessment: Presentation of paper in a seminar 10%, Research paper of 5000 words 90%

PVL4604S RHETORIC, LAW AND SOCIETY

Final Level, half course, second semester, two lectures per week in a single seminar session.

9 NQF credits at NQF level 8

Convener: Distinguished Professor Ph-J Salazar

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed or being registered at least for a Honours degree or equivalent in another faculty.

Course outline:

The aims of this course are to: provide students with a basic introduction to the epistemological field of rhetoric studies and its relevance for legal studies in a constitutional society; develop an understanding of the ways in which rhetoric is a method through which power is exercised and dispersed in society; develop an understanding of how juridical rhetoric, specifically, influences and is influenced by the society in which it is advanced; enable students to detect and critically analyse the rhetorical aspects of social and political argumentation as they ultimately shape the law and perceptions of the law by the public. This course is a response to the need expressed at national level for providing law students with critical thinking instruments beyond pure juridical reasoning.

DP requirements: None

Assessment: Seminar presentation 30%, Research paper of 5000 words 70%

PVL4606F SPATIAL JUSTICE, UBUNTU AND THE NOMOS OF APARTHEID

Final Level, half course, first semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Professor AJ Barnard-Naudé

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

The aim of the course is to introduce students to the spatial dimension of all law. The ancient Greek term for law in its concrete spatiality is 'nomos'. The course will illustrate how land-appropriation has been a fundamental dimension of the history of the nomos of the Earth as a planetary spatial order. Special attention will be given to the nomos of colonization, imperialism and apartheid. In the second part of the course, we focus on the post-apartheid spatial order and consider the continuations of, but also the breaks with, the nomos of apartheid. The Constitution, the National Development Plan and the Spatial Planning and Land Use Management Act will be critically examined. We ask after the extent to which the spatial legacy of apartheid has been displaced by transformative constitutionalism and we consider the persistent impediments (juridical, economic, political, psychological) to post-apartheid spatial equality in the context of the new climatic regime at the level of the planet, known as the Anthropocene. In conclusion, we critically consider the role of Ubuntu (as a juridical ethic) and social justice activism in the promotion and achievement of spatial justice.

DP requirements: None

Assessment: Seminar presentation 40%, An essay of 4000-5000 words 60%

PVL4608S THE SOUTH AFRICAN LAW OF DELICT IN THEORETICAL AND COMPARATIVE PERSPECTIVE

Final Level, half course, second semester, two lectures per week.

9 NQF credits at NQF level 8

Convener: Professor A G Fagan and Dr L Boonzaier

Course entry requirements: All Preliminary and Intermediate Level courses to have been completed.

Course outline:

This course aims to deepen LLB students' understanding of a core part of South Africa law, namely its law of delict, by getting them to explore its theoretical foundations and to compare it to the law of delict or tort in other legal systems (for example, English law or German law).

DP requirements: None

Assessment: Class participation 10%, Research paper (5000 words) 90%

Moot options

CML4606H	Moot Caput	Department of Commercial Law
PBL4606H	Moot Caput	Department of Public Law
PVL4609H	Moot Caput	Department of Private Law

Course outline:

The option of doing a moot is available in each department in the Faculty. Students should identify the department in which they wish to moot and may register for a moot only with the permission of a member of the department concerned. Usually departments will require at least two students before a moot option will be offered.

To complete a moot option successfully, students must submit adequate heads of argument and participate in moot proceedings presided over by more than one person, at least one of whom should not be a member of the Faculty.

Assessment: Heads of argument count for 100% unless the supervisor agrees to allocate a percentage of the mark to oral presentation. The percentage of the mark allocated to oral presentation may not exceed 50%.

Independent Research Paper electives

CML4401H	Commercial Law
PBL4401H	Public Law
PBL4402H	Criminal Justice
PVL4401H	Private Law

Course outline:

1. A student may do an Independent Research Paper instead of the seminars and research paper elective. Students prepare their papers by working individually under the supervision of a member of the Faculty.
2. Independent research papers should be about 8000 words in length.
3. The final title of research to be done under individual supervision of a member of staff must be approved by registration day.
4. All papers must be completed by the end of the mid-term vacation in the second semester of the final LLB year (i.e. mid-September).
5. Students may be expected to attend a number of general lectures on writing and structuring research papers at the start of the academic year.
6. Students may do more than one research paper (subject to the usual conditions). Each research paper counts 9 credits. All research papers must comply with the requirements for the research papers written in fulfilment of the Final Level research component of the LLB.

RULES FOR POSTGRADUATE PROGRAMMES

The Faculty of Law at the University of Cape Town has been offering approved courses for Master of Laws, Master of Philosophy and Postgraduate Diploma purposes since the early 1980s.

In 1992 the School for Advanced Legal Studies (SALS) was created in the Law Faculty as the home for postgraduate courses and to advance further development of the postgraduate programme. Today, SALS is the home of all postgraduate students in the Law Faculty, whether they are registered for a coursework qualification or pure research degree. Many of the SALS offerings are complementary to the specialised research units located in the faculty. Its objectives extend to the promotion of research and academic exchanges with students and staff at other universities.

Support for Postgraduate Students

The Postgraduate Centre

The University's Postgraduate Centre is in the Otto Beit Building, Upper Campus. This state-of-the-art facility houses the executive committee of the Postgraduate Students Association (PGSA) as well as the Postgraduate Funding Office. The centre is equipped with IT facilities and includes a seminar room. This facility is open to all Master's and PhD students as well as postdoctoral research fellows. Postgraduates are encouraged to make full use of this centre, in particular the Funding Office, which administers all postgraduate bursaries and scholarships. The Postgraduate Centre may be visited at <http://www.students.uct.ac.za/students/fees-funding/postgraduate-degree-funding/contact>.

For further information on postgraduate studies at the University of Cape Town see <http://www.students.uct.ac.za/students/current-students/online-resources/postgraduate>.

General rules and requirements for the completion of degrees and diplomas

For LLM and MPhil purposes, students must select and complete four courses or their equivalent and submit a minor dissertation of not more than 25 000 words. Full-time students are expected to complete the requirements within an academic year (February to November or July to June), and part-time students are expected to complete the requirements within two years. However, the dissertation may be submitted by not later than the Friday before the first term starts in the year following the completion of the coursework for students who have completed their coursework in December and by 15 September of the same year for students who have completed their coursework in June.

For named LLM (Professional Master's degree) purposes, students must select and complete four courses or their equivalent and complete the four research tasks linked to those courses. Full-time students are expected to complete the requirements within an academic year (February to November or July to June), and part-time students are expected to complete the requirements within two years.

The Faculty of Law does not offer degrees for part-time study. The four taught courses of the LLM and MPhil programmes require 900 hours of work per annum when completed in an academic year (450 hours per annum when completed over two academic years). The 25 000 word minor dissertation requires 1200 hours of work. For the LLM (Professional Master's degree), four research tasks require up to 600 hours of work per annum when completed in an academic year (300 hours per annum when completed over two academic years). For the avoidance of doubt, "full-time" or "part-time" completion of degree requirements does not refer to part-time studying while also working. These terms refer to the period over which degree requirements need to be met.

For Postgraduate Diploma purposes, students must select and complete four courses.

Courses will typically involve between 3-4 contact hours per week, although teaching periods may vary from course to course. Details may be obtained from the course convener in each instance.

80 RULES FOR POSTGRADUATE PROGRAMMES

The minimum registration period for the PhD degree is two years and for the LLM by research, it is one year.

RULES FOR POSTGRADUATE QUALIFICATIONS

Postgraduate Diploma in Law

These rules must be read in conjunction with the general rules for degrees and diplomas in Book 3: *General Rules and Policies*.

The following are the rules for all Postgraduate Diploma in Law programmes; additional rules applicable to certain Diplomas are included after these generally applicable rules.

FG1 The Faculty offers a Postgraduate Diploma in Law which is examined by coursework subject to these rules.

Specialist areas

FG2

The Postgraduate Diploma in Law may be conferred without specialisation ("General" below) or in any of the following specialist areas:

Specialisation	Academic Programme Code	Academic Plan Code
Criminology, Law and Society (<i>not offered in 2024</i>)	LG002	PBL11
Dispute Resolution	LG002	CML11
Environmental Law	LG002	PBL04
General	LG002	PVL03
Judicial Studies	LG002	PBL12
Labour Law (<i>not offered in 2024</i>)	LG002	CML07
Marine and Environmental Law	LG002	PBL07
Shipping Law	LG002	CML09
Tax Law (<i>not offered in 2024</i>)	LG002	CML10

Rules regarding areas of specialisation, in addition to those below, appear in the **Postgraduate Study Programmes** section of this book.

Admission

FG3

A person may be considered for admission as a candidate for the Postgraduate Diploma in Law if:

1. he or she has a law degree of the University, or an equivalent degree of another university or institution recognised by Senate for this purpose;
2. he or she is a graduate of this University, or of any other university or institution recognised by Senate for this purpose, who has completed such course or courses as in the opinion of Senate on the recommendation of the Faculty of Law, qualify him/her for admission to the Diploma;
3. he or she is an enrolled advocate or attorney of the High Court of South Africa;
4. in the case of the Postgraduate Diploma in Law in Tax Law, a person who has passed the final professional chartered accountancy examination of the Public Accountants and Auditors Board of South Africa, or an examination which, in the opinion of the Board and of Senate, is of equivalent standard,

- or a Bachelor of Commerce graduate of the University who has completed a course in taxation;
5. With regard to the Postgraduate Diploma in Law in Shipping Law, and with reference to Rule FG3 above,
 - a. In principle, a Master's certificate together with sufficient appropriate experience in the Shipping field, may serve as a ground for admission
 - b. the essential requirement for admission in the absence of a degree is the possession of sufficient appropriate experience in the field in question, whether evidenced by possession of a Master's certificate or not.
 6. he or she holds any other academic or professional qualification which Senate has approved as a ground for admission to the Diploma; or
 7. a person who has satisfied Senate, by means of such test as may be prescribed, that his/her qualifications are equivalent to any one of those enumerated in FG3.1 - 3.5 above;
 8. in the case of an applicant whose primary language is not English, he or she has submitted evidence of proficiency in English of a sufficiently high standard to undertake postgraduate studies in Law. Evidence of proficiency may include one of the following:
 - a recent score (obtained within 3 - 5 years before application for admission) of at least 570 (paper-based test) or 230 (computer-based test) or 88 (Internet-based test) on the Test of English as a Foreign Language (TOEFL)
 - a recent overall band score of 7.0 (with no individual element of the test scoring below 6.0) on the International English Language Testing System (IELTS)
 - a score of at least 75% on the Academic Literacy component of the National Benchmark Test (NBT).

An applicant may be required to pass a law-specific English proficiency test before being permitted to register in the Faculty.

Obtaining the diploma

FG4 A candidate must undertake advanced study in four approved courses (or the equivalent). A candidate must obtain at least 50% for each course.

Examination

FG5.1 A candidate may be required to submit prepared assignments, participate in debates or moots, and to undergo a written and/or oral examination in all or any of his/her approved courses.

FG5.2 A candidate who has failed any approved course with 47% or more has the right to an oral examination in that course.

FG5.3 Any such oral examination shall be convened upon a minimum of three days' notice given by the Faculty to the candidate, and shall be held at the Faculty in the presence of two examiners, one of whom shall be external to the course concerned, but who may be a member of the Faculty staff.

FG5.4 Supplementary examinations are not set for any of the approved courses.

Credit and exemption

FG6.1 Senate may accept examinations in an appropriate course of equivalent weight passed at this or another university recognised for the purpose of exempting a candidate from one course of the work prescribed in **Rule FG4**; provided that Senate may, in advance, approve an individual course or courses offered by another university, as a course which, if completed, will allow credit for and exemption

82 RULES FOR POSTGRADUATE PROGRAMMES

from a course prescribed for the Postgraduate Diploma in Law. Such approval will be valid for one year but may be renewed on the recommendation of the Faculty of Law.

FG6.2 Notwithstanding Rule FG6.1, a candidate will not be admitted to the Diploma unless he or she has completed at least two courses at this University.

Exclusion from a course

Minimum requirements for readmission to the diploma

FG7.1 Senate may refuse readmission to a candidate who fails two courses, or the same course twice. For the purpose of this Rule, a 60-credit course shall be regarded as one course.

FG7.2 Should a candidate fail a course he or she may only continue by taking another course, unless Senate gives permission to repeat the course failed or study for a longer period.

Exclusion from the diploma

FG8.1 A candidate who fails two courses or the same course twice will not be allowed to reregister for any other Diploma course, except with the permission of Senate. For the purpose of this Rule, a double course shall be regarded as one course.

Duration

FG9 Except with the permission of Senate:

1. a full-time candidate must complete the approved coursework required for the diploma in one academic year (two courses per semester); and
2. a part-time candidate must complete the approved coursework required for the diploma within two academic years (one course per semester).

Distinction

FG10.1 The Diploma may be awarded with distinction.

FG10.2 For the Diploma to be awarded with distinction, a candidate must

- (a) complete the diploma within the prescribed period
- (b) obtain an average mark of at least 75%

Exemption from or modification of rules

FG11 Any exemption from or modification of these rules must be approved specifically by Senate.

Conversion to LLM degree

FG12.1 Provided they have a NQF Level 8 qualification, students registered for a PG Diploma who have completed two of the four courses for their PG Diplomas and obtained a mark of 65%, or above, for each of the two courses may convert their registration to an LLM registration, either by course work and minor dissertation or by coursework and research tasks.

FG12.2 The two credits completed towards the PG Diploma will be transferred as credits towards the LLM degree and students will have to complete two courses at Masters Level and the research component of the Masters Programme to which they have converted. (See notes 1-3 below.)

FG12.3 Students wishing to convert their registration must notify the Faculty Office of their intention to convert their registration by the first day of lectures in the semester following that in which they completed their first two courses. (See Note 4 below.)

Note 1

In the case of conversion to the LLM by coursework and research tasks, students will complete two research tasks linked to the Masters Level courses in the semester in which the student is registered for those courses, and will complete the remaining two research tasks linked to their transferred

courses in the next semester in which the courses to which those research tasks are linked are presented.

Note 2

In the case of conversion to the LLM by course work and minor dissertation students will have to begin their minor dissertation in the second semester of the year of conversion of their registration and complete it in the first semester of the year following.

Note 3

In either instance, students registered full-time will take 18 months to complete their Masters' degree rather than the one year for their full-time PG Diploma.

Note 4

For students registered full-time from the beginning of the academic year, this would mean notifying the Faculty Office by the first day of lectures in the second semester that year. For students registered full-time who join the programme at the beginning of the second semester, this would mean notifying the Faculty Office by the first day of lectures in the first semester of the following academic year. For students registered part-time from the beginning of the academic year, this would mean notifying the Faculty Office by the first day of lectures in the first semester of the following academic year. For students registered part-time who join the programme at the beginning of the second semester, this would mean notifying the Faculty Office by the first day of lectures in the second semester the following year.

Master's degrees

Master of Laws (LLM) in approved courses and research tasks (Professional Master's degree)

These rules must be read in conjunction with the general rules for degrees and diplomas in Book 3: *General Rules and Policies*.

FPM1 The Faculty offers a Master of Laws (LLM) degree which is examined by coursework and research tasks, subject to these rules. The named Professional Master's degrees are:

Qualification	Academic Programme Code
Master of Laws in Commercial Law	LM020
Master of Laws in Dispute Resolution	LM021
Master of Laws in Environmental Law	LM028
Master of Laws in Intellectual Property Law	LM022
Master of Laws in International Trade Law	LM023
Master of Laws in Labour Law	LM024
Master of Laws in the Law of Mineral and Petroleum Extraction and Use	LM030
Master of Laws in Marine and Environmental Law	LM029
Master of Laws in Private Law and Human Rights (<i>not offered in 2024</i>)	LM027
Master of Laws in Shipping Law	LM025
Master of Laws in Tax Law	LM026

Admission

- FPM2 A person may be considered for admission as a candidate for one of the named Professional Master of Laws degrees if
- 2.1 he or she has a law degree of the University or an equivalent degree of another University or institution recognised by the Senate for the purpose; or
 - 2.2 he or she has in any other manner attained a level of competence, which, in the opinion of Senate, on the recommendation of the Faculty of Law, is adequate for the purposes of admission as a candidate for the degree.
 - 2.3 in the case of an applicant whose primary language is not English, he or she has submitted evidence of proficiency in English of a sufficiently high standard to undertake postgraduate studies in Law. Evidence of proficiency may include one of the following:
 - a recent score (obtained within 3 - 5 years before application for admission) of at least 570 (paper-based test) or 230 (computer-based test) or 88 (Internet-based test) on the Test of English as a Foreign Language (TOEFL)
 - a recent overall band score of 7.0 (with no individual element of the test scoring below 6.0) on the International English Language Testing System (IELTS)
 - a score of at least 75% on the Academic Literacy component of the National Benchmark Test (NBT).
- An applicant may be required to pass a law-specific English proficiency test before being permitted to register in the Faculty.

Obtaining the degree

- FPM3.1 A candidate must undertake advanced study in four approved courses (or the equivalent) and complete four independent research tasks demonstrating innovation or professional expertise, each linked to one of the four approved courses undertaken.
The research tasks comprise a third of the total credits for the degree. The mark for the courses is the average of the marks obtained for the individual courses. To be awarded the degree a candidate must obtain a mark of at least 50% for each course and a mark of at least 50% for each research task.
- FPM3.2 A candidate may be required to submit prepared assignments, participate in debates or moots, and undergo a written and/or oral examination in all or any of his/her approved courses.
- FPM3.3 A candidate who has failed any approved course with 47% or more has the right to an oral examination in that course.
- FPM3.4 Any such oral examination shall be convened upon a minimum of three days' notice given by the Faculty to the candidate, and shall be held at the Faculty in the presence of two examiners, one of whom shall be external to the course concerned, but who may be a member of the Faculty staff.
- FPM3.5 Supplementary examinations are not set for any of the approved courses.
- FPM3.6 Should a candidate fail a course he or she may only continue by taking another course, unless Senate gives permission to repeat the course failed.
- FPM3.7 Each research task must be submitted for assessment by no later than the day on which examinations begin in the semester in which the course from which the research task is drawn runs.
- FPM3.8 Supplementary research tasks are not set for any of the approved research tasks.
- FPM3.9 Should a candidate fail an approved research task linked to an approved course that he or she has passed in a particular year, he or she may only repeat the task by registering for it in a subsequent year.

Credit and exemption

- FPM4.1 For the purpose of granting credit for and exempting a candidate from a maximum of two of the courses prescribed under FPM3, Senate may accept examinations in an appropriate course of equivalent weight passed at this or another university or

institution recognised for this purpose; provided that Senate may, in advance, approve a course or courses, which, if completed successfully, will allow credit for and exemption from a course or courses prescribed for the degree. Such approval will be valid for one year but may be renewed on the recommendation of the Faculty of Law.

- FPM4.2 Where a candidate is granted credit for a course, or courses, the candidate will nevertheless have to complete a research task, or tasks, in an approved course, or approved courses, other than the courses for which the candidate is registered.
- FPM4.3 Notwithstanding Rule FPM4.1, a candidate will not be admitted to the degree in terms of Rule FPM3 unless he or she has completed at least the majority of the prescribed courses and the research tasks at this University.
- FPM4.4 Except with the permission of Senate, a student may not be granted credit towards the LL.M degree for courses successfully completed towards the Postgraduate Diploma in Law after the Diploma has been conferred on that student.

Minimum requirements for readmission

- FPM5 Senate may refuse readmission to a candidate who
- 5.1 fails two approved courses, or the same approved course twice. For the purposes of this Rule, a 60-credit course shall be regarded as one course.
 - 5.2 fails two approved research tasks, or the same approved research task twice.

Duration of programme

- FPM6 Except with the permission of Senate:
- 6.1 a full-time candidate must complete the approved coursework and research tasks required for the degree in one academic year (two courses and related tasks per semester); and
 - 6.2 a part-time candidate must complete the approved coursework and research tasks required for the degree within two academic years (one course and related task per semester).

Note:

- (a) The Faculty of Law does not offer degrees for part-time study.
- (b) The four taught courses of the programme require 900 hours of work per annum when completed in an academic year (450 hours per annum when completed over two academic years).
- (c) The four research tasks of the programme require up to 600 hours of work per annum when completed in an academic year (300 hours per annum when completed over two academic years).
- (d) For the avoidance of doubt, “full-time” or “part-time” completion of degree requirements does not refer to part-time studying while also working. These terms refer to the period over which degree requirements need to be met.

Distinction

- FPM7 The degree may be awarded with distinction.
- FPM8 For the degree to be awarded with distinction a candidate must:
- 8.1 complete the coursework in one year if full-time or in two years if part-time;
 - 8.2 submit the research tasks as per rule FPM3.7;
 - 8.3 not count work towards the degree in respect of work that he or she has completed towards another degree or diploma; and
 - 8.4 obtain an average mark of at least 75%.

Exemption from or modification of rules

FPM9 Any exemption from or modification of these Rules must be approved by Senate.

Note:

- (a) *Courses on offer may be added to from time to time or a particular course may not be offered in a particular year.*
- (b) *Candidates for the degree must at the time of application indicate which courses they intend to pursue. Certain courses have distinct admission criteria so that admission to a named LLM programme does not necessarily signify acceptance for such courses. International students should note that some of the courses assume detailed knowledge of South African law as the basis for further study: it is therefore unlikely that they would be admitted to such a course unless they have been permitted to do so by the course convener.*
- (c) *The following general policy exists currently with regard to applicants: an applicant with an average of 70% will generally be granted admission, while an applicant with an average of between 60% and 69% will be subject to discretionary admission. Subsequent study and/or related work experience is a recommendation.*

Master of Laws (LLM) in approved courses and a minor dissertation

These rules must be read in conjunction with the general rules for degrees and diplomas in Book 3: *General Rules and Policies*.

FMC1 The Faculty offers a Master of Laws (LLM) degree which is examined by coursework and a minor dissertation, subject to these rules in particular.

Specialist areas

FMC2 The degree may be conferred without specialisation ("General" below) or in any of the following specialist areas:

Specialisation	Academic Plan Code	Academic Programme Code	LLM	MPhil
Commercial Law	CML01	LM003	LM002	LM002
Comparative Business Law in Africa	CML15	LM003	LM002	LM002
Constitutional and Administrative Law	PBL01	LM003	LM002	LM002
Criminology, Law and Society	PBL11	LM003	LM002	LM002
Dispute Resolution	CML11	LM003	LM002	LM002
Environmental Law	PBL04	LM003	LM002	LM002
General	PVL03	LM003	LM002	LM002
Human Rights Law	PBL05	LM003	LM002	LM002
Intellectual Property Law	CML13	LM003	LM002	LM002
International Law	PBL06	LM003	LM002	LM002
International Taxation	CML14	LM003	–	–
International Trade Law	CML06	LM003	–	–
Labour Law	CML07	LM003	LM002	LM002
Marine and Environmental Law	PBL07	LM003	LM002	LM002
Law of Mineral and Petroleum Extraction and Use	PVL11	LM003	LM002	LM002
Private Law and Human Rights (<i>not offered in 2024</i>)	PVL09	LM003	LM002	LM002
Public Law	PBL09	LM003	LM002	LM002
Shipping Law	CML09	LM003	LM002	LM002
Tax Law	CML10	LM003	LM002	LM002

The field of law in which the dissertation and three of the four courses of the degree have been fulfilled will determine the area of specialisation.

Admission

FMC3 A person may be considered for admission as a candidate for the degree of Master of Laws if

- 3.1 he or she has a law degree of the University or an equivalent degree of another University or institution recognised by the Senate for the purpose; or
- 3.2 he or she has in any other manner attained a level of competence, which, in the opinion of Senate, on the recommendation of the Faculty of Law, is adequate for the purposes of admission as a candidate for the degree.
- 3.3 in the case of an applicant whose primary language is not English, he or she has submitted evidence of proficiency in English of a sufficiently high standard to undertake postgraduate studies in Law. Evidence of proficiency may include one of the following:
 - a recent score (obtained within 3 - 5 years before application for admission) of at least 570 (paper-based test) or 230 (computer-based test) or 88 (Internet-based test) on the Test of English as a Foreign Language (TOEFL)
 - a recent overall band score of 7.0 (with no individual element of the test scoring below 6.0) on the International English Language Testing System (IELTS)
 - a score of at least 75% on the Academic Literacy component of the National Benchmark Test (NBT).

An applicant may be required to pass a law-specific English proficiency test before being permitted to register in the Faculty.

- 3.4 in the case of the Master of Laws specialising in International Taxation, a person who has passed the final professional chartered accountancy examination of the Public Accountants and Auditors Board of South Africa, or an examination which, in the opinion of the Board and of the Senate, is of equivalent standard, or a Bachelor of Commerce (Hons) (Taxation) or equivalent acceptable qualification or experience, as evidenced by a submitted portfolio of academic and practical experience, is required. Professional and/or academic references for all applicants may be requested. A curriculum vitae and academic transcript are required on application. An entrance examination or interview may be required.

Obtaining the degree

FMC4 A candidate must undertake advanced study in four approved courses (or the equivalent) and complete a minor research dissertation under the guidance of a supervisor appointed by Senate. A candidate must obtain at least 50% for each course and at least 50% for the minor dissertation.

Examination

FMC5.1 A candidate may be required to submit prepared assignments, participate in debates or moots, and undergo a written and/or oral examination in all or any of his/her approved courses and/or minor dissertation.

FMC5.2 The candidate must submit a minor dissertation of not more than 25 000 words on a subject approved by Senate which must be of legal interest and related to one of the approved courses.

88 RULES FOR POSTGRADUATE PROGRAMMES

- FMC5.3 A candidate who has failed any approved course with 47% or more has the right to an oral examination in that course.
- FMC5.4 Any such oral examination shall be convened upon a minimum of three days' notice given by the Faculty to the candidate, and shall be held at the Faculty in the presence of two examiners, one of whom shall be external to the course concerned, but who may be a member of the Faculty staff.
- FMC5.5 Supplementary examinations are not set for any of the approved courses.

Credit and exemption

- FMC6.1 For the purpose of granting credit for and exempting a candidate from a maximum of two of the courses prescribed under FMC4, Senate may accept examinations in an appropriate course of equivalent weight passed at this or another university or institution recognised for this purpose; provided that Senate may, in advance, approve a course or courses, which, if completed successfully, will allow credit for and exemption from a course or courses prescribed for the degree. Such approval will be valid for one year but may be renewed on the recommendation of the Faculty of Law.
- FMC6.2 Notwithstanding Rule FMC6.1, a candidate will not be admitted to the degree in terms of Rule FMC4 unless he or she has completed at least the majority of the prescribed courses and the minor dissertation at this University.
- FMC6.3 Except with the permission of Senate, no student may be granted credit towards the LL.M degree for courses successfully completed towards the Postgraduate Diploma in Law after the Diploma has been conferred on that student.

Date for submission of minor dissertation

- FMC7.1 The proposal for the minor dissertation must be submitted to the supervisor no later than the time at which half the coursework requirements of the degree have been fulfilled.
- FMC7.2 Where a candidate intends to submit a dissertation for examination the candidate must inform the Faculty Office in writing of their intention to do so six weeks before submitting the dissertation for examination. It is recommended that the dissertation be submitted for examination five months before the graduation ceremony to allow time for the examination process to run its course. The Faculty does not however undertake to reach a decision on the award of the degree by any specific date. (See rule FMC11)

Exclusion from a course

Minimum requirements for readmission to the degree

- FMC8.1 A candidate must pass three of the four courses in order to qualify for readmission.
- FMC8.2 Should a candidate fail a course he or she may only continue by taking another course, unless Senate gives permission to repeat the course failed or study for a longer period.
- FMC8.3 A candidate who fails the minor dissertation may be permitted by Senate on one occasion only to submit another minor dissertation, which must be on a different topic.
- FMC8.4 Subject to Rule G16.3-8, no candidate will qualify for readmission to the degree to complete the minor dissertation if a period of five or more years has elapsed since the fulfilment of all the coursework requirements of the degree.

Exclusion from the degree

- FMC9.1 A candidate who fails two courses or the same course twice will not be allowed to re-register for any other LL.M course, except with the permission of Senate. For the purpose of this Rule, a double course shall be regarded as one course.

FMC9.2 A candidate who fails the minor dissertation twice or does not submit the dissertation timeously, having been given an extension of time (see FMC7) will not be allowed to re-register for neither the Degree nor any further postgraduate study, except with the permission of Senate.

Duration of programme

FMC10 Except with the permission of Senate:

- 10.1 a full-time candidate must complete the approved coursework required for the degree in one academic year (two courses per semester) and the dissertation in accordance with Rule FMC7; and
- 10.2 a part-time candidate must complete the approved coursework required for the degree within two academic years (one course per semester) and the dissertation in accordance with Rule FMC7.

Note:

- (a) The Faculty of Law does not offer degrees for part-time study.
- (b) The four taught courses of the programme require 900 hours of work per annum when completed in an academic year (450 hours per annum when completed over two academic years).
- (c) A minor dissertation of 25 000 words on an approved topic requires 1 200 hours of work.
- (d) For the avoidance of doubt, “full-time” or “part-time” completion of degree requirements does not refer to part-time studying while also working. These terms refer to the period over which degree requirements need to be met.

Minor dissertation

FMC11 The minor dissertation must be satisfactory in arrangement and expression and must be typed and printed. Candidates are required to submit the final .pdf version for examination on PeopleSoft. The following statement must appear on the title page:
"Research dissertation presented for the approval of Senate in fulfilment of part of the requirements for the (qualification for which a student is registered) in approved courses and a minor dissertation." The other part of the requirement for this qualification is the completion of a programme of courses.
"I hereby declare that I have read and understood the regulations governing the submission of (qualification for which student is registered) dissertations, including those relating to length and plagiarism, as contained in the rules of this University, and that this dissertation conforms to those regulations."

Publication of minor dissertation

FMC12 No publication may, without the prior permission of the University, contain a statement that the published material was or is to be submitted in part or in full for the degree.

Distinction

FMC13.1 The degree may be awarded with distinction or with a distinction in the dissertation.

FMC13.2 For the degree to be awarded with distinction a candidate must:

- 13.2.1 complete the coursework in one year if full-time or in two years if part-time;
- 13.2.2 submit the minor dissertation no later than the Friday before the first term of the year following the completion of the coursework for students who have completed their coursework in December and 15 September of the same year for students who have completed their coursework in June;

90 RULES FOR POSTGRADUATE PROGRAMMES

13.2.3 not be permitted to count work for which he or she may have been granted credit towards the degree in respect of work completed towards another degree or diploma; and

13.2.4 obtain an average mark of at least 75%, the minor dissertation counting for 50% of the examination.

FMC13.3 For the degree to be passed with a distinction in the dissertation, the candidate must:

13.3.1 complete degree in compliance with FMC13.2.1;

13.3.2 submit the minor dissertation in compliance with FMC13.2.2;

13.3.3 obtain a mark of at least 75% or higher for the dissertation.

Exemption from or modification of rules

FMC14 Any exemption from or modification of the Rules for the LLM must be approved by Senate.

Note:

- (a) *Courses on offer may be added to from time to time or a particular course may not be offered in a particular year.*
- (b) *Candidates for the degree must at the time of application indicate which courses they intend to pursue. Certain courses have distinct admission criteria so that admission to the LLM programme does not necessarily signify acceptance for such courses. Foreign students should note that some of the courses assume detailed knowledge of South African law as the basis for further study: it is therefore unlikely that they would be admitted to such a course.*
- (c) *The following general policy exists currently with regard to applicants: an applicant with an average of 70% will generally be granted admission, while an applicant with an average of between 60% and 69% will be subject to discretionary admission. Subsequent study and/or related work experience is a recommendation. For those with a BProc degree, an average mark greater than 70% is required, unless there is evidence of additional/subsequent work experience appropriate to the courses chosen.*

Master of Philosophy (MPhil) in approved courses and a minor dissertation

These rules must be read in conjunction with the general rules for degrees and diplomas in Book 3: *General Rules and Policies*.

FMR1 The Faculty offers a Master of Philosophy degree which is examined by coursework and a minor dissertation, in the following circumstances:

- (i) where a law graduate wishes to pursue Master's level studies in law as well as in inter-Faculty cognate topics, such that the award of an LLM degree would be inappropriate; or
- (ii) where a non-law graduate wishes to pursue Master's level studies either in law as well as in inter-Faculty cognate topics or entirely in law.

Specialist areas

FMR2 The degree may be conferred without specialisation, in Law or in any of the specialist areas listed in Rule FMC2 above.

Admission

FMR3 In addition to those who may be considered for admission as candidates for the LLM degree (see Rule FMC3.1 and FMC3.2 above), graduates with an Honours degree of the University or an equivalent degree of another university or institution recognised by Senate for this purpose may be considered for admission as candidates for a degree of Master of Philosophy.

In the case of an applicant whose primary language is not English, he or she must submit evidence of proficiency in English of a sufficiently high standard to

undertake postgraduate studies in Law. Evidence of proficiency may include one of the following:

- a recent score (obtained within 3 - 5 years before application for admission) of at least 570 (paper-based test) or 230 (computer-based test) or 88 (Internet-based test) on the Test of English as a Foreign Language (TOEFL)
- a recent overall band score of 7.0 (with no individual element of the test scoring below 6.0) on the International English Language Testing System (IELTS)
- a score of at least 75% on the Academic Literacy component of the National Benchmark Test (NBT).

An applicant may be required to pass a law-specific English proficiency test before being permitted to register in the Faculty.

Further rules:

Rules FMC4 to FMC14 for the LLM degree (above) apply unchanged to the MPhil degree by coursework, except that ‘MPhil / Master of Philosophy’ is substituted for ‘LLM / Master of Laws’ where it appears.

Master of Laws (LLM) by dissertation

These rules must be read in conjunction with the general rules for degrees and diplomas in Book 3: *General Rules and Policies*.

The Faculty offers a Master of Laws (LLM) degree which is examined by a dissertation, subject to these rules in particular. The degree may be conferred in any of the following specialist areas:

Specialisation	Academic Programme Code	Academic Plan Code
Commercial Law	LM001	CML01
Criminal Justice	LM001	PBL02
Private Law	LM001	PVL08
Public Law	LM001	PBL09
Rhetoric Studies	LM001	PVL10

Admission

- FMD1 A person may be considered for admission as a candidate for the degree of Master of Laws if
- 1.1 S/he has a law degree of the University or an equivalent degree of another University recognised by the Senate for this purpose; or
 - 1.2 S/he has in any other manner attained a level of competence which in the opinion of Senate, on the recommendation of the Faculty of Law, is adequate for the purposes of admission as a candidate for the degree.

Note: Returning candidates must renew their registration by the stipulated registration dates every year. A late penalty fee is charged for registration after that date.

Obtaining the degree

- FMD2 Under the guidance of a supervisor appointed by Senate a candidate must undertake research at an advanced level for the purpose of writing a dissertation.

92 RULES FOR POSTGRADUATE PROGRAMMES

Examination

- FMD3 The examination consists of –
- 3.1 a dissertation on a subject of legal interest approved by Senate; or
 - 3.2 a series of (four) short dissertations on cognate areas of the law, approved by Senate.

Dates for submission

- FMD4 Where a candidate intends to submit a dissertation for examination the candidate must inform the Faculty Office in writing of their intention to do so six weeks before submitting the dissertation for examination. It is recommended that the dissertation be submitted for examination five months before the graduation ceremony to allow time for the examination process to run its course. The Faculty does not however undertake to reach a decision on the award of the degree by any specific date.

Written or oral examinations

- FMD5 A candidate may be required to undergo a written or oral examination on the subject matter of any dissertation.

Expected duration of the degree

- FMD6 A candidate is expected to complete the degree within two academic years.

The dissertation

- FMD7 Dissertations may not exceed 40 000 words in length; they must be satisfactorily structured and formatted and they must be typewritten or printed. Candidates are required to submit the final .pdf version for examination on PeopleSoft.

Publication

- FMD8 Without the prior permission of the University, no publication flowing from the dissertation may contain a statement that it was or is to be submitted in part or in full for the degree.

Distinction

- FMD9 The degree may be awarded with distinction.

Note: Initial application for registration for this degree should be accompanied by a Statement of Interest set out according to the guidelines determined by the Faculty Higher Degrees Committee. These guidelines are obtainable from the Faculty Office. Before registration candidates may be required to undertake further work of a preparatory nature.

Master of Philosophy (MPhil) by dissertation

These rules must be read in conjunction with the general rules for degrees and diplomas in Book 3: *General Rules and Policies*.

The Faculty offers a Master of Philosophy (MPhil) degree which is examined by a dissertation, subject to these rules in particular. The degree may be conferred in any of the following specialist areas:

Specialisation	Academic Programme Code	Academic Plan Code
Commercial Law	LM011	CML01
Criminal Justice	LM011	PBL02
Private Law	LM011	PVL08
Public Law	LM011	PBL09
Rhetoric Studies	LM011	PVL10

Admission

FMP1 A person may be considered as a candidate for the degree of Master of Philosophy if:

- (i) S/he has at least a law degree or an Honours degree from the University, or an equivalent degree from another University recognised by Senate for this purpose; or
- (ii) S/he has in any other manner attained a level of competence which, in the opinion of Senate, on recommendation by the Faculty of Law, is adequate for purposes of admission as a candidate for the degree.

Note: Returning candidates must renew their registration by the stipulated registration dates every year. A late penalty fee is charged for registration after that date.

Obtaining the degree

FMP2 Under the guidance of the supervisor appointed by Senate a candidate must undertake research at an advanced level for the purpose of writing a dissertation.

Examination

FMP3 The examination consists of a dissertation or a series of short dissertations on cognate topics, on a subject of inter-faculty interest.

The topic

FMP4 Although the dissertation must have a law component, it also must be on a subject of inter-faculty interest.

Rules FMD4 to FMD9 apply also to candidates for the MPhil degree.

Doctoral degrees

Doctor of Laws (LLD)

NOTE: Until 2004 different rules applied to the award of this doctorate.

FD1 The Degree of Doctor of Laws may be obtained for a substantial body of work that has already been published. Such work must constitute an original contribution to, or an important advance on, knowledge in the subject. This degree is the senior doctorate in the Faculty of Law. It is awarded rarely, as a mark of respect, normally only for work undertaken over a period of many years which has established the candidate as the leading authority in his or her field, **and where the candidate has had a substantial and long association with the University.**

FD2 The rules for the degree of Doctor of Philosophy, other than the admission rules, and the rule regulating the standing required prior to admission, apply mutatis mutandis.

Application for admission

FD3 Application for the LLD degree is governed by procedures set out by the Doctoral Degrees Board of the University.

Note:

A copy of these procedures is obtainable from the Faculty Office. They include the following rules:

- (i) the candidate must provide copies of the body of work, as specified by the Higher Degrees Committee,
- (ii) a preliminary screening procedure must be undertaken by a Committee of Assessors, appointed by the Doctoral Degrees Board, to consider whether the work is of the standard and maturity required for this senior Doctorate, and
- (iii) registration and examination will take place only when the Doctoral Degrees Board has accepted the application, and only after receiving the opinion of the Committee of Assessors.

Requirements for award of the degree

- FD4.1 A candidate must submit published work in an area of law which must constitute a substantial, original and important contribution to the current body of scholarship. The candidate may submit other published and unpublished work as collateral testimony of fitness for the degree.
- FD4.2 No work will be accepted which has been accepted by this or any other University for the purpose of obtaining a degree.
- FD4.3 The examination will consist primarily of an assessment of the published work, but, if required by Senate, candidates must present themselves for an additional written or oral examination on the subject of the work presented.

Doctor of Philosophy (PhD)

The Faculty offers a Doctor of Philosophy (PhD) degree which is examined by a thesis. The degree may be conferred in any of the following specialist areas:

Specialisation	Academic Programme Code	Academic Plan Code
Commercial Law	LD001	CML01
Criminal Justice	LD001	PBL02
Criminology	LD001	PBL03
Private Law	LD001	PVL08
Public Law	LD001	PBL09
Rhetoric Studies	LD001	PVL10

The general rules of the University for the PhD apply, i.e. there are no specific rules for the Faculty of Law.

POSTGRADUATE STUDY PROGRAMMES

Postgraduate Diploma in Law Study Programmes

The Faculty offers a Postgraduate Diploma in Law which is examined by coursework. The Postgraduate Diplomas are described:

- Criminology, Law and Society (*not offered in 2024*)
- Dispute Resolution
- Environmental Law
- General
- Judicial Studies
- Labour Law (*not offered in 2024*)
- Marine and Environmental Law
- Shipping Law
- Tax Law (*not offered in 2024*)

Postgraduate Diploma in Law specialising in Criminology, Law and Society [LG002PBL11]

Programme Convener:
Associate Professor K Moulton

The curriculum comprises one compulsory methods course, one compulsory theories course and two electives from the available list of courses on offer for the second semester. The curriculum consists of 120 credits.

Compulsory (core) course

Code	Course	NQF Credits	NQF Level
PBL4849F	Law in Action - Research Methods (<i>not offered in 2024</i>)	30	8

One of following compulsory (core) courses

Code	Course	NQF Credits	NQF Level
PBL4820F	Theories of Crime and Social Order (<i>not offered in 2024</i>)	30	8
PBL4844S	Police and Policing: Explorations in Security Governance (<i>not offered in 2024</i>)	30	8

Two of the following elective courses [to the value of 60 credits]

Code	Course	NQF Credits	NQF Level
PBL4815S	Punishment and Human Rights (<i>not offered in 2024</i>)	30	8
PBL4822S	Victims and Victimology: Theory, Policy and Practice (<i>not offered in 2024</i>)	30	8
PBL4847S	Forensics and the Law (<i>not offered in 2024</i>)	30	8
	Total Credits	120	

**Postgraduate Diploma in Law specialising in Dispute Resolution
[LG002CML11]**

Programme Convener:
M Carels

The curriculum comprises three compulsory courses and one elective course. The curriculum consists of 120 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
CML4631S	Mediation.....	30	8
CML4641S	Commercial Arbitration.....	30	8
CML4671F	Negotiation	30	8

One elective course [to the value of 30 credits]

Code	Course	NQF Credits	NQF Level
	One elective course in Commercial Law	30	8
Total Credits		120	

**Postgraduate Diploma in Law specialising in Environmental Law
[LG002PBL04]**

Programme Convener:
Associate Professor M Murcott

The curriculum comprises one compulsory course and three elective courses. The curriculum consists of 120 credits.

Compulsory (core) course

Code	Course	NQF Credits	NQF Level
PBL4640F	Principles of Environmental Law	30	8

Three of the following elective courses [to the value of 90 credits]

Code	Course	NQF Credits	NQF Level
PBL4619S	International Environmental Law	30	8
PBL4641F	Land Use Planning Law (<i>not offered in 2024</i>)	30	8
PBL4642S	Natural Resources Law	30	8
PBL4643F	Pollution Law	30	8
Total Credits		120	

**Postgraduate Diploma in Law specialising in Judicial Studies
[LG002PBL12]**

Programme Convener:
Emeritus Professor H Corder

The curriculum comprises two compulsory courses and two electives from the available list of courses on offer. The curriculum consists of 120 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
PBL4661F	Judicial Skills and Practical Jurisprudence.....	30	8
PBL4662S	Judging in a Constitutional Democracy	30	8

Two of the following elective courses [to the value of 60 credits]

Code	Course	NQF Credits	NQF Level
PBL4663F	Practical Approach to Evidence Law	30	8
PBL4664S	Practical Court Processes	30	8
PBL4665S	Environmental Law for Judicial Officers (<i>not offered in 2024</i>)....	30	8
PBL4666S	Independent Research Paper in Judicial Studies	30	8
PBL4667S	Law and Technology for Judicial Officers	30	8
PBL4668S	Regional Instruments, Courts and Cases for Judicial Officers	30	8
Total Credits		120	

**Postgraduate Diploma in Law specialising in Labour Law
[LG002CML07]**

(*not on offer in 2024*)

Programme Convener:

TBA

The curriculum comprises four compulsory courses. The curriculum consists of 120 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
CML4613S	Collective Labour Law (<i>not on offer in 2024</i>).....	30	8
CML4651F	Individual Employment Law (<i>not on offer in 2024</i>).....	30	8
CML4676S	Workplace Discrimination and Equality Law (<i>not on offer in 2024</i>).....	30	8
CML4671F	Negotiation	30	8
Total Credits		120	

**Postgraduate Diploma in Law specialising in Marine and Environmental Law
[LG002PBL07]**

Programme Convener:

Associate Professor M Murcott

The curriculum comprises two core courses and two elective courses. The curriculum consists of 120 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
PBL4607F	International Law of the Sea	30	8
PBL4619S	International Environmental Law.....	30	8

Two of the following elective courses [to the value of 60 credits]

Code	Course	NQF Credits	NQF Level
PBL4640F	Principles of Environmental Law	30	8
PBL4641F	Land Use Planning Law (<i>not offered in 2024</i>)	30	8
PBL4642S	Natural Resources Law	30	8
PBL4643F	Pollution Law	30	8

98 POSTGRADUATE STUDY PROGRAMMES

Code	Course	NQF Credits	NQF Level
	Total Credits	120	

Postgraduate Diploma in Law specialising in Shipping Law [LG002CML09]

Programme Convener:

Associate Professor G Bradfield

The curriculum comprises three compulsory courses and one of the two designated elective courses. The curriculum consists of 120 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
CML4625F	Maritime Law	30	8
CML4626S	Carriage of Goods by Sea	30	8
CML4693S	Marine Insurance Law	30	8

One of the following elective courses

Code	Course	NQF Credits	NQF Level
CML4624F	Admiralty Jurisdiction and Practice.....	30	8
PBL4607F	International Law of the Sea.....	30	8
	Total Credits	120	

Postgraduate Diploma in Law specialising in Tax Law [LG002CML10]

(not on offer in 2024)

Programme Convener:

Associate Professor A Titus

The curriculum comprises four compulsory courses. The curriculum consists of 120 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
CML4661F	General Tax Law Provisions <i>(not offered in 2024)</i>	30	8
CML4661S	Specific Tax Law Provisions <i>(not offered in 2024)</i>	30	8
CML4662F	Tax Treaty Law <i>(not offered in 2024)</i>	30	8
CML4662S	Tax Policy in a Developmental Context <i>(not offered in 2024)</i>	30	8
	Total Credits	120	

Professional Master's Study Programmes

The Faculty offers a Master of Laws (LLM) degree which is examined by coursework and a research project. The named Professional Master's degrees are:

Master of Laws in Commercial Law

Master of Laws in Dispute Resolution

Master of Laws in Environmental Law

Master of Laws in Intellectual Property Law

Master of Laws in International Trade Law

Master of Laws in Labour Law

Master of Laws in the Law of Mineral and Petroleum Extraction and Use

Master of Laws in Marine and Environmental Law

Master of Laws in Shipping Law
 Master of Laws in Tax Law

Master of Laws (LLM) in Commercial Law (Professional Master's degree)
[LM020CML01]

Programme Convener:
 Dr T Thabane

The curriculum comprises four elective courses and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits.

Elective courses [to the value of 120 credits] - four of the following courses (30 credits each)

Code	Course	NQF Credits	NQF Level
CML5601S	Advanced Company Law	30	9
CML5613S	Collective Labour Law	30	9
CML5619F	Law of International Trade	30	9
CML5624F	Admiralty Jurisdiction and Practice	30	9
CML5625F	Maritime Law	30	9
CML5626S	Carriage of Goods by Sea.....	30	9
CML5641S	Commercial Arbitration	30	9
CML5651F	Individual Employment Law.....	30	9
CML5654S	Competition Law	30	9
CML5658S	Electronic Transactions Law (<i>not offered in 2024</i>).....	30	9
CML5668F	General Tax Law Provisions	30	9
CML5664F	Law, Regional Integration and Development in Africa	30	9
CML5665S	Tax Policy in a Developmental Context.....	30	9
CML5666F	Comparative Law and Business in Africa	30	9
CML5667S	Corporate Law and Governance (<i>not offered in 2024</i>).....	30	9
CML5672S	The Legal Aspects of Corporate Financing Structures	30	9
CML5673S	International Commercial Transactions Law	30	9
CML5676S	Workplace Discrimination and Equality Law	30	9
CML5677F	Islamic Law and Finance (<i>not offered in 2024</i>).....	30	9
CML5687S	Chinese Law and Investments in Africa	30	9
CML5692F	Company Law, Corporate Governance and Stakeholder Relations.....	30	9
CML5693S	Marine Insurance Law	30	9
PBL5602F	International Law of the Sea	30	9
PVL5620S	Advanced Contract Law	30	9
PVL5633S	Resource Revenue Law	30	9
CML5696S	Law of Banking, Finance and Payments	30	9
CML5695F	Banking & Finance Law and Regulation (<i>on offer from 2025</i>).....	30	9

Research tasks [to the value of 60 credits] - four of the following courses (15 credits each)

Code	Course	NQF Credits	NQF Level
CML5601X	Advanced Company Law - Research Task	15	9
CML5613X	Collective Labour Law - Research Task	15	9
CML5619X	Law of International Trade - Research Task	15	9
CML5624X	Admiralty Jurisdiction and Practice - Research Task.....	15	9
CML5625X	Maritime Law - Research Task	15	9
CML5626X	Carriage of Goods by Sea - Research Task	15	9
CML5641X	Commercial Arbitration - Research Task	15	9
CML5651X	Individual Employment Law - Research Task	15	9
CML5654X	Competition Law - Research Task	15	9

100 POSTGRADUATE STUDY PROGRAMMES

Code	Course	NQF Credits	NQF Level
CML5658X	Electronic Transactions Law - Research Task (<i>not offered in 2024</i>)	15	9
CML5668X	General Tax Law Provisions - Research Task	15	9
CML5664X	Law, Regional Integration and Development in Africa - Research Task	15	9
CML5665X	Tax Policy - Research Task	15	9
CML5666X	Comparative Law and Business in Africa - Research Task	15	9
CML5667X	Corporate Law and Governance - Research Task (<i>not offered in 2024</i>)	15	9
CML5672X	The Legal Aspects of Corporate Financing Structures - Research Task	15	9
CML5673X	International Commercial Transactions Law - Research Task	15	9
CML5676X	Workplace Discrimination and Equality Law - Research Task	15	9
CML5677X	Islamic Law and Finance - Research Task (<i>not offered in 2024</i>) ..	15	9
CML5687X	Chinese Law and Investments in Africa - Research Task	15	9
CML5692X	Company Law, Corporate Governance and Stakeholder Relations - Research Task	15	9
CML5693X	Marine Insurance Law - Research Task	15	9
PBL5602X	International Law of the Sea - Research Task	15	9
PVL5620X	Advanced Contract Law - Research Task	15	9
PVL5633X	Resource Revenue Law - Research Task	15	9
CML5696X	Law of Banking, Finance and Payments	15	9
CML5695X	Banking & Finance Law and Regulation (<i>on offer from 2025</i>)	15	9
	Total Credits	180	

Master of Laws (LLM) in Dispute Resolution (Professional Master's degree) **[LM021CML11]**

Programme Convener:

M Carels

The curriculum comprises three compulsory courses, one elective course and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
CML5631S	Mediation	30	9
CML5641S	Commercial Arbitration	30	9
CML5671F	Negotiation	30	9

Elective course [to the value of 30 credits]

Code	Course	NQF Credits	NQF Level
	One Master's course	30	9

Research tasks [to the value of 60 credits]

Code	Course	NQF Credits	NQF Level
CML5631X	Mediation - Research Task	15	9
CML5641X	Commercial Arbitration - Research Task	15	9
CML5671X	Negotiation - Research Task	15	9
	One Elective Research Task	15	9
	Total Credits	180	

Master of Laws (LLM) in Environmental Law (Professional Master’s degree)
[LM028PBL04]

Programme Convener:
 Associate Professor M Murcott

The curriculum comprises one compulsory course, three elective courses and an independent research component. This may consist of either a single research project or a series of smaller projects, related to one or more of the four courses and demonstrating professional expertise. The curriculum consists of 180 credits.

Compulsory (core) course

Code	Course	NQF Credits	NQF Level
PBL5640F	Principles of Environmental Law	30	9

Elective courses [three of the following courses to the value of 90 credits]

Code	Course	NQF Credits	NQF Level
PBL5619S	International Environmental Law	30	9
PBL5641F	Land Use Planning Law (<i>not offered in 2024</i>)	30	9
PBL5642S	Natural Resources Law	30	9
PBL5643F	Pollution Law	30	9

Compulsory (core) research task

Code	Course	NQF Credits	NQF Level
PBL5640X	Principles of Environmental Law - Research Task	15	9

Elective research tasks [three of the following to the value of 45 credits]

Code	Course	NQF Credits	NQF Level
PBL5619X	International Environmental Law - Research Task	15	9
PBL5641X	Land Use Planning Law - Research Task (<i>not offered in 2024</i>)....	15	9
PBL5642X	Natural Resources Law - Research Task	15	9
PBL5643X	Pollution Law - Research Task	15	9
Total Credits		180	

Master of Laws (LLM) in Intellectual Property Law (Professional Master's degree)
[LM022CML13]

Programme Convener:
 Associate Professor L-A Tong

The curriculum comprises one compulsory core course, three elective courses, and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits.

Compulsory (core) course

Code	Course	NQF Credits	NQF Level
CML5678F	* Principles of Intellectual Property Law	30	9

Elective courses (three of the following to the value of 90 credits)

Code	Course	NQF Credits	NQF Level
CML5657F	Electronic Intellectual Property Law (<i>not offered in 2024</i>).....	30	9
CML5680S	Advanced Intellectual Property Law	30	9
CML5691S	Intellectual Property Law, Development and Innovation	30	9

102 POSTGRADUATE STUDY PROGRAMMES

Code	Course	NQF Credits	NQF Level
	Once CML Master's Course	30	9

Compulsory (core) research task

Code	Course	NQF Credits	NQF Level
CML5678X	Principles of Intellectual Property Law - Research Task.....	15	9

Elective research tasks (three of the following to the value of 45 credits)

Code	Course	NQF Credits	NQF Level
CML5657X	Electronic Intellectual Property Law - Research task (<i>not offered in 2024</i>)	15	9
CML5680X	Advanced Intellectual Property Law - Research task	15	9
CML5691X	Intellectual Property Law, Development and Innovation - Research task	15	9
	One CML Master's - Research Task	15	9
	Total Credits	180	

Master of Laws (LLM) in International Trade Law (Professional Master's degree) [LM023CML06]

Programme Convener:

Dr K Lehmann

The curriculum comprises two compulsory courses; two elective courses and four research tasks, each linked to one of the four courses taken for the degree and demonstrating professional expertise. The curriculum consists of 180 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
CML5619F	Law of International Trade	30	9
CML5673S	International Commercial Transactions Law.....	30	9

Elective courses [two of the following to the value of 60 credits]

Code	Course	NQF Credits	NQF Level
CML5626S	Carriage of Goods by Sea.....	30	9
CML5641S	Commercial Arbitration.....	30	9
CML5654S	Competition Law	30	9
CML5664F	Law, Regional Integration and Development in Africa.....	30	9
CML5666F	Comparative Law and Business in Africa	30	9
CML5687S	Chinese Law and Investments in Africa.....	30	9

Compulsory (core) research tasks

Code	Course	NQF Credits	NQF Level
CML5619X	Law of International Trade - Research Task	15	9
CML5673X	International Commercial Transactions Law - Research Task	15	9

Elective research tasks [two of the following to the value of 30 credits]

Code	Course	NQF Credits	NQF Level
CML5626X	Carriage of Goods by Sea - Research Task	15	9
CML5641X	Commercial Arbitration - Research Task	15	9
CML5654X	Competition Law - Research Task	15	9
CML5664X	Law, Regional Integration and Development in Africa - Research Task	15	9

Code	Course	NQF Credits	NQF Level
CML5666X	Comparative Law and Business in Africa - Research Task	15	9
CML5687X	Chinese Law and Investments in Africa - Research Task	15	9
	Total Credits	180	

Master of Laws (LLM) in Labour Law (Professional Master's degree)
[LM024CML07]

Programme Convener:
 Prof R Le Roux

The curriculum comprises three compulsory courses, one elective course offered on the LLM in Commercial Law (Professional Master's degree) and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
CML5613S	Collective Labour Law	30	9
CML5651F	Individual Employment Law	30	9
CML5676S	Workplace Discrimination and Equality Law	30	9

Elective course [one of the following to the value of 30 credits]

Code	Course	NQF Credits	NQF Level
	One Master's course	30	9

Compulsory (core) research tasks

Code	Course	NQF Credits	NQF Level
CML5613X	Collective Labour Law - Research Task	15	9
CML5651X	Individual Employment Law - Research Task	15	9
CML5676X	Workplace Discrimination and Equality Law - Research Task.....	15	9

Elective research task

Code	Course	NQF Credits	NQF Level
	One Elective Research Task.....	15	9
	Total Credits	180	

Master of Laws (LLM) in the Law of Mineral and Petroleum Extraction and Use
(Professional Master's degree)
[LM030PVL11]

Programme Convener:
 Professor H Mostert

The curriculum comprises three compulsory courses, one elective course and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
PVL5630F	Comparative Mineral Law in Africa	30	9
PVL5631S	Negotiating Extractive Agreements and Mining Contracts.....	30	9
PVL5633S	Resource Revenue Law	30	9

Elective courses [one of the following to the value of 30 credits]

104 POSTGRADUATE STUDY PROGRAMMES

Code	Course	NQF Credits	NQF Level
PVL5625S	Property Law in a Constitutional Order.....	30	9
PVL5632F	Oil and Gas Law in South Africa	30	9
PVL5636F	Extractive Law and Energy Transition	30	9
PBL5642S	Natural Resources Law.....	30	9

Compulsory (core) research tasks

Code	Course	NQF Credits	NQF Level
PVL5630X	Comparative Mineral Law in Africa - Research Task	15	9
PVL5631X	Negotiating Extractive Agreements and Mining Contracts - Research Task.....	15	9
PVL5633X	Resource Revenue Law - Research Task.....	15	9

Elective research task [one of the following to the value of 15 credits]

Code	Course	NQF Credits	NQF Level
PVL5625X	Property Law in a Constitutional Order - Research Task	15	9
PVL5632X	Oil and Gas Law in South Africa - Research Task	15	9
PVL5636X	Extractives Law and the Energy Transition – Research Task	15	9
PBL5642X	Natural Resources Law - Research Task	15	9
Total Credits		180	

Master of Laws (LLM) in Marine and Environmental Law (Professional Master's degree)

[LM029PBL07]

Programme Convener:

Associate Professor M Murcott

The curriculum comprises two compulsory courses, two elective courses and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
PBL5602F	International Law of the Sea.....	30	9
PBL5619S	International Environmental Law	30	9

Elective courses [two of the following to the value of 60 credits]

Code	Course	NQF Credits	NQF Level
PBL5640F	Principles of Environmental Law	30	9
PBL5641F	Land Use Planning Law (<i>not offered in 2024</i>)	30	9
PBL5642S	Natural Resources Law	30	9
PBL5643F	Pollution Law	30	9

Compulsory (core) research tasks

Code	Course	NQF Credits	NQF Level
PBL5602X	International Law of the Sea - Research Task	15	9
PBL5619X	International Environmental Law - Research Task	15	9

Elective research tasks [two of the following to the value of 30 credits]

Code	Course	NQF Credits	NQF Level
PBL5640X	Principles of Environmental Law - Research Task	15	9
PBL5641X	Land Use Planning Law - Research Task (<i>not offered in 2024</i>)....	15	9
PBL5642X	Natural Resources Law - Research Task	15	9

Code	Course	NQF Credits	NQF Level
PBL5643X	Pollution Law - Research Task	15	9
Total Credits		180	

**Master of Laws (LLM) in Shipping Law (Professional Master's degree)
[LM025CML09]**

Programme Convener:
Associate Professor G Bradfield

The curriculum comprises three compulsory courses; one of the two designated elective courses, and four research tasks, each related to one of the four courses taken by a student. The curriculum consists of 180 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
CML5625F	Maritime Law	30	9
CML5626S	Carriage of Goods by Sea.....	30	9
CML5693S	Marine Insurance Law	30	9

Elective course [one of the following to the value of 30 credits]

Code	Course	NQF Credits	NQF Level
PBL5602F	International Law of the Sea	30	9
CML5624F	Admiralty Jurisdiction and Practice	30	9

Compulsory (core) research tasks

Code	Course	NQF Credits	NQF Level
CML5625X	Maritime Law - Research Task	15	9
CML5626X	Carriage of Goods by Sea - Research Task	15	9
CML5693X	Marine Insurance Law - Research Task	15	9

Elective research task [one of the following linked to the elected course to the value of 15 credits]

Code	Course	NQF Credits	NQF Level
PBL5602X	International Law of the Sea - Research Task.....	15	9
CML5624X	Admiralty Jurisdiction and Practice - Research Task.....	15	9
Total Credits		180	

**Master of Laws (LLM) in Tax Law (Professional Master's degree)
[LM026CML10]**

The programme duration is 1 year

Programme Convener:
Associate Professor A Titus

The curriculum comprises of four compulsory courses and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
CML5661S	Specific Tax Law Provisions.....	30	9
CML5665S	Tax Policy in a Development Context.....	30	9

106 POSTGRADUATE STUDY PROGRAMMES

Code	Course	NQF Credits	NQF Level
CML5668F	General Tax Law Provisions	30	9
CML5669X	Tax Treaty Law	15	9

Compulsory (core) research tasks

Code	Course	NQF Credits	NQF Level
CML5668X	Specific Tax Law Provisions - Research Task	15	9
CML5665X	Tax Policy - Research Task	15	9
CML5668X	General Tax Law Provisions - Research Task	15	9
CML5669X	Tax Treaty Law - Research Task	15	9
	Total Credits	180	

Master's Study Programmes (excluding Professional Master's)

Teaching contact periods vary from course to course: details must be obtained from the course convener in each instance. Because of the wide range of courses on offer, a draft timetable is drawn up for each semester. This might mean that certain combinations of courses are not possible, although the School for Advanced Legal Studies (SALS) will try to accommodate as much freedom of choice as possible. Please consult the timetable when choosing courses.

Registration for courses that are concurrently presented in any manner is not allowed.

Various groupings of subjects are set out below as 'programmes', as the issues which are dealt with form a coherent whole. If a student elects such a 'programme', he or she will be awarded with the degree in the specialist area concerned. Please refer to the Rules for LLM and MPhil Degrees for further information.

The following programmes are described:

Commercial Law
Comparative Business Law in Africa
Constitutional and Administrative Law
Criminology, Law and Society
Dispute Resolution
Environmental Law
Human Rights Law
Intellectual Property Law
International Law
International Taxation
International Trade Law
Labour Law
Law of Mineral and Petroleum Extraction and Use
Marine and Environmental Law
Public Law
Shipping Law
Tax Law

This does not mean that the courses listed under specific 'programme' headings may not freely be chosen as part of a 'general' diploma/degree, or as components of a field of study (e.g. commercial law) which is wider than a 'programme' but narrower than 'general'.

**Master's degree (LLM/MPhil) specialising in Commercial Law
[LM003CML01/LM002CML01]**

Programme Convener:
Dr T Thabane

The curriculum comprises four elective courses, three of which must be from this section, or courses listed under the Labour Law or Shipping Law programmes, and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. If so desired, a student may select the fourth elective from offerings in other departments. The curriculum consists of 240 credits.

Elective courses [to the value of 120 credits]

Code	Course	NQF Credits	NQF Level
CML5601S	Advanced Company Law	30	9
CML5613S	Collective Labour Law	30	9
CML5619F	Law of International Trade	30	9
CML5624F	Admiralty Jurisdiction and Practice	30	9
CML5625F	Maritime Law	30	9
CML5626S	Carriage of Goods by Sea.....	30	9
CML5641S	Commercial Arbitration	30	9
CML5651F	Individual Employment Law.....	30	9
CML5654S	Competition Law	30	9
CML5658S	Electronic Transactions Law (<i>not offered in 2024</i>).....	30	9
CML5661F	General Tax Law Provisions	30	9
CML5664F	Law, Regional Integration and Development in Africa	30	9
CML5665S	Tax Policy in a Developmental Context.....	30	9
CML5666F	Comparative Law and Business in Africa	30	9
CML5667S	Corporate Law and Governance (<i>not offered in 2024</i>).....	30	9
CML5672S	The Legal Aspects of Corporate Financing Structures.....	30	9
CML5673S	International Commercial Transactions Law	30	9
CML5676S	Workplace Discrimination and Equality Law	30	9
CML5677F	Islamic Law and Finance (<i>not offered in 2024</i>).....	30	9
CML5687S	Chinese Law and Investments in Africa.....	30	9
CML5692F	Company Law, Corporate Governance and Stakeholder Relations.....	30	9
CML5693S	Marine Insurance Law	30	9
PBL5602F	International Law of the Sea	30	9
PVL5620S	Advanced Contract Law	30	9
PVL5633S	Resource Revenue Law	30	9
CML5696S	Law of Banking, Finance and Payments	30	9
CML5695F	Banking & Finance Law and Regulations (<i>on offer from 2025</i>) ...	30	9

Research component

Code	Course	NQF Credits	NQF Level
CML5606W	Minor Dissertation	120	9
	Total Credits.....	240	

Master's degree (LLM/MPhil) specialising in Comparative Business Law in Africa [LM003CML15/LM002CML15]

Programme Convener:

Professor A Ordor

The curriculum comprises two compulsory courses, two elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
CML5666F	Comparative Law and Business in Africa	30	9
CML5664F	Law, Regional Integration and Development in Africa.....	30	9

Any two courses from the Department of Commercial Law. Particularly recommended are:

Code	Course	NQF Credits	NQF Level
CML5687S	Chinese Law and Investments in Africa	30	9
PVL5633S	Resource Revenue Law	30	9

Research component

Code	Course	NQF Credits	NQF Level
CML5688W	Minor Dissertation	120	9
Total Credits.....		240	

Master's degree (LLM/MPhil) specialising in Constitutional and Administrative Law [LM003PBL01/LM002PBL01]

Programme Convener:

Professor P de Vos

The curriculum comprises two compulsory courses, two elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
PBL5623F	Governing under the Constitution: Law and Practice.....	30	9
PBL5658S	Administrative Justice and Open Government	30	9

Elective courses [two of the following to the value of 60 credits]

Code	Course	NQF Credits	NQF Level
PBL5619S	International Environmental Law	30	9
PBL5628F	International Rights of the Child	30	9
PBL5640F	Principles of Environmental Law	30	9
PBL5653F	Refugee Law and Human Rights	30	9
PBL5659S	Human Rights, Legal Pluralism, Religion and Culture (<i>not offered in 2024</i>)	30	9
PBL5661S	Litigating South African Bill of Rights	30	9
PBL5663S	Transparency Law & Governance: Global and Local Theory & Practice (<i>not offered in 2024</i>).....	30	9
PBL5848F	Law and Society in Africa (<i>not offered in 2024</i>).....	30	9

Research component

Code	Course	NQF Credits	NQF Level
PBL5602W	Minor Dissertation.....	120	9
	Total Credits	240	

**Master's degree (LLM/MPhil) specialising in Criminology, Law and Society
[LM003PBL11/LM002PBL11]**

Programme Convener:

Associate Professor K Moulton

The curriculum comprises two compulsory courses, two elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

Compulsory (core) course

Code	Course	NQF Credits	NQF Level
PBL5849F	Law in Action.....	30	9

Compulsory (core) courses [one of the following to the value of 30 credits]

Code	Course	NQF Credits	NQF Level
PBL5820F	Theories of Crime and Social Order	30	9
PBL5848F	Law and Society in Africa (<i>not offered in 2024</i>).....	30	9

Elective courses [two of the following to the value of 60 credits]

Code	Course	NQF Credits	NQF Level
PBL5644S	Sexual Offences and the Law	30	9
PBL5815S	Punishment and Human Rights	30	9
PBL5822S	Victims and Victimology	30	9
PBL5844S	Police and Policing: Explorations in Security Governance	30	9
PBL5847S	Forensics and the Law	30	9
PBL5851S	Criminal Process and Human Rights (<i>not offered in 2024</i>).....	30	9

Research component

Code	Course	NQF Credits	NQF Level
PBL5850W	Minor Dissertation.....	120	9
	Total Credits	240	

**Master's degree (LLM/MPhil) specialising in Dispute Resolution
[LM003CML11/LM002CML11]**

Programme Convener:

M Carels

The curriculum comprises three compulsory courses, one elective course and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
CML5631S	Mediation	30	9
CML5641S	Commercial Arbitration	30	9

110 POSTGRADUATE STUDY PROGRAMMES

Code	Course	NQF Credits	NQF Level
CML5671F	Negotiation	30	9

Elective course [to the value of 30 credits]

Code	Course	NQF Credits	NQF Level
	One Master's course (recommended course – PBL5618S International Law on Disputes and Use of Force).....	30	9

Research component

Code	Course	NQF Credits	NQF Level
CML5632W	Minor Dissertation	120	9
	Total Credits	240	

Master's degree (LLM/MPhil) specialising in Environmental Law [LM003PBL04/LM002PBL04]

Programme Convener:

Associate Professor M Murcott

The curriculum comprises one compulsory course, three elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

Compulsory (core) course

Code	Course	NQF Credits	NQF Level
PBL5640F	Principles of Environmental Law	30	9

Elective courses [three of the following to the value of 90 credits]

Code	Course	NQF Credits	NQF Level
PBL5619S	International Environmental Law	30	9
PBL5641F	Land Use Planning Law (<i>not offered in 2024</i>)	30	9
PBL5642S	Natural Resources Law	30	9
PBL5643F	Pollution Law	30	9

Research component

Code	Course	NQF Credits	NQF Level
PBL5654W	Minor Dissertation	120	9
	Total Credits	240	

Master's degree (LLM/MPhil) specialising in Human Rights Law [LM003PBL05/LM002PBL05]

Programme Convener:

S Lutchman

The curriculum comprises four elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

Elective courses [to the value of 120 credits]

[At least **three** courses from the following courses to the value of 90 credits]

Code	Course	NQF Credits	NQF Level
PBL5628F	International Rights of the Child	30	9
PBL5631F	International Protection of Human Rights	30	9

Code	Course	NQF Credits	NQF Level
PBL5651S	International Protection of Women’s Human Rights	30	9
PBL5653F	Refugee Law and Human Rights	30	9
PBL5659S	Human Rights, Legal Pluralism, Religion and Culture (<i>not offered in 2024</i>)	30	9
PBL5661S	Litigating South African Bill of Rights	30	9
PBL5815S	Punishment and Human Rights	30	9

[One of the following to the value of 30 credits]

Code	Course	NQF Credits	NQF Level
PBL5615F	International Law in Theory and Practice	30	9
PBL5618S	International Law on Disputes and Use of Force	30	9
PBL5623F	Governing under the Constitution: Law and Practice	30	9
PBL5644S	Sexual Offences and the Law	30	9
PBL5658S	Administrative Justice and Open Government.....	30	9
PBL5663S	Transparency Law & Governance: Global and Local Theory & Practice (<i>not offered in 2024</i>).....	30	9
PBL5844S	Police and Policing: Explorations in Security Governance	30	9
PBL5822S	Victims and Victimology	30	9
PBL5851S	Criminal Process and Human Rights (<i>not offered in 2024</i>).....	30	9

Research component

Code	Course	NQF Credits	NQF Level
PBL5626W	Minor Dissertation.....	120	9
	Total Credits	240	

Master's degree (LLM/MPhil) specialising in Intellectual Property Law [LM003CML13/LM002CML13]

Programme Convener:

Associate Professor L-A Tong

The curriculum comprises four elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

Elective courses [to the value of 120 credits]

Code	Course	NQF Credits	NQF Level
	Four courses, including at least three of the following courses (30 credits each):		
CML5657F	Electronic Intellectual Property Law (<i>not offered in 2024</i>).....	30	9
CML5678F	Principles of Intellectual Property Law	30	9
CML5680S	Advanced Intellectual Property Law	30	9
CML5691S	Intellectual Property Law, Development and Innovation.....	30	9

Research component

Code	Course	NQF Credits	NQF Level
CML5681W	Minor Dissertation	120	9
	Total Credits	240	

Master's degree (LLM/MPhil) specialising in International Law [LM003PBL06/LM002PBL06]

Programme Convener:

Associate Professor H Woolaver

The curriculum comprises four elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

Four of the following elective courses [to the value of 120 credits]

Code	Course	NQF Credits	NQF Level
CML5619F	Law of International Trade	30	9
CML5673S	International Commercial Transactions Law.....	30	9
PBL5602F	International Law of the Sea	30	9
PBL5615F	International Law in Theory and Practice.....	30	9
PBL5618S	International Law on Disputes and Use of Force	30	9
PBL5619S	International Environmental Law	30	9
PBL5628F	International Rights of the Child	30	9
PBL5631F	International Protection of Human Rights	30	9
PBL5651S	International Protection of Women's Human Rights	30	9

Research component

Code	Course	NQF Credits	NQF Level
PBL5627W	Minor Dissertation.....	120	9
	Total Credits	240	

Master of Laws (LLM) specialising in International Taxation [LM003CML14]

Programme Convener:

B Cronin

The curriculum comprises three compulsory courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
FTX5034F	International Tax I.....	60	9
FTX5033S	International Tax II.....	60	9
FTX4036S	Research Methods in Taxation	0	8

Research component

Code	Course	NQF Credits	NQF Level
CML5694W	Minor Dissertation	120	9
	Total Credits	240	

**Master's degree (LLM) specialising in International Trade Law
[LM003CML06]**

Programme Convener:
Dr K Lehmann

The curriculum comprises two compulsory courses, two elective courses and a compulsory minor dissertation of not more than 25 000 words on a topic related to International Trade Law and approved by the programme convener. The curriculum consists of 240 credits

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
CML5619F	Law of International Trade.....	30	9
CML5673S	International Commercial Transactions Law	30	9

Elective courses [two of the following to the value of 60 credits]

Code	Course	NQF Credits	NQF Level
CML5626S	Carriage of Goods by Sea.....	30	9
CML5641S	Commercial Arbitration	30	9
CML5654S	Competition Law.....	30	9
CML5664F	Law, Regional Integration and Development in Africa	30	9
CML5666F	Comparative Law and Business in Africa	30	9
CML5687S	Chinese Law and Investments in Africa	30	9
PBL5615F	International Law in Theory and Practice	30	9
PBL5619S	International Environmental Law.....	30	9

Research component

Code	Course	NQF Credits	NQF Level
CML5674W	Minor Dissertation	120	9
Total Credits.....		240	

**Master's degree (LLM/MPhil) specialising in Labour Law
[LM003CML07/LM002CML07]**

A candidate will only be allowed to register for the following courses if he or she has, in the opinion of Senate, attained a sufficient level of competence in the field of Labour Law. Courses in the Labour Law programmes at the Universities of Stellenbosch and Western Cape can be taken as the elective course in this programme, subject to the approval of the programme convener.

Programme Convener:
Prof R le Roux

The curriculum comprises three core courses, an elective course offered on the LLM in Commercial Law and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

Core courses [to the value of 90 credits]

Code	Course	NQF Credits	NQF Level
The following core courses (30 credits each):.....			
CML5613S	Collective Labour Law.....	30	9
CML5651F	Individual Employment Law.....	30	9
CML5676S	Workplace Discrimination and Equality Law	30	9

114 POSTGRADUATE STUDY PROGRAMMES

Elective course [to the value of 30 credits]

Code	Course	NQF Credits	NQF Level
	One Master's course.....	30	9

Research component

Code	Course	NQF Credits	NQF Level
CML5614W	Minor Dissertation	120	9
	Total Credits	240	

Master's degree (LLM/Phil) specialising in the Law of Mineral and Petroleum Extraction and Use

[LM003PVL11/LM002PVL11]

Programme Convener:

Professor H Mostert

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
PVL5630F	Comparative Mineral Law in Africa.....	30	9
PVL5631S	Negotiating Extractive Agreements and Mining Contracts	30	9
PVL5633S	Resource Revenue Law	30	9

Elective courses [one of the following to the value of 30 credits]

Code	Course	NQF Credits	NQF Level
PVL5625S	Property Law in a Constitutional Order.....	30	9
PVL5632F	Oil and Gas Law in South Africa	30	9
PVL5636F	Extractives Law and the Energy Transition	30	9
PBL5642S	Natural Resources Law.....	30	9
	Any approved law elective	30	9

Research component

Code	Course	NQF Credits	NQF Level
PVL5634W	Minor Dissertation.....	120	9
	Total Credits	240	9

Master's degree (LLM/MPhil) specialising in Marine and Environmental Law

[LM003PBL07/LM002PBL07]

Programme Convener:

Associate Professor M Murcott

The curriculum comprises two compulsory courses, two elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
PBL5602F	International Law of the Sea	30	9
PBL5619S	International Environmental Law	30	9

Elective courses [two of the following to the value of 60 credits]

Code	Course	NQF Credits	NQF Level
PBL5640F	Principles of Environmental Law	30	9

Code	Course	NQF Credits	NQF Level
PBL5641F	Land Use Planning Law (<i>not offered in 2024</i>)	30	9
PBL5642S	Natural Resources Law	30	9
PBL5643F	Pollution Law	30	9

Research component

Code	Course	NQF Credits	NQF Level
PBL5624W	Minor Dissertation.....	120	9
	Total Credits	240	

**Master's degree (LLM/MPhil) specialising in Public Law
[LM003PBL09/LM002PBL09]**

Programme Convener:

Associate Professor C Powell

The curriculum comprises four elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

Elective courses [four courses from the following programmes to the value of 120 credits]

Code	Course	NQF Credits	NQF Level
	Constitutional and Administrative Law.....	30	9
	Criminology, Law and Society.....	30	9
	Environmental Law	30	9
	Human Rights Law.....	30	9
	International Law	30	9
	Marine and Environmental Law	30	9

Research component

Code	Course	NQF Credits	NQF Level
PBL5601W	Minor Dissertation.....	120	9
	Total Credits	240	

**Master's degree (LLM/MPhil) specialising in Shipping Law
[LM003CML09/LM002CML09]**

Courses in both the private and public law aspects of Marine and Maritime Law are offered jointly by the Departments of Commercial Law (Shipping Law Unit) and Public Law (Institute of Marine and Environmental Law). (Refer to the Rules for LLM and MPhil Degrees.)

Programme Convener:

Associate Professor G Bradfield

The curriculum comprises three compulsory courses; one of the two designated elective courses, and a compulsory minor dissertation of not more than 25 000 words on a topic related to shipping law and approved by the programme convener. The curriculum consists of 240 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
CML5625F	Maritime Law	30	9
CML5626S	Carriage of Goods by Sea.....	30	9
CML5693S	Marine Insurance Law	30	9

116 POSTGRADUATE STUDY PROGRAMMES

Elective course [one of the following to the value of 30 credits]

Code	Course	NQF Credits	NQF Level
CML5624F	Admiralty Jurisdiction and Practice.....	30	9
PBL5602F	International Law of the Sea.....	30	9

Research component

Code	Course	NQF Credits	NQF Level
CML5616W	Minor Dissertation	120	9
	Total Credits	240	

Master's degree (LLM/MPhil) specialising in Tax Law [LM003CML10/LM002CML10]

Programme Convener:

Associate Professor A Titus

This is a two-year programme.

The curriculum comprises four compulsory courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
CML5661F	General Tax Law Provisions	30	9
CML5661S	Specific Tax Law Provisions.....	30	9
CML5663F	Tax Treaty Law	30	9
CML5665S	Tax Policy in a Development Context.....	30	9

Research component

Code	Course	NQF Credits	NQF Level
CML5611W	Minor Dissertation	120	9
	Total Credits	240	

COURSE OUTLINES (POSTGRADUATE)

CML4613S COLLECTIVE LABOUR LAW

(Not offered in 2024) Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: TBA

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

The course covers the current law of collective bargaining and industrial action (strikes and lockouts) in South Africa. It further aims to give students an understanding of the historical development of collective bargaining, so as to enable them to understand the policies underlying the regulation of collective bargaining in South Africa. In addition, students will be introduced to contemporary debates on the role and significance of collective bargaining and industrial action. Students can expect to leave the course with a working knowledge of applicable statutory provisions, case law, key policy issues, and current debates on the regulation and premises of collective bargaining and industrial action in South Africa.

DP requirements: Attendance at seminars and completion of written assignments.

Assessment: Coursework - 50% (comprising two assignments (3000-3500 words each) each counting 25%) November Examination - 50%.

CML4624F ADMIRALTY JURISDICTION AND PRACTICE

Higher postgraduate course, first semester.

30 NQF credits at NQF level 8

Convener: Associate Professor G Bradfield

Course entry requirements: See Rules for Postgraduate Diplomas.

Course outline:

The course traces the history of Admiralty jurisdiction from its origins in English law to the enactment of the Admiralty Jurisdiction Regulation Act, 1983. The course covers current Admiralty practice in South Africa, including the courts' Admiralty jurisdiction and their powers to decline to exercise that jurisdiction and of joinder; maritime claims and their enforcement; actions and arrests in rem; actions in personam and attachments; associated ship arrests; security arrests; security for claims and costs; evidence, inspection and examination procedures; judicial sales and ranking of claims against funds in court. The course also deals with the International Ship Arrest Conventions and Admiralty jurisdiction in comparative jurisdictions.

DP requirements: None

Assessment: Coursework 25%, Examination 75%

CML4625F MARITIME LAW

Higher postgraduate course, first semester.

30 NQF credits at NQF level 8

Convener: Associate Professor G Bradfield

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

The course covers the law regulating ships and shipping activities, and that relating to civil legal claims arising out of shipping activities. The course focuses on South African law but has significant international and comparative components. It covers South African Merchant Shipping and related legislation regulating ships and shipping activities; registration and ownership of ships and South Africa's role as Flag-, Coastal-, and Port-State in ensuring the safety of ships and shipping activities; the SOLAS Convention and ISM Code; the acquisition and transfer of ownership of ships; the financing of ships and shipping operations; safety of navigation; collisions; limitation of liability; marine pollution control and compensation; wreck; master and crew; salvage; towage, and pilotage.

DP requirements: None

Assessment: Coursework 25%, Examination 75%

CML4626S CARRIAGE OF GOODS BY SEA

Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: Associate Professor G Bradfield

Course entry requirements: See Rules for Postgraduate Diplomas

Course outline:

The course covers: international carriage of goods by sea; shipping and international trade; carriage documents and their interaction with international sales and payment arrangements; international attempts at standardisation in carriage; electronic commerce in shipping; general principles of carriage of goods by sea, including: applicable law; international carriage regimes, the Hague, Hague-Visby, Hamburg and Rotterdam Rules; the South African Carriage of Goods by Sea Act and the Sea Transport Documents Act; limitation of liability for cargo claims; bills of lading; charterparties, and cargo claims handling. Although the course focuses on South African law, comparisons are made with the laws of other jurisdictions.

DP requirements: None

Assessment: Coursework 25%, Examination 75%

CML4631S MEDIATION

Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: M Carels

Course entry requirements: See Rules for LLM and MPhil Degrees. Priority will be given to students in the LLM/MPhil specialising in Dispute Resolution for whom this is a core course.

Course outline:

The aim of the course is to develop academic and professional proficiency in conflict resolution, negotiation, and mediation. The course is principally targeted at persons who hope to become mediators (and wish to further develop their academic and professional skills) or those who wish to gain proficiency in this area. The course covers the following aspects: a brief overview of conflict, a look at mediation which consists of defining mediation, the mediation process, the roles and functions of a mediator and the skills and techniques of a mediator, various mediation styles, the psychology in mediation, mediating different types of disputes (family mediation, labour mediation, commercial mediation) and court-annexed mediation, impasse and breaking deadlock. The course also covers various codes of conducts for mediators and settlement agreements. The course will involve simulated mediations and students are expected to participate in these simulations.

Lecture times: 3 hours per week.

DP requirements: Satisfactory attendance of lectures, presentations, practicals, and completion of written assignments.

Assessment: Coursework: 50%, Examination: 50%.

CML4641S COMMERCIAL ARBITRATION

Higher postgraduate course, second semester. Three hours of lectures or tutorials per week, with a two-week full-time block teaching period.

30 NQF credits at NQF level 8

Convener: F Adams

Course entry requirements: See Rules for LLM and MPhil Degrees. Priority will be given to students in the LLM in Dispute Resolution for whom this is a core course.

Course outline:

The Commercial Arbitration course provides an overview of the historical development, national legislation and regulations, international arbitration rules and treaty law that create the framework for international arbitration and investor-state dispute settlement, as well as insights into the practice

of international arbitration. During the course, students are challenged to understand relevant elements of national arbitration law, private international law and public international law.

DP requirements: Satisfactory attendance at lectures and tutorials, completion of written assignments.

Assessment: Coursework (40%), November examination (60%).

CML4651F INDIVIDUAL EMPLOYMENT LAW

(Not offered in 2024) Higher postgraduate course, first semester.

30 NQF credits at NQF level 8

Convener: Professor R le Roux

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

This course is designed to give, among others, legal practitioners, human resource and industrial relations practitioners, trade unionists and para-legals a working knowledge of individual labour law. The course seeks to examine and analyse legal rules and institutions in context, emphasising the practical application of labour law. The course will focus on the following major areas: Definition and scope of labour law; Individual labour relations; Dismissal; Basic Conditions of Employment; Skills development; Dispute resolution.

DP requirements: Satisfactory attendance, presentation and successful completion of written assignments. Students may be required to attend a weekend workshop.

Assessment: Two compulsory written assignments counting 15% each and examination counting 70%.

CML4661S SPECIFIC TAX LAW PROVISIONS

(Not offered in 2024) Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: Professor J Hattingh

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

This course builds on the first semester course 'General Tax Law Provisions' as a further introductory course for postgraduate studies on the subject of tax law. The objective of this semester course is to nurture tax lawyers and to provide non-lawyers with an insight into tax law and the rights of taxpayers in regard to liability for taxation. The focus of the course is on legislation as the primary source of tax law, specifically those aspects of South African income tax legislation that are likely to remain fundamental to the South African system of imposing income tax, as pronounced upon by the courts. The outline of the course is as follows. Because the focus is on legislation and non-lawyers may participate, the course will be introduced by a recapitulation of the legal framework for statutory construction. Throughout the course, the emphasis will be on development of the competencies required to use revenue legislation in a responsible manner. A selection of features of the South African Income Tax Act, 58 of 1962, will be considered. The relevant provisions are categorised into those dealing with the main tenants of the taxation of individuals, companies and other vehicles such as trusts and partnerships. Selected issues affecting the taxation of corporate income will be considered. In addition, the legislation imposing tax on capital gains will be dealt with, in overview. The course is concluded by a consideration of the various common law and statutory measures that address tax evasion and tax avoidance, including consideration of legitimate tax planning techniques.

DP requirements: None

Assessment: Coursework 20% (optional), Examination 80% or 100%.

CML4662F TAX TREATY LAW

(Not offered in 2024) Higher postgraduate course, first semester.

30 NQF credits at NQF level 8

Convener: Professor J Hattingh

120 COURSE OUTLINES (POSTGRADUATE)

Course entry requirements: See Rules for Postgraduate Diplomas.

Course outline:

This course aims to provide students with an understanding of international tax law, with particular emphasis of international tax law in the African context. The course will cover, inter alia, trading into and out of South Africa, methods of relieving international double taxation, the interpretation and application of double taxation conventions, the Organisation for Economic Co-operation and Development's (OECD) Model Tax Convention on Income and on Capital, the United National Model Tax Convention on Income and on Capital, the allocation of taxing liability of various forms of income, international tax avoidance including transfer pricing and thin capitalisation and exchange control.

DP requirements: Further assessments may be scheduled at the discretion of the course convener.

Assessment: Coursework 50%, Examination 50%

CML4662S TAX POLICY IN A DEVELOPMENTAL CONTEXT

(Not offered in 2024) Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: Associate Professor A Titus

Course entry requirements: See Rules for Postgraduate Diplomas.

Course outline:

The objective is to provide students with the opportunity to apply their knowledge of tax policy to practical examples of real-world instances of choices made in tax laws. The aim is to produce graduates who are able to evaluate existing tax policies; provide a likely rationale for why tax laws are the way they are; and propose changes to laws so that they more fit for purpose. Tax law as an area of both practice and academic study is characterised by regular, frequent and often significant change. This chosen teaching method accordingly recognises that deep learning of tax policy theory would be facilitated by a practical application of such theory to real-world instances where tax policy choices are made by governments.

DP requirements: None

Assessment: Examination 100%.

CML4671F NEGOTIATION

Higher postgraduate course, first semester.

30 NQF credits at NQF level 8

Convener: M Carels

Course entry requirements: See Rules for LLM and MPhil Degrees has context menu. Priority will be given to students in the LLM in Dispute Resolution for whom this is a core course.

Course outline:

Negotiation is a fundamental method of resolving disputes in many areas of the law, including, labour law and commercial law. The course focuses on the following topics: an introduction to negotiation, various bargaining styles, the negotiation process, principled negotiation and other types of negotiation, negotiation skills and techniques, overcoming impasse and breaking deadlocks, collective bargaining, lawyers as negotiators, the impact of culture on negotiation, online negotiation and ethics in negotiation. The course will involve simulated negotiations and students are expected to participate in these simulations.

Lecture times: Three hours of lectures or tutorials per week.

DP requirements: None

Assessment: Coursework: 50%, Examination 50%.

CML4673S INTERNATIONAL COMMERCIAL TRANSACTIONS LAW

(Not offered in 2024) Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: TBA

Course outline:

The course covers the contractual aspects of international commercial transactions and the adjudication of disputes relating to these transactions by courts. It covers courts' jurisdiction to adjudicate disputes relating to international contracts; the law applicable to an international contract and the consequences of a choice of applicable law; harmonisation of private law and the modern *Lex Mercatoria*; the United Nations Convention on Contracts for the International Sale of Goods (CISG); Incoterms; carriage and insurance documents and their roles and functions in international sale transactions, and international payments and guarantees, including the Uniform Rules for Collections (URC 522), Uniform Customs and Practices (UCP 600), and Uniform Rules on Demand Guarantees (URDG 758).

DP requirements: None

Assessment: Coursework 25%, Examination 75%

CML4676S WORKPLACE DISCRIMINATION AND EQUALITY LAW

(Not offered in 2024) Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: TBA

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

The course aims to examine the constitutionally embedded concept of substantive equality in the context of the South African labour market and workplace. The regulation of employment discrimination and affirmative action, which pivots around the provisions of the Employment Equity Act of 1998, will be explored through the lens of South African case law, alongside an examination of selected theoretical and sociological perspectives, and comparative developments, on equality and discrimination. The course will provide students with the necessary skills to deal with discrimination problems that may arise in the workplace, including harassment and discrimination on the basis of race, sex and gender.

DP requirements: None

Assessment: Coursework 50%, Examination 50%

CML4693S MARINE INSURANCE LAW

Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: Associate Professor G Bradfield

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

The course covers the law of marine insurance in South Africa, and has significant international and comparative elements. It covers the history of marine insurance law as the basis for modern premium insurance law, from its origins in the marine insurance practices of the medieval Italian city states, and reception in Europe and England, and deals with harmonisation of insurance law principles. It covers general principles of contract and insurance law that apply to marine insurance contracts, including insurable interest and indemnity, pre-contractual duties relating to misrepresentations and disclosure, insurance warranties, risks covered and exceptions, causation, subrogation and abandonment, and claims procedures. It covers the various forms of marine insurance, including Hull and Machinery, Protection and Indemnity, Marine Cargo and specific risk clauses such as War and Risks, and Freight, Defence and Demurrage, and standard form contracts and clauses in common use. It covers local and Lloyd's insurance markets and practices. The course also deals with general average, the general principles and the York-Antwerp Rules.

DP requirements: None

Assessment: Coursework 25%, Examination 75%

122 COURSE OUTLINES (POSTGRADUATE)

CML5000X COMMERCIAL LAW - RESEARCH TASK

Higher postgraduate course

15 NQF credits at NQF level 9

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5600W MASTERS IN COMMERCIAL LAW

Higher postgraduate course, whole year.

240 NQF credits at NQF level 9

Convener: A supervisor appointed by Senate

Course entry requirements: Acceptance for a Master's programme in Law.

Course outline:

Under the guidance of a supervisor appointed by Senate, a candidate must undertake research at an advanced level on a subject of legal interest approved by Senate, for the purpose of writing a dissertation. Dissertations, not exceeding 40 000 words in length, must constitute a contribution to knowledge and should demonstrate a mastery of the methods of research.

DP requirements: None

Assessment: 100% written work

CML5601S ADVANCED COMPANY LAW

Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: Dr H Stoop

Course entry requirements: Competent academic and/or practical knowledge of the general principles of South African company law.

Course outline:

This course will be presented through a series of lectures. The areas to be addressed will be: Share capital; repurchases; shares and debentures; alteration of shareholders' rights and schemes of arrangement; raising share capital; membership; transfer and dealing; uncertified shares; insider trading; takeovers; dividends; financial markets and their regulation and derivatives.

DP requirements: Satisfactory attendance at and participation in lectures.

Assessment: Coursework 40%, Examination 60%

CML5601X ADVANCED COMPANY LAW - RESEARCH TASK

Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Convener: Dr H Stoop

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise

DP requirements: None

Assessment: A research task of a professional nature

CML5606W MASTERS IN COMMERCIAL LAW DISSERTATION PART

Higher postgraduate course, whole year.

120 NQF credits at NQF level 9

Convener: Dr T Thabane

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

DP requirements: None

Assessment: 100% written work

CML5611W MASTERS IN TAX LAW DISSERTATION PART

Higher postgraduate course, whole year.

120 NQF credits at NQF level 9

Convener: Associate Professor A Titus

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

DP requirements: None

Assessment: 100% written work

CML5613S COLLECTIVE LABOUR LAW

Higher postgraduate course, second semester, one seminar per week.

30 NQF credits at NQF level 9

Convener: Dr C de Villiers

Course entry requirements: See Rules for LLM and MPhil Degrees. Candidates must have a sufficient level of competence in the field of labour law.

Course outline:

The course covers the current law of collective bargaining and industrial action (strikes and lock-outs) in South Africa. It further aims to give students an understanding of the historical development of collective bargaining, so as to enable them to understand the policies underlying the regulation of collective bargaining in South Africa. In addition, students will be introduced to contemporary debates on the role and significance of collective bargaining and industrial action.

Students can expect to leave the course with a working knowledge of applicable statutory provisions, case law, key policy issues, and current debates on the regulation and premises of collective bargaining and industrial action in South Africa.

DP requirements: Satisfactory attendance at seminars and completion of written assignments.

Assessment: Coursework 50% (comprising two assignments (3000-3500 words each) each counting 25%, Examination 50%

CML5613X COLLECTIVE LABOUR LAW - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Dr C de Villiers

Course entry requirements: See Rules for LLM Professional Masters.

124 COURSE OUTLINES (POSTGRADUATE)

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5614W MASTERS IN LABOUR LAW DISSERTATION PART

Higher postgraduate course, whole year.

120 NQF credits at NQF level 9

Convener: Prof R Le Roux

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

DP requirements: None

Assessment: 100% written work

CML5616W MASTERS IN SHIPPING LAW DISSERTATION PART

Higher postgraduate course, whole year.

120 NQF credits at NQF level 9

Convener: Associate Professor G Bradfield

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

DP requirements: None

Assessment: 100% written work

CML5619F LAW OF INTERNATIONAL TRADE

Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: Dr K Lehmann

Course entry requirements: An LLB from UCT or the equivalent legal qualification from a recognised university.

Course outline:

Law of International Trade examines the public law aspects of international trade, the international regulatory framework within which private traders operate, concentrating on the law and practice of the World Trade Organisation (WTO). We will consider the purpose of trade, why it is that the WTO is considered the most successful of international organisations, and why it is that the WTO continues to attract controversy and criticism. In answering these questions, we will consider select WTO agreements to provide insights into both what the law says and how the law impacts on states

and private actors within those states. The purpose of the course is to provide students with some 'technical' understanding of the WTO as an institution, and to provide students with the tools to critically evaluate whether the WTO is meeting its worthy objectives as set in the Agreement establishing the WTO, including raising living standards, ensuring full employment, optimising the use of the world's resources in accordance with the principle of sustainable development, and ensuring that developing countries, especially LDCs, secure a share in the growth of international trade commensurate with their economic needs. This is not an economics course, and we cannot assess the economic case for free trade. Instead, as lawyers, we will examine the law and jurisprudence of the WTO, to assess to what extent the laws themselves allow for free and fair trade.

DP requirements: None

Assessment: Coursework 30%, Examination 70%

CML5619X LAW OF INTERNATIONAL TRADE - RESEARCH TASK

Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Convener: Dr K Lehmann

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5624F ADMIRALTY JURISDICTION AND PRACTICE

Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: Associate Professor G Bradfield

Course entry requirements: Students wishing to register for this course are required to have an LLB or equivalent degree.

Course outline:

The course traces the history of Admiralty jurisdiction from its origins in English law to the enactment of the Admiralty Jurisdiction Regulation Act, 1983.

The course covers current Admiralty practice in South Africa, including the courts' Admiralty jurisdiction and their powers to decline to exercise that jurisdiction and of joinder; maritime claims and their enforcement; actions and arrests *in rem*; actions *in personam* and attachments; associated ship arrests; security arrests; security for claims and costs; evidence, inspection and examination procedures; judicial sales and ranking of claims against funds in court.

The course also deals with the International Ship Arrest Conventions and Admiralty jurisdiction in comparative jurisdictions.

DP requirements: None

Assessment: Coursework 25%, Examination 75%

CML5624X ADMIRALTY JURISDICTION & PRACTICE - RESEARCH TASK

Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Convener: Associate Professor G Bradfield

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5625F MARITIME LAW

Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: Associate Professor G Bradfield

Course entry requirements: See Rules for LLM and MPhil degrees.

Course outline:

The course covers the law regulating ships and shipping activities, and that relating to civil legal claims arising out of shipping activities. The course focuses on South African law but has significant international and comparative components. It covers South African Merchant Shipping and related legislation regulating ships and shipping activities; registration and ownership of ships and South Africa's role as Flag-, Coastal-, and Port-State in ensuring the safety of ships and shipping activities; the SOLAS Convention and ISM Code; the acquisition and transfer of ownership of ships; the financing of ships and shipping operations; safety of navigation; collisions; limitation of liability; marine pollution control and compensation; wreck; master and crew; salvage; towage, and pilotage

DP requirements: None

Assessment: Coursework 25%, Examination 75%

CML5625X MARITIME LAW - RESEARCH TASK

Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Convener: Associate Professor G Bradfield

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5626S CARRIAGE OF GOODS BY SEA

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Associate Professor G Bradfield

Course entry requirements: See Rules for LLM and MPhil degrees.

Course outline:

The course covers: international carriage of goods by sea; shipping and international trade; carriage documents and their interaction with international sales and payment arrangements; international attempts at standardisation in carriage; electronic commerce in shipping; general principles of carriage of goods by sea, including: applicable law; international carriage regimes, the Hague, Hague-Visby, Hamburg and Rotterdam Rules; the South African Carriage of Goods by Sea Act and the Sea Transport Documents Act; limitation of liability for cargo claims; bills of lading; charterparties, and cargo claims handling. Although the course focuses on South African law, comparisons are made with the laws of other jurisdictions.

DP requirements: None

Assessment: Coursework 25%, Examination 75%

CML5626X CARRIAGE OF GOODS BY SEA - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Associate Professor G Bradfield

Course entry requirements: See Rules for LLM Professional Masters

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5631S MEDIATION

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: M Carels

Course entry requirements: See Rules for LLM and MPhil Degrees. Priority will be given to students in the LLM in Dispute Resolution for whom this is a core course.

Course outline:

The aim of the course is to develop academic and professional proficiency in conflict resolution, negotiation, and mediation. The course is principally targeted at persons who hope to become mediators (and wish to further develop their academic and professional skills) or those who wish to gain proficiency in this area. The course covers the following aspects: a brief overview of conflict, a look at mediation which consists of defining mediation; the mediation process; the roles and functions of a mediator and the skills and techniques of a mediator, various mediation styles, the psychology in mediation, mediating different types of disputes (family mediation, labour mediation, commercial mediation) and court-annexed mediation, impasse and breaking deadlock. The course also covers various codes of conduct for mediators and settlement agreements. The course will involve simulated mediations and students are expected to participate in these simulations.

DP requirements: Satisfactory attendance of lectures, presentations and practicals, and completion of written assignments.

Assessment: Coursework: 50%, Examination: 50%.

CML5631X MEDIATION - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: M Carels

Course entry requirements: See Rules for LLM Professional Masters

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5632W MASTERS IN DISPUTE RESOLUTION DISSERTATION PART

Higher postgraduate course, whole year.

120 NQF credits at NQF level 9

Convener: M Carels

Course outline:

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

DP requirements: None

Assessment: 100% written work

128 COURSE OUTLINES (POSTGRADUATE)

CML5641S COMMERCIAL ARBITRATION

Higher postgraduate course, second semester. Two-week full-time block teaching periods in July and October

30 NQF credits at NQF level 9

Convener: TBA

Course entry requirements: See Rules for LLM and MPhil Degrees. Priority will be given to students in the LLM in Dispute Resolution for whom this is a core course.

Course outline:

The Commercial Arbitration course provides an overview of the historical development, national legislation and regulations, international arbitration rules and treaty law that create the framework for international arbitration and investor-state dispute settlement, as well as insights into the practice of international arbitration. During the course, students are challenged to understand relevant elements of national arbitration law, private international law and public international law.

DP requirements: Satisfactory attendance at lectures and tutorials, completion of written assignments.

Assessment: Coursework 40%, November examination 60%

CML5641X COMMERCIAL ARBITRATION - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: TBA

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5651F INDIVIDUAL EMPLOYMENT LAW

Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: Professor R le Roux

Course entry requirements: See Rules for LLM and MPhil Degrees. Non-law graduates and students admitted on the basis of Rule FG3 (6) will be required to attend a two-day seminar prior to the commencement of the course. Dates will be provided during registration.

Course outline:

This course is designed to give, among others, legal practitioners, human resource and industrial relations practitioners, trade unionists and para-legals a working knowledge of individual labour law. The course seeks to examine and analyse legal rules and institutions in context, emphasising the practical application of labour law. The course will focus on the following major areas: Definition and scope of labour law; Individual labour relations; Dismissal; Basic Conditions of Employment; Skills development; Dispute resolution.

DP requirements: Satisfactory attendance, presentation and successful completion of written assignments. Students may be required to attend a weekend workshop.

Assessment: Two compulsory assignments counting 15% each and examination counting 70%.

CML5651X INDIVIDUAL EMPLOYMENT LAW - RESEARCH TASK

Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Convener: Professor R le Roux

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

CML5654S COMPETITION LAW

Higher postgraduate course, second semester, two double lectures per week.

30 NQF credits at NQF level 9

Convener: Dr H Stoop and Judge D M Davis

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

The course will focus on and will aim to develop an understanding of the law and principles of competition policy in countries and regions across the globe, including, specifically, South Africa, the United States and the European Union.

The course aims to develop an understanding of and critical discourse on, inter alia, the following: the role of markets and competition law in relation to the poor; the relationship between aggregate efficiency, economic opportunity for those without power, industrial policy and equity for the poor or powerless; the relationship between the common good and the national good; and the tension between a country's right to regulate in the national interest and its obligation not to cause external harm.

DP requirements: Satisfactory attendance at lectures and presentation of seminars, and completion of projects.

Assessment: Assessment is continuous. Students submit a mid-term seminar paper on a relevant topic and present a seminar in relation to the topic of the paper 50%, Written examination 50%

CML5654X COMPETITION LAW - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Dr H Stoop and Judge D M Davis

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5657F ELECTRONIC INTELLECTUAL PROPERTY LAW

(Not on offer in 2024) Higher postgraduate course, first semester. Fifty contact hours, two double lectures per week or two intense weeks of teaching.

30 NQF credits at NQF level 9

Convener: Professor C Neube

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

The course aims to provide an in-depth overview of relevant laws that govern intellectual property that is delivered and used electronically. Relevant international, regional and domestic sources of the law; copyright (digital rights management, enforcement, file sharing, limitations and exceptions, user generated content); database protection; trade marks and domain names and patents (protection of computer programs and business methods).

DP requirements: None

Assessment: Coursework 40% Examination 60%

130 COURSE OUTLINES (POSTGRADUATE)

CML5657X ELECTRONIC INTELLECTUAL PROPERTY LAW - RESEARCH TASK

(Not on offer in 2024) Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Convener: Professor C Ncube

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5658S ELECTRONIC TRANSACTIONS LAW

(Not on offer in 2024) Higher postgraduate course, second semester. Fifty contact hours, two double lectures per week or two intense weeks of teaching.

30 NQF credits at NQF level 9

Convener: Professor C Ncube

Course entry requirements: See Rules for LLM and MPhil Degrees.

Objective: The course aims to provide an in-depth overview of relevant laws that regulate electronic transactions.

Course outline:

1. Relevant international, regional and domestic sources of the law regulating electronic transactions
2. Electronic transacting and the doctrine of functional equivalence
3. Electronic contracts and payment methods
4. Consumer protection
5. Privacy
6. Electronic crime
7. Standards
8. ISPs and their liability
9. Online dispute resolution
10. Taxing electronic commerce

DP requirements: None

Assessment: Coursework 40% Examination 60%

CML5658X ELECTRONIC TRANSACTIONS LAW - RESEARCH TASK

(Not on offer in 2024) Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Professor C Ncube

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5661S SPECIFIC TAX LAW PROVISIONS

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Associate Professor B Cronin

Course entry requirements: See Rules for LLM and MPhil degrees. A student is not permitted to register for this course unless he or she has either completed General Tax Law Provisions (CML5661F) or, in the opinion of the course convener(s), otherwise has sufficiently sound academic

background in tax law, such as a postgraduate qualification in tax law and/or sufficient appropriate experience in the field of taxation

Course outline:

This course builds on the first semester course 'General Tax Law Provisions as a further introductory course for postgraduate studies on the subject of tax law. The objective of this semester course is to nurture tax lawyers and to provide non-lawyers with an insight into tax law and the rights of taxpayers in regard to liability for taxation. The focus of the course is on legislation as the primary source of tax law, specifically those aspects of South African income tax legislation that are likely to remain fundamental to the South African system of imposing income tax, as pronounced upon by the courts. The outline of the course is as follows. Because the focus is on legislation and non-lawyers may participate, the course will be introduced by a recapitulation of the legal framework for statutory construction. Throughout the course, the emphasis will be on development of the competencies required to use revenue legislation in a responsible manner. A selection of features of the South African Income Tax Act, 58 of 1962, will be considered. The relevant provisions are categorised into those dealing with the main tenants of the taxation of individuals, companies and other vehicles such as trusts and partnerships. Selected issues affecting the taxation of corporate income will be considered. In addition, the legislation imposing tax on capital gains will be dealt with, in overview. The course is concluded by a consideration of the various common law and statutory measures that address tax evasion and tax avoidance, including consideration of legitimate tax planning techniques.

DP requirements: None

Assessment: Coursework (optional); Examination 100%.

CML5661X SPECIFIC TAX LAW PROVISIONS - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Associate Professor A Titus

Course entry requirements: See Rules for LLM Professional Masters

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: Optional test/coursework (15%) and the final exam (85% or 100%).

CML5669F TAX TREATY LAW

Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: Associate Professor B Cronin

Course entry requirements: See Rules for LLM and MPhil degrees.

Course outline:

The course deals with international tax law. The course will cover, inter alia, trading into and out of South Africa, methods of relieving international double taxation, the interpretation and application of double taxation conventions, the Organisation for Economic Co-operation and Development's (OECD) Model Tax Convention on Income and on Capital, the United National Model Tax Convention on Income and on Capital, the allocation of taxing liability of various forms of income, international tax avoidance including transfer pricing and this capitalisation and exchange control.

DP requirements: None

Assessment: Coursework 50%, Examination 50%.

CML5661F GENERAL TAX LAW PROVISIONS

Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: Associate Professor A Titus

132 COURSE OUTLINES (POSTGRADUATE)

Course outline:

The objective of this semester course is to nurture tax lawyers and to provide non-lawyers with an insight into tax law and the rights of taxpayers in regard to liability for taxation. The focus of the course is on the general framework for imposing income tax in South Africa, as pronounced upon by the courts. The outline of the course comprises a selection of fundamental features of the South African income tax, mainly through critical evaluation of case law. Key jurisdictional concepts comprising the source and residence basis of income taxation will be considered in detail. The course will analyse the statutory and jurisprudential frameworks for the determination of taxable income, including the notion of income, the distinction between capital and revenue receipts and the deductibility of expenditure and losses. Tax law impacts the life of every citizen and is often political. At the end of this course students are expected to be able to start to identify the broader relevance and impact of tax law. This course provides a basic entry point for further postgraduate study of tax law.

DP requirements: Further tests may be scheduled at the discretion of the convener. Satisfactory attendance at lectures.

Assessment: Optional test/coursework (15%) and the final exam (85% or 100%).

CML5664F LAW, REGIONAL INTEGRATION AND DEVELOPMENT IN AFRICA

Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: Professor A Ordor

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

This course provides a forum for students to study the ways in which the law has been utilised to shape and direct regional integration processes in Africa. The course starts with a discussion of theories of regional integration, followed by an overview of the historical trajectory of integration on the continent, with a focus on development integration. Its comparative dimension is directed at identifying and analysing strengths, weaknesses and challenges reflected in various regional efforts at integration on the continent, including the African Union (AU), Southern African Development Community (SADC), East African Community (EAC), Economic Community of West African States (ECOWAS), and the African Continental Free Trade Area (AfCFTA). Current regional integration issues worldwide constitute a vital context for class discussions. The course is delivered through a series of weekly seminars, with occasional guest lectures. Students' participation is essential and various avenues created for this purpose include group discussions, literature review panels, student presentations and simulation of a negotiation session.

DP requirements: None

Assessment: Coursework 50%, Examination 50%

CML5664X LAW, REGIONAL INTEGRATION AND DEVELOPMENT IN AFRICA - RESEARCH TASK

Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Convener: Professor A Ordor

Course entry requirements: See Rules for LLM Professional Masters

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5665S TAX POLICY IN A DEVELOPMENTAL CONTEXT

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Associate Professor A Titus

Course entry requirements: See Rules for LLM and MPhil degrees.

Course outline:

This course is designed to provide students with a basic understanding of the factors that influence the choice of tax laws. This course is focused on gaining a better understanding of the tax policy decision-making process that is peculiar to developing world, and the factors that influence developing nations as they determine their tax policies. In doing so, students will consider what the tax laws are now and what they should be. Tax policies cannot be created in isolation from the rest of the world. The course therefore also considers the international tax aspects that influence the design of a tax system in general, and tax policies in particular. This course is intended for anyone interested in the design of tax systems in the modern world. It could also be taken as a 'general interest' course and would be useful to anyone aspiring to work in public policy or government.

DP requirements: None

Assessment: 100% coursework

CML5665X TAX POLICY - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Associate Professor A Titus

Course outline:

The objective is to provide students with the opportunity to apply their tax knowledge to practical problem-type assignments, and in so doing, deepening their understanding of the factors which influence the choice of tax laws. The research task is designed to engage students by bringing theoretical discussions of tax policy into the real world. Specifically, the research task is intended to expose students to the political and legal aspects of taxation, to introduce research skills, and to provide opportunities for students to develop professional and technical communication skills.

DP requirements: None

Assessment: A research task of a professional nature.

CML5666F COMPARATIVE LAW AND BUSINESS IN AFRICA

Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: Professor A Ordor

Course entry requirements: See Rules for LLM and MPhil degrees.

Course outline:

The aim of the course is to provide a platform for learning the plural and multiple legal frameworks for the conduct of business in different parts of the African continent - within and between countries and regions. These legal frameworks are shaped by various legal traditions such as common law, civil law, international law, but also religious and customary principles. At the regional level, the course examines the combination of regional instruments that regulate trade in and between Africa's regional economic communities, including the Southern African Development Community (SADC), the East African Community (EAC), the Economic Community of West African States (ECOWAS) and others. These discussions also consider parallel normative systems that support informal commerce, including informal cross-border trade. This is an important consideration for the development of the African Continental Free Trade Area (AfCFTA). Students should emerge from this course with a spectrum of competencies that reflect a firm grasp of the legal instruments that regulate intra-African trade, skill in analysing the combination of sources of business law that apply both at regional and country level and an increased understanding of the role of law in advancing economic integration on the continent.

DP requirements: None

134 COURSE OUTLINES (POSTGRADUATE)

Assessment: Coursework 50%, Examination 50%

CML5666X COMPARATIVE LAW AND BUSINESS IN AFRICA - RESEARCH TASK

Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Convener: Professor A Ordor

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

Lecture times: See Rules for LLM Professional Masters.

DP requirements: None

Assessment: A research task of a professional nature

CML5667S CORPORATE LAW AND GOVERNANCE

(Not on offer in 2024) Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Professor J Yeats

Course entry requirements: See Rules for LLM and MPhil degrees.

Course outline:

Corporate Governance is currently one of the most relevant and topical growth areas in commerce. Knowledge and an understanding of Corporate Governance principles and how to apply these in practice is a very relevant and sought after skill for legal and professional advisors as well as management and board members. This course will develop academic and professional proficiency in the principles and policies which underpin Corporate Governance in South Africa, Africa and other selected international jurisdictions. Students will engage in the critical study and analysis of the complex issues and tensions which arise in this context and develop a thorough understanding of the applicable regulatory frameworks as well as the relevant legal principles and debates. Some of the teaching and learning will take place through the use of detailed case studies drawn from real corporate scenarios and dilemmas. These guided in-class debates and discussions will enable students to cultivate the skills and knowledge to confidently and effectively apply the relevant legal principles and regulatory codes to Corporate Governance problems and challenges which may arise in the public or private sector. This course complements Advanced Company Law (CML5601S) and/or Company Law, Corporate Governance and Stakeholder Relations (CML5692F) well, but neither of these is a prerequisite for taking Corporate Law and Governance, nor is any prior study or knowledge of Corporate Governance required from students in order to register for this course.

DP requirements: None

Assessment: Coursework 40%, Examination 60%.

CML5667X CORPORATE LAW AND GOVERNANCE - RESEARCH TASK

(Not on offer in 2024) Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Professor J Yeats

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

CML5669F TAX TREATY LAW

Higher postgraduate course, first semester.

30 NQF credits at NQF level 0

Convener: B Cronin

Course entry requirements: See Rules for LLM and MPhil degrees.

Course outline:

The course deals with international tax law. The course will cover, inter alia, trading into and out of South Africa, methods of relieving international double taxation, the interpretation and application of double taxation conventions, the Organisation for Economic Co-operation and Development's (OECD) Model Tax Convention on Income and on Capital, the United National Model Tax Convention on Income and on Capital, the allocation of taxing liability of various forms of income, international tax avoidance including transfer pricing and this capitalisation and exchange control.

DP requirements: None

Assessment: Coursework 50%, Examination 50%.

CML5669X TAX TREATY LAW - RESEARCH TASK

Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Convener: B Cronin

Course entry requirements: See Rules for LLM Professional Masters

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5671F NEGOTIATION

Higher postgraduate course, first semester. Three hours of lectures or tutorials per week.

30 NQF credits at NQF level 9

Convener: M Carels

Course entry requirements: See Rules for LLM and MPhil Degrees. Priority will be given to students in the LLM in Dispute Resolution for whom this is a core course.

Course outline:

The aim of the course is to develop academic and professional proficiency in conflict resolution, negotiation, and mediation. The course is principally targeted at persons who hope to become mediators (and wish to further develop their academic and professional skills) or those who wish to gain proficiency in this area. The course covers the following aspects: a brief overview of conflict, a look at mediation which consists of defining mediation, the mediation process, the roles and functions of a mediator and the skills and techniques of a mediator, various mediation styles, the psychology in mediation, mediating different types of disputes (family mediation, labour mediation, commercial mediation) and court-annexed mediation, impasse and breaking deadlock. The course also covers various codes of conducts for mediators and settlement agreements. The course will involve simulated mediations and students are expected to participate in these simulations.

DP requirements: None

Assessment: Assessment: Coursework: 50%, Examination 50%.

CML5671X NEGOTIATION - RESEARCH TASK

Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Convener: M Carels

Course entry requirements: See Rules for LLM Professional Masters

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5672S THE LEGAL ASPECTS OF CORPORATE FINANCING STRUCTURES

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Dr T Thabane

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

The course will be presented through a series of lectures and seminars. The aim of the course is to develop academic and professional proficiency in the legal aspects of corporate financing arrangements. The areas to be addressed will include: selected legislation; regulatory aspects of non-equity financing; debt versus equity financing; non-equity financing methods (loan agreements, convertible debentures, sale and lease backs, securitization, project financing); equity financing methods (such as preference share funding); relevant issues to consider in non-equity financing structures (such as company law, tax, insolvency, security) and specific types of structured financing deals such as BEE and private equity structures.

DP requirements: None

Assessment: Coursework 50%, Examination 50%

CML5672X THE LEGAL ASPECTS OF CORPORATE FINANCING STRUCTURES - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Dr T Thabane

Course entry requirements: See Rules for LLM Professional Masters

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5673S INTERNATIONAL COMMERCIAL TRANSACTIONS LAW

Higher postgraduate course, second semester, offered in block format at the start of the second semester.

30 NQF credits at NQF level 9

Convener: TBA

Course entry requirements: See Rules for LLM Degrees.

Course outline:

The contractual aspects of international commercial transactions, but not the regulatory and policy aspects. Topics covered: 1. Law applicable to an international contract and consequences of choice of law; 2. Modern Lex Mercatoria; 3. Harmonisation of private law; 4. United Nations Convention on contracts for the International Sales of Goods (CISG); 5. Incoterms 2010; 6. Carriage of goods; 7. Insurance; 8. Documentary credits; 9. Demand Guarantees; 10. Cross-border insolvency.

DP requirements: None

Assessment: Coursework 25%, Examination 75%

CML5673X INTERNATIONAL COMMERCIAL TRANSACTIONS LAW - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: TBA

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5674W MASTERS IN INTERNATIONAL TRADE LAW DISSERTATION PART

120 NQF credits at NQF level 9

Convener: Dr K Lehmann

Course entry requirements: See Rules for LLM Degrees.

Course outline:

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

DP requirements: None

Assessment: 100% written work

CML5676S WORKPLACE DISCRIMINATION AND EQUALITY LAW

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Dr C de Villiers

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

The course aims to examine the constitutionally embedded concept of substantive equality in the context of the South African labour market and workplace. The regulation of employment discrimination and affirmative action, which pivots around the provisions of the Employment Equity Act of 1998, will be explored through the lens of South African case law, alongside an examination of selected theoretical and sociological perspectives, and comparative developments, on equality and discrimination. The course will provide students with the necessary skills to deal with discrimination problems that may arise in the workplace, including harassment and discrimination on the basis of race, sex and gender.

DP requirements: None

Assessment: Coursework 50%, Examination 50%

CML5676X WORKPLACE DISCRIMINATION AND EQUALITY LAW - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Dr C de Villiers

Course entry requirements: See Rules for LLM Professional Masters

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5677F ISLAMIC LAW AND FINANCE

(Not offered in 2024) Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: TBA

138 COURSE OUTLINES (POSTGRADUATE)

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

This course will provide law graduates, legal professionals and practitioners in the finance sector with the necessary knowledge about the laws relating to Islamic finance and its interaction with South African law as well as comparative perspectives of Islamic finance from across the African continent and further abroad. The course will include a consideration of: the theory of Islamic economics; legal personality as understood in Islamic law; general and classical Islamic economic instruments; and Islamic financial instruments. It will also focus on the interaction between Islamic financing agreements and South African law. With reference to the Income Tax Act 58 of 1962, it will concentrate on the taxation of Islamic financing arrangements, with particular emphasis on the application of the legislative provisions and the effect of section 24JA. Finally, the course will offer comparative insights into Islamic financing drawn from the African region and the international arena.

DP requirements: None

Assessment: Class presentation 10%, Assignment/research paper 30%, Examination 60%. The presentation will be on the chosen or given assignment/research paper.

CML5677X ISLAMIC LAW AND FINANCE - RESEARCH TASK

(Not offered in 2024) Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Convener: TBA

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

CML5678F PRINCIPLES OF INTELLECTUAL PROPERTY LAW

Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: Associate Professor L Tong

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

This course examines the relationship between intellectual property rights and development by examining the ways in which the former either promotes or stifles the latter. It considers the tensions between patents, copyright and other intellectual property rights as drivers of innovation and creativity versus the potential harm they may have on development.

The topics will be prescribed from year to year and may be chosen from the following, amongst others: technology transfer and innovation; publicly financed development of intellectual property; copyright and access to knowledge and education; traditional knowledge and traditional cultural expressions; patents and genetic resources, access to health, and food security, and trademarks and geographical indications.

Students are advised to contact the course convener at the start of the relevant semester for an indication of the specific topics to be presented

DP requirements: None

Assessment: Coursework (opinions and assignments) 50%, Examination 50%

CML5678X PRINCIPLES OF INTELLECTUAL PROPERTY LAW - RESEARCH TASK

Higher postgraduate course, first semester

15 NQF credits at NQF level 9

Convener: Associate Professor L Tong

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5680S ADVANCED INTELLECTUAL PROPERTY LAW

Higher postgraduate course, second semester. One double lecture (3 hours) per week or two intense weeks training, or a combination of weekly lectures and block training.

30 NQF credits at NQF level 9

Convener: Associate Professor L-A Tong

Course entry requirements: See Rules for LLM and MPhil Degrees. A student is not permitted to register for this course unless he or she has either completed Principles of Intellectual Property Law (CML5678F) or, in the opinion of the course convener(s), otherwise has a sufficiently sound academic background in intellectual property law.

Course outline:

The course aims to develop academic proficiency in selected aspects of intellectual property law. The focus is on South Africa within the context of international intellectual property practice. The course will be presented through seminars and lectures. The topics to be covered will be prescribed from year to year.

DP requirements: None

Assessment: Coursework (opinions and assignments) 40%, Examination 60%

CML5680X ADVANCED INTELLECTUAL PROPERTY LAW - RESEARCH TASK

Higher postgraduate course, second semester

15 NQF credits at NQF level 9

Convener: Associate Professor L-A Tong

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

CML5687S CHINESE LAW AND INVESTMENTS IN AFRICA

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Professor A Ordor

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

People's Republic of China (PRC) has become Africa's leading trade and investment partner. Chinese presence has significant impact on Africa's economic and policy development. Knowledge of Chinese law is a valuable resource for postgraduate law students, business people and legal professionals who want to understand and navigate China's emerging role in Africa's economy.

This course is designed to familiarise students with various aspects of Chinese business law and international investment policies. On completion, the student will emerge with a balanced and broad outlook on legal aspects of doing business with China, in China and Africa, as well as a projection of future developments.

Starting with a brief overview of Chinese legal systems, rule of law and institutions, the course examines key current trends related to Chinese business and commercial law as follows: legal and state enterprises reforms, intellectual property law, settlement of commercial disputes in China, company law, legal culture and case analysis. Thereafter the focus is directed at Chinese investment

140 COURSE OUTLINES (POSTGRADUATE)

in Africa and legal co-operation under the Forum on China-Africa Co-operation (FOCAC) and China's Policy for Africa. Finally, the course explains China's working foreign investment approval processes and authorities, as they relate to outbound investments.

DP requirements: None

Assessment: Coursework 60%, Examination 40%

CML5687X CHINESE LAW AND INVESTMENTS IN AFRICA - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Professor A Ordor

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5688W MASTERS IN COMPARATIVE LAW IN AFRICA DISSERTATION PART

120 NQF credits at NQF level 9

Convener: Professor A Ordor

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

DP requirements: None

Assessment: 100% written work.

CML5691S INTELLECTUAL PROPERTY LAW, DEVELOPMENT AND INNOVATION

Higher postgraduate course, second semester. One double lecture (3 hours) per week or two intense weeks of lectures, or a combination of these.

30 NQF credits at NQF level 9

Convener: Associate Professor T Schönwetter

Course entry requirements: CML5678F Principles of Intellectual Property Law

Co-requisites: None

Course outline:

This course examines the relationship between intellectual property rights and development by examining the ways in which the former either promotes or stifles the latter. It considers the tensions between patents, copyright and other intellectual property rights as drivers of innovation and creativity versus the potential harm they may have on development.

The topics will be prescribed from year to year and may be chosen from the following, amongst others: technology transfer and innovation; publicly financed development of intellectual property; copyright and access to knowledge and education; traditional knowledge and traditional cultural expressions; patents and genetic resources, access to health, and food security, and trademarks and geographical indications.

Students are advised to contact the course convener at the start of the relevant semester for an indication of the specific topics to be presented

Lecture times: One 3-hour seminar per week

DP requirements: Attendance at and participation in lectures and completion of assignment(s).

Assessment: Coursework 50%, Examination 50%

CML5691X INTELLECTUAL PROPERTY LAW, DEVELOPMENT & INNOVATION - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Associate Professor T Schönwetter

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5692F COMPANY LAW, CORPORATE GOVERNANCE AND STAKEHOLDER RELATIONS

Higher postgraduate course, first semester. One double lecture (3 hours) per week.

30 NQF credits at NQF level 9

Convener: Dr T Thabane

Course entry requirements: The course pre-supposes a thorough knowledge and understanding of Company Law at LLB level or the equivalent. Students who do not have this qualification should not attempt this course. However, in extremely limited circumstances, and at the sole discretion of the course convener(s), students may be admitted on the basis of alternative qualifications or work experience. Such applications will only be considered if supported by a detailed written motivation accompanied by relevant documentation.

Course outline:

This course straddles and links Company Law and other areas of law affecting corporate stakeholders by fostering an understanding of Corporate Governance and its underlying philosophies. It introduces a fresh perspective on the relationship between commerce and labour (which have historically been cast as adversaries) as well as commerce and other corporate stakeholder constituencies. The role of Corporate Governance in reversing adversarial stakeholder relationships, and the value of doing so for companies themselves, is emphasised. The course may include a study of the Corporate Governance requirements and other relevant legal obligations with reference to inter alia the Companies Act, the King Report, international best practice, the JSE Listings requirements, the Insolvency Act, Labour Law, case law and common law. These Company Law and Corporate Governance rules, principles and policies are then applied and examined through the specific lens of stakeholder interests. In considering selected corporate actions and events, the interactions between Company Law, Corporate Governance and selected aspects of other laws (including for example, Labour Law, Insolvency Law, Contract Law, International Trade Law, Environmental Law and Competition Law) are discussed. Here, the need for meaningful Corporate Governance practices (rather than mere formalistic compliance with its tenets) will be debated, with particular reference to stakeholder relations, and the value of doing so for a company's profit objectives.

DP requirements: Satisfactory attendance at and participation in lectures.

Assessment: Coursework 40%, Examination 60%

CML5692X COMPANY LAW, CORPORATE GOVERNANCE AND STAKEHOLDER RELATIONS - RESEARCH TASK

Higher postgraduate course, first semester.

142 COURSE OUTLINES (POSTGRADUATE)

15 NQF credits at NQF level 9

Convener: Dr T Thabane

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5693S MARINE INSURANCE LAW

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Associate Professor G Bradfield

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

The course covers the law of marine insurance in South Africa, and has significant international and comparative elements. It covers the history of marine insurance law as the basis for modern premium insurance law, from its origins in the marine insurance practices of the medieval Italian city states, and reception in Europe and England, and deals with harmonisation of insurance law principles. It covers general principles of contract and insurance law that apply to marine insurance contracts, including insurable interest and indemnity, pre-contractual duties relating to misrepresentations and disclosure, insurance warranties, risks covered and exceptions, causation, subrogation and abandonment, and claims procedures. It covers the various forms of marine insurance, including Hull and Machinery, Protection and Indemnity, Marine Cargo and specific risk clauses such as War and Risks, and Freight, Defence and Demurrage, and standard form contracts and clauses in common use. It covers local and Lloyd's insurance markets and practices. The course also deals with general average, the general principles and the York-Antwerp Rules.

DP requirements: None

Assessment: Coursework 25%, Examination 75%

CML5693X MARINE INSURANCE LAW - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Associate Professor G Bradfield

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5694W MASTERS IN INTERNATIONAL TAXATION DISSERTATION PART

120 NQF credits at NQF level 9

Convener: B Cronin

Course entry requirements: See Rules for LLM and MPhil degrees.

Course outline:

The aim of the minor dissertation is to enable and evaluate whether candidates are able to perform critical research in the field of international taxation. The minor dissertation should be of publishable quality in a peer-review publication. Successful candidates must demonstrate in their research that they have acquired substantive knowledge and the skills to be well rounded, competent practitioners in the international tax field who appreciate the societal impact of international taxation and the values underlying professional and ethical conduct in this field. This includes an ability to

assess the tax efficiency of commercial transactions; to perform critical research; to draft legal opinions; to deal with SARS on behalf of clients; and/or to prepare for and execute tax litigation.

DP requirements: None

Assessment: 100% written work.

CML5695F BANKING, FINANCE LAW AND REGULATIONS

(on offer from 2025) Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Course entry requirements: See Rules for LLM and MPhil Degrees

Course outline:

The purpose of this course is for students to gain advanced legal knowledge, research skills, and applied competence regarding particular legal aspects of advanced banking and financial law with a main focus on the regulation of banks and financial institutions. The course focuses on selected aspects of the law regarding the regulatory framework of banks, financial institutions, the national payment system, alternative types of banking/finance (e.g., co-operative banks; indigenous banking, specifically stokvels and village banks; Islamic banking and open banking), crypto currencies/assets and central bank digital currencies, money-laundering control measures and the financial-sector ombud system in South Africa.

DP requirements: None

Assessment: Coursework 40%, Examination 60%.

CML5695X BANKING, FINANCE LAW AND REGULATIONS - RESEARCH TASK

(on offer from 2025) Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

CML5696S LAW OF BANKING, FINANCE AND PAYMENTS

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Professor M Louw

Course entry requirements: See Rules for LLM and MPhil Degrees

Course outline:

The purpose of this course is for students to gain advanced legal knowledge, research skills, and applied competence in the legal principles of a selection of traditional methods of payment, instruments of payment and finance, as well as modern-day methods and instruments of payment, namely electronic banking and crypto currencies/assets, for continued personal intellectual growth, gainful economic activity and valuable contributions to society. Fintech services and initiatives offered by banks and other businesses fulfil a vital role as a method of payment and thereby inevitably advance financial inclusion, specifically for low-income consumers and micro and small enterprises. This course focuses purely on selective legal aspects and the legal framework of fintech from the perspective of how they constitute or may constitute methods of payment. In this course the development and legal nature of conventional money payments (i.e., bank coins and notes) are explained. The legal characteristics, nature and operation of traditional international paper-based instruments of payments such as commercial letters of credit and paper-based instruments of finance/security, such as demand guarantees and standby letters of credit, and the legal rights and duties that arise from these instruments are explained. Other traditional instruments of payment, such as the credit card, as well as the three sets of relationship underlying a credit-card transaction

144 COURSE OUTLINES (POSTGRADUATE)

are explained. The legal nature and distinction between stop orders, on the one hand, and debit orders, on the other hand are likewise dealt with. The legal nature and ramifications of electronic banking in general are explained as well as the characteristics and systems of electronic payment by funds transfer, for instance remittances, are explained.

DP requirements: None

Assessment: Coursework 40%, Examination 60%.

CML5696X LAW OF BANKING, FINANCE AND PAYMENTS - RESEARCH TASK

Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Convener: Professor M Louw

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

CML5681W MASTERS IN INTELLECTUAL PROPERTY LAW DISSERTATION PART

120 NQF credits at NQF level 9

Convener: Associate Professor L-A Tong

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

DP requirements: None

Assessment: 100% written work.

CML6700W PHD IN COMMERCIAL LAW

360 NQF credits at NQF level 10

Convener: A supervisor appointed by Senate

Course entry requirements: Acceptance to a PhD programme.

Course outline:

A PhD thesis must represent an original contribution to, or substantial advance on, knowledge in the field. The thesis may not be more than 80 000 words. A candidate will undertake research, and such advanced study as may be required, under the guidance of a supervisor appointed by Senate.

DP requirements: None

Assessment: 100% written work.

FTX4036F RESEARCH METHODS IN TAXATION

0 NQF credits at NQF level 8

Convener: T Johnson

Objective: To present a complete research proposal for admission to FTX4035W or FTX5031W or FTX5032W

Course outline:

The course prepares students to: (1) conduct independent research; and (2) structure appropriate methodologies applicable to their chosen topic. After formal presentations on research methods and preparing for proposal preparations, the student is required to prepare and present a research proposal for entry into the technical report / dissertation courses. The formal structured lecture consists of a single lecture after which the student proposal presentation and feedback sessions are scheduled according to student numbers.

DP requirements: Attendance at all research methods lectures and the presentation of a research proposal

Assessment: On the successful presentation of a research proposal, the student will be noted as ATT i.e. having attended and successfully presented a research proposal.

FTX5033S INTERNATIONAL TAX II

60 NQF credits at NQF level 9

Convener: A Futter

Course entry requirements: FTX5034F

Objective: Acquiring further knowledge about the analysis and interpretation of double tax conventions and advanced topics in international taxation, as well as problem solving skills based on practical examples of application of these frameworks.

Course outline:

In the second semester, classes cover further selected aspects of double tax conventions, including continued consideration of the OECD, UN, ATAF and other Model Tax Conventions. Further advanced topics such as the theory and practice of transfer pricing, international tax avoidance, taxpayer information exchange, taxation and human rights are taught. In addition, selected aspects of South Africa's international tax regime such as provisions for relief of double taxation and controlled foreign company rules are covered. Teaching takes the form of traditional lectures or seminars, consisting of guided group discussions with a focus on case studies applied in a practical manner. A Moot Court assignment dealing with an international tax case study may be presented during this term.

Lecture times: Lectures are conducted usually every Monday afternoon and last for up to four hours each. Two or three full day lectures may also form part of the programme.

DP requirements: Satisfactory progress for in-course assessments.

Assessment: 45% for in-course assessments and 55% for the final assessment.

FTX5034F INTERNATIONAL TAX I

60 NQF credits at NQF level 9

Convener: A Futter

Course entry requirements: NQF level 8 qualification in Taxation; or NQF level 8 qualification in Accounting, including taxation courses at that level; or NQF level 8 qualification in Law, including taxation courses; or equivalent international qualification

Objective: Acquiring knowledge about the analysis and interpretation of double tax conventions using recognized model conventions as a base and their interaction with South African income tax, as well as problem solving skills based on practical examples of application of these frameworks.

Course outline:

The first semester commences with an intensive full-time period of lectures presented by UCT academics and visiting staff from the International Bureau of Fiscal Documentation (IBFD). The problem of double taxation and double tax conventions are introduced. Additionally, a number of topical areas may be covered. During the remainder of the first semester, classes cover selected aspects of double tax conventions. Consideration is given to the OECD, UN, ATAF and other Model Tax Conventions. Complex areas, such as legal methods of treaty interpretation and key features of South Africa's double tax treaty network, including the constitutional process for treaty making are also covered.

Lecture times: After the first intensive full-time period, lectures are conducted usually every Monday afternoon and last for up to four hours each.

146 COURSE OUTLINES (POSTGRADUATE)

DP requirements: Satisfactory progress for in-course assessments.

Assessment: 45% for in-course assessments and 55% for the final assessment.

PBL4607F INTERNATIONAL LAW OF THE SEA

Higher postgraduate course, first semester.

30 NQF credits at NQF level 8

Convener: Associate Professor G Bradfield

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

The course covers: the history and sources of the law of the sea; dispute settlement under the United Nations Convention on the Law of the Sea, 1982; demarcation of baselines and maritime zones; maritime boundary disputes and delimitation of maritime boundaries; states' freedoms, responsibilities, rights and obligations in areas of the sea, and coastal and flag states' jurisdiction, legislative and enforcement, in areas of the sea and in relation to navigation, ship-sourced pollution, security, unlawful activities, specifically piracy, and exploring and exploiting marine natural resources, both non-living and living.

DP requirements: None

Assessment: Coursework 25% (Two voluntary assignments of 12.5% each), Examination 75% (or 87.5% or 100%).

PBL4615F INTERNATIONAL LAW IN THEORY AND PRACTICE

Higher postgraduate course, first semester.

30 NQF credits at NQF level 8

Convener: Associate Professor H Woolaver

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

This course functions as an introduction to International law and a foundation for other courses in the master's programme in International Law. It covers the relevant legal principles and institutions in broad outline, while investigating a series of theoretical questions central to international law. The emphasis is on seminars and class discussion. History and Theory of International Law; Sources of International Law; The relationship between International and Municipal Law; Subjects of International Law; Objects of International Law; Treaties; Limitations on jurisdiction, including sovereign immunity and treatment of aliens; State responsibility; State succession.

DP requirements: Satisfactory attendance at and participation in seminars

Assessment: Coursework 45% (Essay 35%, Class participation 10%) Examination 55%.

PBL4618S INTERNATIONAL LAW ON DISPUTES AND USE OF FORCE

Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: Associate Professor C Powell

Course entry requirements: See rules for Postgraduate Diplomas. Successful completion of a course in international law. The course convener may make an exception to this rule for students who show adequate understanding of the principles of international law. Although students will find PBL4615F International Law in Theory and Practice helpful, this preliminary course is not essential.

Course outline:

This course will examine the international laws regulating inter-state disputes, paying particular attention to the use of force and the role of international organisations. (1) Peaceful Settlement of International Disputes (a) Self-help: retorsion, reprisals and pacific blockades (b) Negotiations, inquiries, good offices, conciliation, mediation, arbitration (c) Adjudication by the ICJ; (2) War and the Use of Force (a) Historical overview of laws regulating the use of force, leading to the UN Charter (b) Definition of key concepts: war, force, threat to the peace, breach of the peace, act of aggression, (c) Intervention in domestic conflicts (d) Individual and collective self-defence and regional arrangements; (3). United Nations (a) Historical background, structure of the Organisation

and its relationship with Member States (b) Powers of the Security Council, General Assembly, Secretary General and ICJ (c) Peace-keeping and peace enforcement; and (4) International Humanitarian Law.

DP requirements: None

Assessment: Coursework 45% (Essay 35%, Class participation 10%) Examination 55%.

PBL4619S INTERNATIONAL ENVIRONMENTAL LAW

Higher postgraduate course, second semester. This course will be taught in the Block Teaching Format.

30 NQF credits at NQF level 8

Convener: Associate Professor M Murcott and TBA

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

The course will cover the major sources of international environmental law, with particular emphasis on their actual or possible application to South Africa and the African continent as a whole. The course will cover both terrestrial and marine components and will include principles of international customary law relevant to the environment; terrestrial conventions relating to trans-boundary movement and disposal of waste; conventions on HNS and nuclear matters; conventions relating to atmospheric pollution and climate change; conventions relating to the conservation of nature, including biodiversity and conventions on cultural heritage.

DP requirements: Satisfactory attendance at and participation in seminars and completion of written assignments.

Assessment: Coursework 50%, Examination 50%.

PBL4623F GOVERNING UNDER THE CONSTITUTION: LAW AND PRACTICE

Higher postgraduate course, first semester.

30 NQF credits at NQF level 8

Convener: Professor P de Vos

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

South Africa's new Constitution sets out the rights of citizens and establishes a framework for democratic governance and local government. In developing these institutions, along with a multi-level system comprising national, provincial and local government, South Africa's constitutional designers were responding to the needs and aspirations of contemporary South Africa. But they, in light of this comparative experience, also had before them a rich array of alternatives from other countries. The central purpose of this course is to seek to understand the new framework for governance in South Africa.

Constitutions are complex mixtures of broad principles, and specific rules and institutions. Accordingly, we will be interested in two levels of analysis: first, what broad principles and values underpin the institutional framework, and how are these expressed in the institutions themselves? And, second, more practically, how do these institutions, and the interactions among them, actually work in shaping the process of policy-making and implementation? Thus, we are interested in the values associated with democracy – participation, accountability, consensus, etc; and in those associated with what might be called 'effective governance', in light of the policy challenges which face the country.

The course will thus also provide you with an understanding of how government works with a focus on (i) the relationship between the executive and the legislature and what that means for lawyers and (ii) the relationship between national, provincial and local government. Our study of multi-level government and the powers of each sphere of framework necessary for policy making and litigation in this area.

DP requirements: Satisfactory attendance at and participation in seminars and completion of written assignments.

Assessment: Coursework 30%, Examination 70%.

PBL4631F INTERNATIONAL PROTECTION OF HUMAN RIGHTS

Higher postgraduate course, first semester.

30 NQF credits at NQF level 8

Convener: S Lutchman

Course entry requirements: For both course codes (PBL4631F and PBL5631F), priority will be given to LL.M, MPhil and PGDip students specialising in Human Rights Law. Applications by students who are not specialising in Human Rights Law will be considered on a case by case basis subject to receiving written motivations by students that are no longer than one page, their curriculum vitae and academic transcripts. In respect of the latter category of students, criteria for consideration include among others, academic merit and exposure to human rights (through completed courses and/or work experience).

Course outline:

This is a seminar- and research-based course, which aims to encourage engagement with questions and issues that arise within the context of international human rights law. In particular, the course aims to provide an understanding of the international and regional frameworks that seek to protect and promote human rights. This includes a consideration of the mechanisms that have been established to realise protection of human rights at the international and regional levels. The course covers

- (a) The jurisprudential and philosophical bases of human rights
- (b) The various institutions through which human rights are protected at international and regional levels
- (c) International and regional human rights standards
- (d) The implementation of human rights standards
- (e) Specific topics in international and regional human rights law

DP requirements: None

Assessment: Coursework 30%, Research Paper 70%

PBL4640F PRINCIPLES OF ENVIRONMENTAL LAW

Higher postgraduate course, first semester. This course will be taught in the Block Teaching Format.

30 NQF credits at NQF level 8

Convener: TBA

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

This course provides a comprehensive introduction to environmental law. It covers the following main content: historical overview of the development of environmental law; ethical basis for environmental law; the nature, scope and sources of environmental law; the relationship between constitutional rights (environmental rights, administrative justice, access to information, locus standi) and environmental law; environmental governance; the role of common law; and the main legal tools prevalent in environmental laws such as planning measures, institutional arrangements, permitting measures, EIA, civil measures, administrative measures, criminal measures, voluntary measures and incentive-based measures. As South Africa has one of the world's most contemporary environmental legal regimes, it will be used as a case study throughout the above components. Given the all-pervasive nature of environmental law, the issues covered in this course are of relevance to all domestic legal practitioners, government officials and those working in the NGO sector. Furthermore, given the contemporary nature of South Africa's environmental regime, the course is of key relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic environmental regimes.

DP requirements: Satisfactory attendance at all lectures, participation in class seminars and submission of course assignment.

Assessment: Coursework 50% Examination 50%.

PBL4641F LAND USE PLANNING LAW

(Not offered in 2024) Higher postgraduate course, first semester. This course will be taught in the Block Teaching Format.

30 NQF credits at NQF level 8

Convener: Professor A Paterson

Course entry requirements: See rules for Postgraduate Diplomas. The student must have completed or be simultaneously completing Principles of Environmental Law or have the prior written consent of the convener.

Course outline:

One of the key ways to govern the impact of society on the environment is through regulating land use and planning. Land use planning law came into being at the beginning of the twentieth century but environmental law was superimposed on it towards the end of the twentieth century. The past few decades have accordingly seen a significant shift in the array and nature of regulatory tools planning authorities have sought to use to achieve a balance between the dictates of development and environmental protection. Key planning tools which are inherent in domestic legal frameworks include: integrated development planning; future spatial planning; zoning schemes; subdivision; title deed restrictions; environmental impact assessment; the designation of protected areas; and in the context of coastal management, integrated coastal planning. This course aims to critically examine the nature of these various planning tools. South Africa's domestic regime is used as a case study through which to explore their practical application. These land-use and planning tools are of relevance to every landowner and the course is accordingly of relevance to domestic legal practitioners, government officials and those working in the NGO sector. Furthermore, given the contemporary nature of South Africa's environmental impact assessment, coastal planning and protected areas regimes in particular, the course is of key relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic land-use and planning regimes.

DP requirements: Satisfactory attendance at all lectures, participation in class seminars and submission of course assignment.

Assessment: Coursework 50%, Examination 50%.

PBL4642S NATURAL RESOURCES LAW

Higher postgraduate course, second semester. This course will be taught in the Block Teaching Format.

30 NQF credits at NQF level 8

Convener: Associate Professor M Murcott

Course entry requirements: See rules for Postgraduate Diplomas. The student must have completed Principles of Environmental Law or have the prior written consent of the convener.

Course outline:

This course examines the domestic legal frameworks which have emerged to regulate the use and conservation of natural resources such as: biological resources; fresh water resources; marine resources; mineral and petroleum resources; energy resources; agricultural resources; and heritage resources. These legal frameworks prescribe an array of tools including: institutional arrangements; planning schemes, permitting regimes; duties of care; incentive-based measures; civil liability measures; and criminal measures. The course is of relevance to domestic legal practitioners, government officials and those working in the NGO sector and of key comparative relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic natural resource regime.

DP requirements: Satisfactory attendance at all lectures, participation in class seminars and submission of course assignments.

Assessment: Coursework 50%, Examination 50%.

150 COURSE OUTLINES (POSTGRADUATE)

PBL4643F POLLUTION LAW

Higher postgraduate course, first semester. This course will be taught in the Block Teaching Format.

30 NQF credits at NQF level 8

Convener: Associate Professor M Murcott

Course entry requirements: See rules for Postgraduate Diplomas. The student must have completed Principles of Environmental Law or have the prior written consent of the convener.

Course outline:

This course examines the domestic legal frameworks which have emerged to regulate land, air and water pollution. These legal frameworks prescribe an array of tools including: institutional arrangements; planning schemes; pollution standards; permitting regimes; trading schemes; duties of care; emergency incident provisions; strict liability; statutory nuisances; rehabilitation orders; incentive-based measures; civil liability measures; and criminal measures. The course is of relevance to domestic legal practitioners, government officials and those working in the NGO sector and of key relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic pollution regimes.

DP requirements: Satisfactory attendance at all lectures, participation in class seminars and submission of course assignments.

Assessment: Coursework 50%, Written examination 50%.

PBL4658S ADMINISTRATIVE JUSTICE AND OPEN GOVERNMENT

Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: L Kohn

Course entry requirements: See rules for Postgraduate Diplomas. Competent academic and/or practical knowledge of South African and/or common-law based administrative law. Those without a formal qualification in law will be admitted at the discretion of the course convener.

Course outline:

There is no doubt that the organisational complexity of a modern democratic state demands of its executive branch that it be sophisticated, efficient, open and accountable. Most of such administrative process must be based on discretionary power in the hands of public officials. The challenge is to fashion legal rights, duties and procedures so that the subject has remedies to confront the abuse of public power, while leaving the executive sufficient space to govern legitimately. South African administrative law is relatively undeveloped when compared with similar legal systems, yet it faces greater demands than exist in most countries. This is particularly the case as the Constitution develops to accommodate changing political reality. This course intends to enable students to become familiar with a responsive package of legal institutions and rules to regulate the administration. Current administrative law will be examined critically, with substantial reference to the way in which the law has developed in other jurisdictions, particularly in the British Commonwealth. The feasibility and form of constitutional protection of the right of access to information and of open government will receive considerable attention, in the context of the exponential increase in legal protection at both international and national level for ATI in the past 15 years, and the emerging new academic literature on ATI. While the course will be critical and forward-looking, it will naturally involve a detailed knowledge of current law and practice, equipping students to be practitioners in the forefront of developments in this field. Several guest lecturers will participate in the course while Associate Professor R Calland will lecture on open government.

DP requirements: Satisfactory attendance at and participation in seminars and completion of assignments.

Assessment: An essay and an assignment count for 40%; long paper or written examination counts for 60% of the final grade.

PBL4659S HUMAN RIGHTS, LEGAL PLURALISM, RELIGION AND CULTURE

(Not offered in 2024) Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: Professor W Amien

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

This course enables a study of the implications for human rights arising from the simultaneous operation of secular, religious and customary legal systems within a singular country. To explore the significance that plural legal systems have on human rights, reference is made to different types of religious and customary laws including (but not limited to) family laws, personal laws, inheritance, criminal laws, finance, etc. The course draws on legislation, case law and socio-legal studies where applicable to examine how religious and customary laws drawn from among others (but not limited to) Islam, Hinduism, Judaism, Christianity and African customary laws impact on various human rights including (but not limited to) the rights to freedom of religion, culture and gender equality. Apart from a study of the South African context, comparative perspectives are also offered to enhance the students' understanding of the debates and applications of multiple legal systems and their implications for human rights in the international arena. The course addresses the following broad themes: theoretical foundations of legal pluralism; models for legal recognition of religious and cultural laws and their implications for human rights; selected religious and customary laws and their implications for human rights; legislative and judicial interventions contributing to legal pluralism; and comparative perspectives from across the globe (including South Africa).

DP requirements: None

Assessment: Coursework 30%; Research Paper 70%

PBL4661F JUDICIAL SKILLS AND PRACTICAL JURISPRUDENCE

Higher postgraduate course, first semester.

30 NQF credits at NQF level 8

Convener: Justice M Twomey and Dame L Dobbs

Course entry requirements: LLB degree or equivalent; experience in legal practice broadly which qualifies at least as an aspirant judicial officer; a holder of judicial office.

Course outline:

Judicial officers play an important role in a constitutional democracy in upholding the rule of law, developing the law, and applying it fairly and impartially in individual cases. The skills required of this role differ from those required of attorneys and advocates. This course aims to enhance the competences of judicial officers and aspirant judicial officers in case management, decision making and judgment writing in a technologically evolving context. The course also explores the ethical conduct expected of judicial officers both inside and outside court and applies international and national codes of conduct to practical situations. Alongside the development of practical competences, this course examines the theoretical context in which judicial officers operate. Participants are encouraged to critically investigate their roles as court and case managers, adjudicators, decision makers and even lawmakers from a variety of practical and theoretical viewpoints and to consciously develop the skills to efficiently and impartially perform their functions

DP requirements: Satisfactory attendance and participation in lectures and seminars

Assessment: Course work 45%, Exam 55%.

PBL4662S JUDGING IN A CONSTITUTIONAL DEMOCRACY

Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: Prof Emeritus Corder; Judge O Dingake; Judge L Tibitemwa

Course entry requirements: LLB degree or equivalent; experience in legal practice broadly which qualifies at least as an aspirant judicial officer; a holder of judicial office.

Course outline:

152 COURSE OUTLINES (POSTGRADUATE)

Members of the African judiciary play a critical role in promoting the rule of law in Africa. An advanced understanding of constitutional law, administrative law and human rights law is critical in building respect for and the maintenance of the rule of law, and it enables judicial officers to fulfil this critical role. This course aims to introduce African judicial officers, who may well not have had an opportunity to engage with constitutionalism at this level as part of their legal training, to the rich, complex and continually developing principles and practices fundamental to constitutionalism in comparative context. It is divided into three sections: constitutional law; administrative law; and human rights law. Course participants are introduced to why the core principles and processes within each of these broad fields of judicial practice contribute to informing, shaping and influencing the work of members of the African judiciary, thereby contributing to their role in promoting the environmental rule of law in Africa.

DP requirements: Satisfactory attendance and participation in lectures and seminars

Assessment: Course work 50%, Exam 50%.

PBL4663F PRACTICAL APPROACH TO EVIDENCE LAW

Higher postgraduate course, first semester.

30 NQF credits at NQF level 8

Convener: Justice M Twomey

Course entry requirements: LLB degree or equivalent; experience in legal practice broadly which qualifies at least as an aspirant judicial officer; a holder of judicial office.

Course outline:

Cases are determined by what the parties before the courts can prove or disprove with the use of oral, documentary or real evidence. Judicial officers are required to apply the law and their own discretion in determining the admissibility, compellability, reliability and probative value to be accorded to the evidence that is presented before them by the parties. This course seeks to provide an advanced look at the most common evidentiary matters arising in the court room and to equip judicial officers and aspirant judicial officers with the skills to resolve these issues. Particular emphasis will be on developing technologies and constitutional / fair trial considerations in the determination of evidentiary controversies. The course is practical and assessment will take the form of judgments or rulings determining real life evidentiary questions that may arise in a court case.

DP requirements: Satisfactory attendance and participation in lectures and seminars

Assessment: Course work 100%.

PBL4664S PRACTICAL COURT PROCESSES

Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: Justice M Twomey

Course entry requirements: LLB degree or equivalent; experience in legal practice broadly which qualifies at least as an aspirant judicial officer; a holder of judicial office.

Course outline:

This course equips judicial officers and aspirant judicial officers with the practical skills to management their cases and courtrooms in light of international best practice while enhancing fair trials and access to justice for the litigants before their court. The course will address processes for civil motions and trials, as well as criminal trials and special court procedures in order to equip judicial officers with the practical skills to ensure the timely and fair resolution of court cases. The course is practical and assessment will take the form of judgments or rulings that may arise in a trial.

DP requirements: Satisfactory attendance and participation in lectures and seminars

Assessment: Course work 100%.

PBL4665S ENVIRONMENTAL LAW FOR JUDICIAL OFFICERS

(Not offered in 2024) Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: Professor A Paterson

Course entry requirements: LLB degree or equivalent; experience in legal practice broadly which qualifies at least as an aspirant judicial officer; a holder of judicial office.

Course outline:

Judicial officers play a critical role in promoting the environmental rule of law in Africa. An understanding of environmental law and the way it intersects with other relevant associated areas of law is essential in order to enable judicial officers to fulfil this critical role. This course aims to introduce judicial officers in Africa, who may well not have had an opportunity to study environmental law as part of their legal training, to the rich, complex and continually evolving world of environmental law. It is divided into four main parts. Part 1 introduces course participants to the important context, namely the environmental, socio-cultural and economic challenges facing the earth and Africa in particular, and the manner in which these challenges relate to, and interact with, one another. A discussion of concepts such as sustainability, sustainable development, ecological footprints and planetary boundaries is blended into this context. Part 2 introduces course participants to the origins, nature, scope and ambit of environmental law and how it theoretically provides an essential tool to assist in regulating, managing and resolving the challenges highlighted in Part 2. Part 3 then introduces participants to the world of international environmental law which shapes and influences domestic environmental law. In this part of the course, participants are introduced to key international environmental law principles, international and regional environmental law instruments and environmental decisions handed down by international courts and tribunals. Part 4 then turns to focus on domestic environmental law, and legal concepts, principles and mechanisms characteristically reflected in it. Specific aspects included in Part 4 include environmental rights, principles, objectives, planning, institutions, permitting schemes, EIA/SEA, administrative measures, criminal measures and common law remedies. Course participants are introduced to why each of these aspects could inform, shape and influence the work of judicial officers, thereby contributing to their role in promoting the environmental rule of law in Africa.

DP requirements: Satisfactory attendance and participation in lectures and seminars

Assessment: Course work 50%, Examination 50%.

PBL4666S INDEPENDENT RESEARCH PAPER IN JUDICIAL STUDIES

Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: Justice M Twomey

Course entry requirements: LLB degree or equivalent; experience in legal practice broadly which qualifies at least as an aspirant judicial officer; a holder of judicial office.

Course outline:

Members of the African judiciary play a critical role in promoting the rule of law in Africa. An advanced understanding of a particular topic within any branch of the law is likely to assist a judicial officer or aspirant judicial officer themselves to pronounce more authoritatively in any future litigation that comes before them in that field. In addition, this course seeks to provide students with the opportunity to work independently and flexibly, to produce written work of the highest quality.

DP requirements: Satisfactory attendance and participation in lectures and seminars

Assessment: Research Paper 100%

PBL4667S LAW AND TECHNOLOGY FOR JUDICIAL OFFICERS

Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: Associate Professor T Schonwetter

Course entry requirements: LLB degree or equivalent; experience in legal practice broadly which qualifies at least as an aspirant judicial officer; a holder of judicial office.

Co-requisites: Compulsory core courses must have been completed

Course outline:

This course equips judicial officers and aspirant judicial officers with the practical skills to manage their cases and courtrooms in light of international best practice while enhancing fair

154 COURSE OUTLINES (POSTGRADUATE)

trials and access to justice for the litigants before their court. The course will address processes for civil motions and trials, as well as criminal trials and special court procedures in order to equip judicial officers with the practical skills to ensure the timely and fair resolution of court cases. The course is practical and assessment will take the form of judgments or rulings that may arise in a trial. Given the ubiquitous nature of digital technologies, and the complex legal issues that these technologies raise, it is imperative that judges and judicial officers are properly prepared for these new realities. This course affects numerous areas of law and addresses, across several modules, the key legal issues related to digital technologies, including: electronic contracting, electronic evidence, cybercrime, data protection, consumer protection online, e-commerce & tax, electronic communications, IP in the digital realm, the liability of internet service providers, and the right to freedom of expression online. While emphasis is on the law of several African countries, the multi-jurisdictional dimension of digital technologies, especially the internet, requires that some attention is also paid to select jurisdictions outside of Africa as well as international frameworks in this area of law.

One important element of this course is, however, to identify and examine issues that are of particular relevance for Africans, such as mobile technology for accessing the Internet and the use of domestic digital services (such as 'mobile money'); access to information; the digital divide between those who have access to digital technology and those who don't; and developments in the area of cyberlaw in African countries.

As the course places emphasis on judicial adjudication of substantive law and technology issues and aims to equip judges and judicial officers with skills enabling them to deal with ICT matters in their courtrooms, some course modules provide detailed engagement with courtroom technologies and their potential to improve access to justice.

Finally, the course also includes some practical computer skills instructions for technology tools that are available to legal practitioners.

DP requirements: Satisfactory attendance and participation in lectures and seminars

Assessment: Course work 100%.

PBL4668S REGIONAL INSTRUMENTS, COURTS AND CASES FOR JUDICIAL OFFICERS

Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: Professor A Ordor, Adjunct Professor Mukundi, Dr V Amadi

Course entry requirements: LLB degree or equivalent; experience in legal practice broadly which qualifies at least as an aspirant judicial officer; a holder of judicial office.

Course outline:

Regional development co-operation in Africa increasingly impacts on national development plans, while the use of regional legal frameworks and institutions by businesses and individuals on the continent has grown significantly. Quite often, regional court cases emanate from disputes over the application of national laws, judgments of domestic courts and the actions of state officials. This course provides an opportunity for serving or prospective judicial officers to engage with the legal frameworks, instruments and institutions that administer regional law. In particular, students will identify the suite of instruments applicable to a selection of regional economic communities, including overarching ones such as the Constitutive Act of the African Union, the Banjul Charter and the African Continental Free Trade Agreement. Furthermore, the course provides the opportunity for students to analyse regional court cases, with a view to generating and evaluating proposals for addressing the challenges of domestic enforcement of regional court judgments.

DP requirements: Satisfactory attendance at and participation in lectures and seminars
Timeous submission of assignments

Assessment: Course work 50%, Examination 50%

PBL4815S PUNISHMENT AND HUMAN RIGHTS

(Not offered in 2024) Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: TBA

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

This course aims to provide students with a sound theoretical understanding both of the justifications of punishment and human rights constraints in the context of sentencing. Students then apply this understanding to practical examples in order to assess how/ if the theory translates into practice. In so doing it is hoped to transcend a common-sense approach to sentencing and punishment and to build firm opinions/ approaches based on acquired knowledge. The course is divided into four broad sections. The first section introduces the class to the various philosophical justifications that have historically been provided for sentencing. A brief introduction is also provided to the relationship between human rights law and penal sanctions. The second section explores in detail the current justifications for punishment/ purposes of the correctional system. In so doing, issues such as deterrence, incapacitation, rehabilitation, restoration, retribution and just deserts will be explored. Section three deals with constraints placed on sentencing in South Africa by human rights norms contained in the Bill of Rights and international law. The final section of the course places the preceding theoretical/philosophical discussions into a practical context by dealing with current and future sentencing practice in South Africa, modes of implementing punishment (e.g. prison) and special stakeholders in punishment.

DP requirements: 80% attendance at, and satisfactory participation in, seminars and the completion of the research papers and oral presentation

Assessment: The presentation of at least one seminar and one research paper. Marks given for the seminars and research paper comprise the entire mark for the course.

PBL4820F THEORIES OF CRIME AND SOCIAL ORDER

(Not offered in 2024) Higher postgraduate course, first semester.

30 NQF credits at NQF level 8

Convener: Associate Professor K Moul

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

The course is intended to provide an understanding of the theoretical ideas that have shaped and are shaping criminal justice policy and the way in which both implicit and explicit policy agendas are realized in practice. The course will explore the history of criminological theory on understandings of crime and social order. The course considers the thinking of seminal criminological theorists; schools of thought and emblematic exemplars of each will be explored. The course will be presented through a series of seminars/lectures.

DP requirements: Satisfactory attendance at seminars and completion of written assignments.

Assessment: Three reaction papers of 2000 words each 45%. A final paper of 5000 words 55%.

PBL4822S VICTIMS AND VICTIMOLOGY: THEORY, POLICY AND PRACTICE

(Not offered in 2024) Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: R Nunlall- Hiralal

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

This course provides an overview of the evolving interest in victims of crime and other forms of social harm. Here we take stock of concepts, theories, social constructions, policies and criminal justice practices which allow us to engage more thoughtfully with victims of crime and social harm. We are interested in the contestations and controversies relating to the social construction of victimhood, how claims to victimhood are staked; the forms of social mobilisation exhibited by groups of victims; the types of contestation to which this may give rise. We consider the interaction and/or fusion of identities between victims and offenders. Lastly, we move beyond the conventional remit of crime victims to take account of victims in the context of mass victimisation and in the context of organised forms of violence.

156 COURSE OUTLINES (POSTGRADUATE)

DP requirements: Satisfactory attendance and participation at seminars and completion of written assignments

Assessment: Coursework 60% (Written assignments), Examination 40% (Take-home).

PBL4844S POLICE AND POLICING: EXPLORATIONS IN SECURITY GOVERNANCE

(Not offered in 2024) Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: Associate Professor I Kinnes

Course entry requirements: See Rules for Postgraduate Diplomas.

Course outline:

This course is intended to develop academic and professional expertise in the governance of security and provides a critical understanding of governance through the window of police and policing. Thus, it explores both what trends in governance can tell us about policing and what policing can tell us about developments in governance. It focuses on the impacts that global and local governance developments, new risks, spaces and technologies, have on state and non-state policing, and the regulatory and human rights implications of new trends in policing. This course focuses particularly on security governance in Africa (particularly South Africa).

DP requirements: Satisfactory attendance at seminars and completion of assignments.

Assessment: Two review papers of 2000 words each (40%) and a final paper of 4000 words (60%). This will comprise the entire mark for the course.

PBL4847S FORENSICS AND THE LAW

(Not offered in 2024) Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: Associate Professor K Moulton

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

This course engages integrally with questions of evidence and criminal procedure, as well as criminology and criminal law. It is designed for students who are interested in acquiring an introduction to the use of science to solve crime and will give students an understanding of the application of forensics to the law, including forensic accounting. The course engages with the crime scene investigation process, and provides an overview of the various kinds of forensic evidence that may be collected and presented in court. Students will be introduced to the theory of identification, documentation and collection of physical evidence, including fingerprints, shoe impressions, hair and fibres, firearms evidence and questioned documents. The course then considers biological evidence, including blood spatter and other fluids, forensic anthropology and odontology to introduce the student to some basics of forensic expertise. Finally, the course engages with forensic accounting. It equips students to understand basic forensics should they encounter such evidence in legal practice or research.

DP requirements: Satisfactory attendance at seminars and completion of written assignments.

Assessment: Term assignments - 20%; Term paper - 30%; Examination - 50%.

PBL4849F LAW IN ACTION - RESEARCH METHODS

(Not offered in 2024) Higher postgraduate course, first semester.

30 NQF credits at NQF level 8

Convener: Associate Professor K Moulton

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

This course aims to prepare students both to properly understand empirical research and methods, and to engage in empirical research projects of their own. Lawyers and legal scholars increasingly use empirical evidence to understand the legal system and its role in society, to unpack complex legal and policy questions, and to support their positions in the courtroom and in the business

environment. Students who aim to undertake careers in academia (in the social sciences and in law) are increasingly required to undertake primary research. This course is designed to introduce students to the foundations of qualitative and quantitative empirical research, qualitative data collection and analysis techniques. The course intends to familiarise students with the research process from design to implementation, and will also consider the ethical implications of qualitative empirical research. The course is built on the view that empirical research is a craft that requires practice to do it well. Classes will provide students the opportunity to learn qualitative techniques through hands-on activities, class meetings and assignments.

DP requirements: Satisfactory attendance at seminars and completion of written assignments.

Assessment: Coursework 50%. A substantial research proposal of 6000-8000 words 50%.

PBL5000X PUBLIC LAW - RESEARCH TASK

Higher postgraduate course

15 NQF credits at NQF level 9

Course entry requirements: See Rules for LLM Professional Masters degrees.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

PBL5600W MASTERS IN PUBLIC LAW

Higher postgraduate course, whole year.

240 NQF credits at NQF level 9

Convener: A supervisor appointed by Senate

Course entry requirements: Acceptance for a Master's programme in Law.

Course outline:

Under the guidance of a supervisor appointed by Senate, a candidate must undertake research at an advanced level on a subject of legal interest approved by Senate, for the purpose of writing a dissertation. Dissertations, not exceeding 40 000 words in length, must constitute a contribution to knowledge and should demonstrate a mastery of the methods of research.

DP requirements: None

Assessment: 100% written work.

PBL5601W MASTERS IN PUBLIC LAW DISSERTATION PART

Higher postgraduate course, whole year.

120 NQF credits at NQF level 9

Convener: Associate Professor C Powell

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

DP requirements: None

Assessment: 100% written work

PBL5602F INTERNATIONAL LAW OF THE SEA

Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: Associate Professor G Bradfield

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

The course covers: the history and sources of the law of the sea; dispute settlement under the United Nations Convention on the Law of the Sea, 1982; demarcation of baselines and maritime zones; maritime boundary disputes and delimitation of maritime boundaries; states' freedoms, responsibilities, rights and obligations in areas of the sea; coastal and flag states' jurisdiction, legislative and enforcement, in areas of the sea and in relation to navigation, ship-sourced pollution, security, unlawful activities, specifically piracy, and exploring and exploiting marine natural resources, both living and non-living.

DP requirements: None

Assessment: Coursework 25% (Two voluntary assignments of 12.5% each), Examination 75% (or 87.5% or 100%).

PBL5602X INTERNATIONAL LAW OF THE SEA - RESEARCH TASK

Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Convener: Associate Professor G Bradfield

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

PBL5602W MASTERS IN CONSTITUTIONAL AND ADMINISTRATIVE LAW
DISSERTATION PART

Higher postgraduate course, whole year.

120 NQF credits at NQF level 9

Convener: Professor P de Vos

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

DP requirements: None

Assessment: 100% written work.

PBL5615F INTERNATIONAL LAW IN THEORY AND PRACTICE

Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: Associate Professor H Woolaver

Course entry requirements: This course can be taken by students who do not have a suitable undergraduate or LLB qualification in Public International Law. It is also open to students who have already studied Public International Law but wish to deepen their understanding of the subject.

Course outline:

This course functions as an introduction to International law and a foundation for other courses in the master's programme in International Law. It covers the relevant legal principles and institutions in broad outline, while investigating a series of theoretical questions central to international law. The emphasis is on seminars and class discussion. History and Theory of International Law; Sources of International Law; The relationship between International and Municipal Law; Subjects of International Law; Objects of International Law; Treaties; Limitations on jurisdiction, including sovereign immunity and treatment of aliens; State responsibility; State succession.

DP requirements: Satisfactory attendance at and participation in seminars.

Assessment: Coursework 45% (Essay 35%, Class participation 10%) Examination 55%.

PBL5618S INTERNATIONAL LAW ON DISPUTES AND USE OF FORCE

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Associate Professor C Powell

Course entry requirements: See Rules for LLM and MPhil Degrees. Successful completion of a course in international law. The course convener may make an exception to this rule for students who show an adequate understanding of the principles of international law. Although students will find PBL5615F International Law in Theory and Practice helpful, this preliminary course is not essential.

Course outline:

This course will examine the international laws regulating inter-state disputes, paying particular attention to the use of force and the role of international organisations. (1) Peaceful Settlement of International Disputes (a) Self-help: retorsion, reprisals and pacific blockades (b) Negotiations, inquiries, good offices, conciliation, mediation, arbitration (c) Adjudication by the ICJ; (2) War and the Use of Force (a) Historical overview of laws regulating the use of force, leading to the UN Charter (b) Definition of key concepts: war, force, threat to the peace, breach of the peace, act of aggression, (c) Intervention in domestic conflicts (d) Individual and collective self-defence and regional arrangements; (3). United Nations (a) Historical background, structure of the Organisation and its relationship with Member States (b) Powers of the Security Council, General Assembly, Secretary General and ICJ (c) Peace-keeping and peace enforcement; and (4) International Humanitarian Law.

DP requirements: None

Assessment: Coursework 45% (Essay 35%, Class participation 10%) Examination 55%.

PBL5619S INTERNATIONAL ENVIRONMENTAL LAW

Higher postgraduate course, second semester. This course will be taught in Block Teaching Format.

30 NQF credits at NQF level 9

Convener: Associate Professor M Murcott and TBA

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

The course will cover the major sources of international environmental law, with particular emphasis on their actual or possible application to South Africa and the African continent as a whole. The course will cover both terrestrial and marine components and will include principles of international customary law relevant to the environment; terrestrial conventions relating to trans-boundary movement and disposal of waste; conventions on HNS and nuclear matters; conventions relating to atmospheric pollution and climate change; conventions relating to the conservation of nature, including biodiversity and conventions on cultural heritage.

DP requirements: Satisfactory attendance at and participation in seminars and completion of written assignments.

Assessment: Coursework 50%, Examination 50%.

PBL5619X INTERNATIONAL ENVIRONMENTAL LAW - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Associate Professor M Murcott and TBA

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

PBL5623F GOVERNING UNDER THE CONSTITUTION: LAW AND PRACTICE

Higher postgraduate course, first semester, one seminar per week.

30 NQF credits at NQF level 9

Convener: Professor P de Vos

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

South Africa's new Constitution sets out the rights of citizens and establishes a framework for democratic governance and local government. In developing these institutions, along with a multi-level system comprising national, provincial and local government, South Africa's constitutional designers were responding to the needs and aspirations of contemporary South Africa. But they, in light of this comparative experience, also had before them a rich array of alternatives from other countries. The central purpose of this course is to seek to understand the new framework for governance in South Africa.

Constitutions are complex mixtures of broad principles, and specific rules and institutions. Accordingly, we will be interested in two levels of analysis: first, what broad principles and values underpin the institutional framework, and how are these expressed in the institutions themselves? And, second, more practically, how do these institutions, and the interactions among them, actually work in shaping the process of policy-making and implementation? Thus, we are interested in the values associated with democracy – participation, accountability, consensus, etc; and in those associated with what might be called 'effective governance', in light of the policy challenges which face the country.

The course will thus also provide you with an understanding of how government works with a focus on (i) the relationship between the executive and the legislature and what that means for lawyers and (ii) the relationship between national, provincial and local government. Our study of multi-level government and the powers of each sphere of framework necessary for policy making and litigation in this area.

DP requirements: Satisfactory attendance at and participation in seminars and completion of written assignments.

Assessment: Coursework 30% (Assignments) Examination 70%.

PBL5624W MASTERS IN MARINE & ENVIRONMENTAL LAW
DISSERTATION PART

Higher postgraduate course, whole year.

120 NQF credits at NQF level 9

Convener: Associate Professor M Murcott

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they

have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

DP requirements: None

Assessment: 100% written work.

PBL5625W MASTERS IN CONSTITUTIONAL LAW DISSERTATION PART

Higher postgraduate course, whole year.

120 NQF credits at NQF level 9

Convener: Professor P de Vos

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

DP requirements: None

Assessment: 100% written work.

PBL5626W MASTERS IN HUMAN RIGHTS LAW DISSERTATION PART

Higher postgraduate course, whole year.

120 NQF credits at NQF level 9

Convener: S Lutchman

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

DP requirements: None

Assessment: 100% written work.

PBL5627W MASTERS IN INTERNATIONAL PUBLIC LAW DISSERTATION PART

Higher postgraduate course, whole year.

120 NQF credits at NQF level 9

Convener: Associate Professors C Powell and H Woolaver

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent

162 COURSE OUTLINES (POSTGRADUATE)

research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

DP requirements: None

Assessment: 100% written work.

PBL5628F INTERNATIONAL RIGHTS OF THE CHILD

Higher postgraduate course, first semester, one three-hour seminar per week for 13 weeks.

30 NQF credits at NQF level 9

Convener: S Lutchman

Course entry requirements: See Rules for LLM and MPhil Degrees.

Objective: To examine critically the development, content and implementation of international and regional human rights laws on children; To examine the effectiveness, equity and cultural sensitivity of the laws on children; To consider national laws and jurisprudence in light of international and regional human rights and to discuss strategies for raising children's rights standards at the national level, regional and international level.

Course outline:

The course covers a range of contemporary issues, for example: theories of children's rights; the international, regional and domestic protection of children's rights; the relationship between different cultural traditions and the universal and regional values on children's rights; the concept of childhood; key principles underpinning children's rights; child poverty; child justice; the right to education; the right to survival and development; the right to protection from abuse, neglect, maltreatment and exploitation; legal protections for child soldiers and civilians involved in armed conflicts and the right to family care or alternative care.

DP requirements: Attendance at all lectures.

Assessment: Coursework for 40% and written examination counts for 60% of the final grade.

PBL5631F INTERNATIONAL PROTECTION OF HUMAN RIGHTS

Higher postgraduate course, first semester, one three-hour seminar a week.

30 NQF credits at NQF level 9

Convener: S Lutchman

Course entry requirements: For both course codes (PBL4631F and PBL5631F), priority will be given to LLM/MPhil and PGDip students specialising in Human Rights Law. Thereafter, applications by students who are not specialising in Human Rights Law will be considered on a case by case basis subject to receiving written motivations by students that are no longer than one page, their curriculum vitae and academic transcripts. In respect of the latter category of students, criteria for consideration include among others, academic merit and exposure to human rights (through completed courses and/or work experience)

Course outline:

This is a seminar- and research-based course, which aims to encourage engagement with questions and issues that arise within the context of international human rights law. In particular, the course aims to provide an understanding of the international and regional frameworks that seek to protect and promote human rights. This includes a consideration of the mechanisms that have been established to realise protection of human rights at the international and regional levels. The course covers

- (a) The jurisprudential and philosophical bases of human rights
- (b) The various institutions through which human rights are protected at international and regional levels
- (c) International and regional human rights standards
- (d) The implementation of human rights standards
- (e) Specific topics in international and regional human rights law.

DP requirements: None

Assessment: Coursework 30%; Research Paper 70%

PBL5640F PRINCIPLES OF ENVIRONMENTAL LAW

Higher postgraduate course, first semester. This course will be taught in Block Teaching Format.

30 NQF credits at NQF level 9

Convener: TBA

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

The health of planet earth, and accordingly the sustainability of human life on it, is facing significant challenges. One of the disciplines which have sought to fashion a framework for overcoming and governing these challenges, is law. The result has seen the rapid emergence of international and regional instruments and domestic laws seeking to regulate the manner in which humans interact with their environment.

This course provides a comprehensive introduction to environmental law. It covers the following main content: historical overview of the development of environmental law; ethical basis for environmental law; the nature, scope and sources of environmental law; the relationship between constitutional rights (environmental rights, administrative justice, access to information, locus standi) and environmental law; environmental governance; the role of common law; and the main legal tools prevalent in environmental laws such as planning measures, institutional arrangements, permitting measures, EIA, civil measures, administrative measures, criminal measures, voluntary measures and incentive-based measures.

As South Africa has one of the world's most contemporary environmental legal regimes, it will be used as a case study throughout the above components. Given the all-pervasive nature of environmental law, the issues covered in this course are of relevance to all domestic legal practitioners, government officials and those working in the NGO sector. Furthermore, given the contemporary nature of South Africa's environmental regime, the course is of key relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic environmental regimes.

DP requirements: Satisfactory attendance at all lectures, participation on class seminars and submission of course assignment.

Assessment: Coursework 50%, Examination 50%

PBL5640X PRINCIPLES OF ENVIRONMENTAL LAW - RESEARCH TASK

Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Convener: TBA

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

PBL5641F LAND USE PLANNING LAW

(Not offered in 2024) Higher postgraduate course, first semester. This course will be taught in Block Teaching Format.

30 NQF credits at NQF level 9

Convener: Professor A Paterson

Course entry requirements: See rules for LLM and MPhil Degrees. The student must have completed, or be simultaneously completing, Principles of Environmental Law or have the prior written consent of the course convener.

Course outline:

One of the key ways to govern the impact of society on the environment is through regulating land-use and planning. Land use planning law came into being at the beginning of the twentieth century but environmental law was superimposed on it towards the end of the twentieth century. The past

164 COURSE OUTLINES (POSTGRADUATE)

few decades have accordingly seen a significant shift in the array and nature of regulatory tools planning authorities have sought to use to achieve a balance between the dictates of development and environmental protection. Key planning tools which are inherent in domestic legal frameworks include: integrated development planning; future spatial planning; zoning schemes; subdivision; title deed restrictions; environmental impact assessment; the designation of protected areas; and in the context of coastal management, integrated coastal planning.

This course aims to critically examine the nature of these various planning tools. South Africa's domestic regime is used as a case study through which to explore their practical application. These land-use and planning tools are of relevance to every landowner and the course is accordingly of relevance to domestic legal practitioners, government officials and those working in the NGO sector. Furthermore, given the contemporary nature of South Africa's environmental impact assessment, coastal planning and protected areas regimes in particular, the course is of key relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic land-use and planning regimes.

DP requirements: Satisfactory attendance at all lectures, participation on class seminars and submission of course assignment.

Assessment: Coursework 50%, Examination 50%.

PBL5641X LAND USE PLANNING LAW - RESEARCH TASK

(Not offered in 2024) Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Convener: Professor A Paterson

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

PBL5642S NATURAL RESOURCES LAW

Higher postgraduate course, second semester. This course will be taught in the Block Teaching Format.

30 NQF credits at NQF level 9

Convener: Associate Professor M Murcott

Course entry requirements: See Rules for LLM and MPhil degrees. The student must have completed Principles of Environmental Law or have the prior written consent of the course convener.

Course outline:

This course examines the domestic legal frameworks which have emerged to regulate the use and conservation of natural resources. These legal frameworks prescribe an array of tools including: institutional arrangements; planning schemes; permitting regimes; duties of care; incentive-based measures; civil liability measures; and criminal measures. The course is of relevance to domestic legal practitioners, government officials and those working in the NGO sector and of key comparative relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic natural resource regime.

DP requirements: Satisfactory attendance at all lectures, participation on class seminars and submission of course assignments.

Assessment: Coursework 50%, Examination 50%

PBL5642X NATURAL RESOURCES LAW - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Associate Professor M Murcott

Course entry requirements: See Rules for LLM Professional Masters

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

PBL5643F POLLUTION LAW

Higher postgraduate course, first semester. This course will be taught in the Block Teaching Format.

30 NQF credits at NQF level 9

Convener: Associate Professor M Murcott

Course entry requirements: See rules for LLM and MPhil degrees. The student must have completed Principles of Environmental Law or have the prior written consent of the course convener.

Course outline:

This course examines the domestic legal frameworks which have emerged to regulate land, air and water pollution. These legal frameworks prescribe an array of tools including: institutional arrangements; planning schemes; pollution standards; permitting regimes; trading schemes; duties of care; emergency incident provisions; strict liability; statutory nuisances; rehabilitation orders; incentive-based measures; civil liability measures; and criminal measures. The course is of relevance to domestic legal practitioners, government officials and those working in the NGO sector and of key relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic pollution regimes.

DP requirements: Satisfactory attendance at all lectures, participation on class seminars and submission of course assignments.

Assessment: Coursework 50%, Examination (50%).

PBL5643X POLLUTION LAW - RESEARCH TASK

Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Convener: Associate Professor M Murcott

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature

PBL5644S SEXUAL OFFENCES AND THE LAW

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Associate Professor J Omar

Course entry requirements: None.

Co-requisites: Students who wish to pursue empirical work for their dissertations in the area of sexual offences will be required to have completed PBL Law in Action.

Course outline:

Taking a multi-disciplinary and comparative approach, this course will engage with the utility of law in addressing sexual violence, testing its aims and highlighting challenges and limitations. In doing so, the course situates law within the broader social, economic, political and historical context. The course will also focus on the interpretation and impact of specific provisions of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 and contemporary and novel issues relating to sexual offences. Topics to be covered during seminars may include: defining rape, autonomy and consent; investigating and prosecuting sexual offences; mens rea; medico-legal and

166 COURSE OUTLINES (POSTGRADUATE)

psycho-social issues; the criminalisation of sexually transmitted diseases; online sexual violence; vulnerable witnesses and protective measures; evidence and procedure: caution, corroboration and delays, previous sexual history, character and disclosure of personal records; publication of offender names ('naming and shaming'); vernacular law approaches to sexual violence; compensation; sexual offender registers; quasi-legal proceedings, such as inquiries into sexual harassment in the workplace and other related issues.

Assessment: Coursework 30%, Research Paper 70%.

PBL5651S INTERNATIONAL PROTECTION OF WOMEN'S HUMAN RIGHTS

30 NQF credits at NQF level 9; 12 or 13 seminars.

Convener: S Lutchman

Objective: To examine and critically analyse the theory and practice of women's human rights.

Course outline:

The course examines the development, content and implementation of international and regional laws that seek to promote and protect women's human rights.

Specific topics will include, amongst others: theoretical underpinnings of women's human rights; international and regional protection of women's human rights; domestication of women's human rights; current concerns and topical issues in women's rights including: violence against women in times of peace and conflict; sexual and reproductive rights; impact of culture, religion and tradition on the realisation of women's rights; women and development under the MDGs and the SDGs; and structures and mechanisms to promote and protect women's human rights.

DP requirements: Satisfactory attendance at, and participation in, seminars and completion of written work.

Assessment: Coursework 40%; Research paper 60%

PBL5653F REFUGEE LAW AND HUMAN RIGHTS

Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: Professor F Khan

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

Part 1 of the course will set out the origins, developments and established principles of refugee rights in international human rights law. Through this discussion students will acquire a thorough understanding of the 1951 UN Convention relating to the status of refugees and certain regional instruments, in particular the OAU Convention, and the South African Refugees Act.

Part 2 will focus on the regime of rights protected by the various instruments. Through a series of seminars students will undertake an analysis of the substance of specific rights (please note that the rights under discussion will change from year to year).

Part 3 will conclude the course by focusing on contemporary issues in refugee law. Under discussion in 2015 will be the question of a "lasting peace" in Rwanda and the pre-mature recommendations of cessation for Rwandans.

DP requirements: Satisfactory attendance at, and participation in, lectures and seminar sessions and completion of written work.

Assessment: Coursework 50% (Assignment), Examination 50%

PBL5654W MASTERS IN ENVIRONMENTAL LAW DISSERTATION PART

Higher postgraduate course, whole year.

120 NQF credits at NQF level 9

Convener: Associate Professor M Murcott

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also

satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

DP requirements: None

Assessment: 100% written work.

PBL5658S ADMINISTRATIVE JUSTICE AND OPEN GOVERNMENT

Higher postgraduate course, second semester, one seminar per week.

30 NQF credits at NQF level 9

Convener: L Kohn

Course entry requirements: Competent academic and/or practical knowledge of South African and/or common-law based administrative law. Those without a formal qualification in law will be admitted at the discretion of the course convener.

Course outline:

There is no doubt that the organisational complexity of a modern democratic state demands of its executive branch that it be sophisticated, efficient, open and accountable. Most of such administrative process must be based on discretionary power in the hands of public officials. The challenge is to fashion legal rights, duties and procedures so that the subject has remedies to confront the abuse of public power, while leaving the executive sufficient space to govern legitimately. South African administrative law is relatively undeveloped when compared with similar legal systems, yet it faces greater demands than exist in most countries. This is particularly the case as the Constitution develops to accommodate changing political reality. This course intends to enable students to become familiar with a responsive package of legal institutions and rules to regulate the administration. Current administrative law will be examined critically, with substantial reference to the way in which the law has developed in other jurisdictions, particularly in the British Commonwealth. The feasibility and form of constitutional protection of the right of access to information and of open government will receive considerable attention, in the context of the exponential increase in legal protection at both international and national level for ATI in the past 15 years, and the emerging new academic literature on ATI. While the course will be critical and forward-looking, it will naturally involve a detailed knowledge of current law and practice, equipping students to be practitioners in the forefront of developments in this field. Several guest lecturers will participate in the course while Associate Professor R Calland will lecture on open government.

DP requirements: Satisfactory attendance at and participation in seminars and completion of assignments.

Assessment: Coursework 40% (Essay, Long paper) Examination 60%.

PBL5659S HUMAN RIGHTS, LEGAL PLURALISM, RELIGION AND CULTURE

(Not offered in 2024) Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Professor W Amien

Course entry requirements: See Rules for LLM and MPhil Degrees

Course outline:

This course enables a study of the implications for human rights arising from the simultaneous operation of secular, religious and customary legal systems within a singular country. To explore the significance that plural legal systems have on human rights, reference is made to different types of religious and customary laws including (but not limited to) family laws, personal laws, inheritance, criminal laws, finance, etc. The course draws on legislation, case law and socio-legal studies where applicable to examine how religious and customary laws drawn from among others (but not limited to) Islam, Hinduism, Judaism, Christianity and African customary laws impact on various human rights including (but not limited to) the rights to freedom of religion, culture and gender equality.

168 COURSE OUTLINES (POSTGRADUATE)

Apart from a study of the South African context, comparative perspectives are also offered to enhance the students' understanding of the debates and applications of multiple legal systems and their implications for human rights in the international arena. The course addresses the following broad themes: theoretical foundations of legal pluralism; models for legal recognition of religious and cultural laws and their implications for human rights; selected religious and customary laws and their implications for human rights; legislative and judicial interventions contributing to legal pluralism; and comparative perspectives from across the globe (including South Africa).

DP requirements: None

Assessment: Coursework 30%; Research Paper 70%

PBL5661S LITIGATING SOUTH AFRICAN BILL OF RIGHTS

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: TBA

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

South Africa's experiment in Constitutional Democracy represents a rich case for the study of modern human rights. The socio-economic and political backdrop against which the Bill of Rights operates provides a complex and challenging context for the laboratory in rights and governance that the 1996 Constitution – and the political settlement that lies behind it – creates. Since the Constitution enjoins the courts to take into account international law when applying and interpreting the rights contained in the Bill of Rights, the course will, therefore, root the South African human rights law trajectory in an international framework and, where appropriate, provide a comparative perspective. Thus, the course tracks the jurisprudence of the South African courts and, in particular, the Constitutional Court since its inception, through the study of specific human rights topics, broadly categorised as civil and political rights – such as the right to freedom of expression and free media speech, the right to equality and religious/cultural freedom, etc; socio-economic rights – such as the right to access to adequate housing, the right to a clean environment, the right to quality basic education, the right to health care, etc; programmatic rights – such as the right to access to justice and the 'right' to participate in public policy-making. The course will also consist of several sessions dealing with the conceptual and practical aspects of litigating constitutional cases.

DP requirements: Satisfactory attendance at and participation in lectures and completion of written and other assignments.

Assessment: Coursework 40%, Examination 60%.

PBL5663S TRANSPARENCY LAW & GOVERNANCE: GLOBAL AND LOCAL THEORY & PRACTICE

(Not offered in 2024) Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: TBA

Course entry requirements: See Rules for LLM and MPhil degrees.

Course outline:

This course explores both the theory and the practice of modern access to information law (ATI) and the implications for transparency policy as a critical accountability mechanism for a democratic state. The first part of the course includes a comparative law dimension, which asks what works best where, and why, and which considers the potential scope of the law, including whether it encompasses private as well as public information. The growing body of jurisprudence on ATI is reviewed, drawing from diverse legal regimes such as India, South Africa and the United States, and the emerging literature on the underpinning theory of ATI, as a 'leverage' human right' is examined enabling students to explore the relationship between ATI and development/socio-economic justice. The second half of the course turns to the broader policy questions that include: voluntary disclosure regimes, such as the Extractive Industries Transparency Initiative (EITI); the relationship with data protection/privacy law (and new developments such as the open data movement) and whistleblowing protection; transparent budget process; corporate disclosure rules; and, the different

models for enforcement, such as the role of an Information Commissioner. Lastly, the political economy of ATI is unpicked: what are the obstacles to effective implementation of the right to ATI?

DP requirements: None

Assessment: 50% Practical Assignment (comparative usage of ATI Law), 50% Examination.

PBL5815S PUNISHMENT AND HUMAN RIGHTS

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: TBA

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

This course aims to provide students with a sound theoretical understanding both of the justifications of punishment and human rights constraints in the context of sentencing. Students then apply this understanding to practical examples in order to assess how/ if the theory translates into practice. In so doing it is hoped to transcend a common-sense approach to sentencing and punishment and to build firm opinions/ approaches based on acquired knowledge.

The course is divided into four broad sections. The first section introduces the class to the various philosophical justifications that have historically been provided for sentencing. A brief introduction is also provided to the relationship between human rights law and penal sanctions. The second section explores in detail the current justifications for punishment/ purposes of the correctional system. In so doing, issues such as deterrence, incapacitation, rehabilitation, restoration, retribution and just deserts will be explored. Section three deals with constraints placed on sentencing in South Africa by human rights norms contained in the Bill of Rights and international law. The final section of the course places the preceding theoretical/philosophical discussions into a practical context by dealing with current and future sentencing practice in South Africa, modes of implementing punishment (e.g. prison) and special stakeholders in punishment.

DP requirements: 80% attendance at, and satisfactory participation in, seminars and the completion of the research papers and oral presentation.

Assessment: The presentation of at least one seminar and one research paper. Marks given for the seminars and research paper comprise the entire mark for the course.

PBL5820F THEORIES OF CRIME AND SOCIAL ORDER

Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: Associate Professor K Moulton

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

The course is intended to provide an understanding of the theoretical ideas that have shaped and are shaping criminal justice policy and the way in which both implicit and explicit policy agendas are realized in practice. The course will explore the history of criminological theory on understandings of crime and social order. The course considers the thinking of seminal criminological theorists; schools of thought and emblematic exemplars of each will be explored. The course interrogates Southern critiques of criminology's theoretical and programmatic projects and considers what (South) African criminology contributes to these debates in theory, as discipline and in practice. The course will be presented through a series of seminars/lectures.

DP requirements: Satisfactory attendance at seminars and completion of written assignments.

Assessment: Three reaction papers of 2000 words each 45%. A final paper of 5000 words 55%.

PBL5822S VICTIMS AND VICTIMOLOGY

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: R Nunlall- Hiralal

170 COURSE OUTLINES (POSTGRADUATE)

Course entry requirements: See Rules for LLM and MPhil Degrees. Honours degree in Humanities or LLB.

Course outline:

This course is designed to provide us with an overview of the evolving interest in victims of crime and other forms of social harm. Here we take stock of concepts, theories, social constructions, policies and criminal justice practices which allow us to engage more thoughtfully with victims of crime and social harm. We are interested in the contestations and controversies relating to the social construction of victimhood, how claims to victimhood are staked; the forms of social mobilisation exhibited by groups of victims; the types of contestation to which this may give rise. We consider the interaction and/or fusion of identities between victims and offenders. Substantive areas of concern may include: victims of interpersonal violent crime (homicide; gendered based forms of violence); as well as victims of organised crime; terror; environmental degradation and genocide.

DP requirements: Satisfactory attendance and participation at seminars and completion of written assignments.

Assessment: Coursework 60% (Assignments) Examination 40%

PBL5844S POLICE AND POLICING: EXPLORATIONS IN SECURITY GOVERNANCE

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Associate Professor I Kinnes

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

This course is intended to develop academic and professional expertise in the governance of security and provides a critical understanding of trends in the governance of security through the window of police and policing. Thus, it explores both what trends in governance can tell us about policing and what policing can tell us about developments in governance. It focuses on the impacts that global and local governance developments, new risks, spaces and technologies, have on state and non-state policing, and the regulatory and human rights implications of new trends in policing. This course focuses particularly on security governance in Africa (particularly South Africa).

DP requirements: Satisfactory attendance at seminars and completion of assignments.

Assessment: Two review papers of 2 500 words (40%) and a policy paper 5 000 words (60%). This will comprise the entire mark for the course.

PBL5847S FORENSICS AND THE LAW

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9; 12 lectures with 1 site visit.

Convener: Associate Professor K Moulit

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

This course engages integrally with questions of evidence and criminal procedure, as well as criminology and criminal law. It is designed for students who are interested in acquiring an introduction to the use of science to solve crime and will give students an understanding of the application of forensics to the law, including forensic accounting. The course engages with the crime scene investigation process, and provides an overview of the various kinds of forensic evidence that may be collected and presented in court. Students will be introduced to the theory of identification, documentation and collection of physical evidence, including fingerprints, shoe impressions, hair and fibres, firearms evidence and questioned documents. The course then considers biological evidence, including blood spatter and other fluids, forensic anthropology and odontology to introduce the student to some basics of forensic expertise. Finally, the course engages with forensic accounting. It equips students to understand basic forensics should they encounter such evidence in legal practice or research.

DP requirements: Satisfactory attendance at seminars and completion of written assignments.

Assessment: Term assignments - 20%; Term paper - 30%; Examination - 50%

PBL5848F LAW AND SOCIETY IN AFRICA

(Not offered in 2024) Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: TBA

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

Law shapes and is shaped by our social, political and cultural institutions and practices. In this course we will engage with some of the key theories and concepts, such as legal consciousness and legal pluralism, that help us to understand the relationship between law and society. Explicitly interdisciplinary in orientation, the course will consider questions that arise – and are best addressed – at the intersections of legal, social, political and economic fields like why some laws are made (or enforced) and others are not, the institutional barriers to effective implementation, the reasons why citizens turn to the law (or not) to address their problems, the functioning of police, prosecutors, courts and prisons – and the other forms of social regulation that fill the gaps in between.

DP requirements: Satisfactory attendance at seminars and completion of written assignments.

Assessment: Response papers 30%; Presentation at a student conference on Law and Society 20%; Research paper of 6000-8000 words 50%

PBL5849F LAW IN ACTION

Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: Associate Professor K Moulton

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

This course aims to provide students with the knowledge and skills to undertake relevant and ethical research through preparing students both to properly understand empirical research and methods, and to engage in empirical research projects of their own. Students who aim to undertake careers in academia (in the social sciences and in law) are increasingly required to undertake primary research. Thus, this course is designed to introduce students to the foundations of qualitative empirical research, qualitative data collection and analysis techniques. The course intends to familiarise students with the research process from design to implementation, and will also consider the ethical implications of qualitative empirical research. The course is built on the view that empirical research is a craft that requires practice to implement effectively. Classes are therefore hands-on, designed to be highly interactive, and will provide students with the opportunity to learn qualitative techniques by 'doing' in class meetings and in assignments. Although the course is primarily focused on qualitative research, a component of the course will equip students with the skills to be able to read and understand quantitative data.

DP requirements: Satisfactory attendance at seminars and completion of written assignments.

Assessment: Coursework 50%. A substantial research proposal of 6000-8000 words 50%.

PBL5850W MASTERS IN CRIMINOLOGY, LAW AND SOCIETY
DISSERTATION PART

Higher postgraduate course, whole year.

120 NQF credits at NQF level 9

Convener: A supervisor appointed by Senate

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they

172 COURSE OUTLINES (POSTGRADUATE)

have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

DP requirements: None

Assessment: 100% written work.

PBL5851S CRIMINAL PROCESS AND HUMAN RIGHTS

(Not offered in 2024) Higher postgraduate course, second semester course

30 NQF credits at NQF level 9

Convener: Professor PJ Schwikkard and Dr T Mosaka

Course entry requirements: LLB or equivalent

Course outline:

The course will draw together two components of the criminal process, namely, substantive and procedural law (the latter including evidentiary issues). Theories underlying the criminal process will be explored in a human rights context and applied to contemporary challenges and developments. These include the appropriateness of a primarily adversarial trial process; the lag between developments in social science and rules of proof; the impact of the digital world on criminal processes and the challenge of de-colonisation.

DP requirements: Satisfactory attendance and participation at seminars.

Assessment: Coursework 40% made up of 2 oral presentations in class (10% each) and 1 written assignment. Final research paper 60%.

PBL5800W MASTERS IN CRIMINOLOGY

Higher postgraduate course, whole year.

240 NQF credits at NQF level 9

Convener: A supervisor appointed by Senate

Course entry requirements: Acceptance for a Master's programme in Law.

Course outline:

Under the guidance of a supervisor appointed by Senate, a candidate must undertake research at an advanced level on a subject of legal interest approved by Senate, for the purpose of writing a dissertation. Dissertations, not exceeding 40 000 words in length, must constitute a contribution to knowledge and should demonstrate a mastery of the methods of research.

DP requirements: None

Assessment: 100% written work.

PBL5809W MASTERS IN CRIMINAL JUSTICE

Higher postgraduate course, whole year.

240 NQF credits at NQF level 9

Convener: A supervisor appointed by Senate

Course entry requirements: Acceptance for a Master's programme in Law.

Course outline:

Under the guidance of a supervisor appointed by Senate, a candidate must undertake research at an advanced level on a subject of legal interest approved by Senate, for the purpose of writing a dissertation. Dissertations, not exceeding 40 000 words in length, must constitute a contribution to knowledge and should demonstrate a mastery of the methods of research.

DP requirements: None

Assessment: 100% written work.

PBL6700W PHD IN PUBLIC LAW

360 NQF credits at NQF level 10

Convener: A supervisor appointed by Senate

Course entry requirements: Acceptance to a PhD programme.

Course outline:

A PhD thesis must represent an original contribution to, or substantial advance on, knowledge in the field. The thesis may not be more than 80 000 words. A candidate will undertake research, and such advanced study as may be required, under the guidance of a supervisor appointed by Senate.

DP requirements: None

Assessment: 100% written work.

PBL6703W PHD IN CRIMINAL JUSTICE

360 NQF credits at NQF level 10

Convener: A supervisor appointed by Senate

Course entry requirements: Acceptance to a PhD programme.

Course outline:

A PhD thesis must represent an original contribution to, or substantial advance on, knowledge in the field. The thesis may not be more than 80 000 words. A candidate will undertake research, and such advanced study as may be required, under the guidance of a supervisor appointed by Senate.

DP requirements: None

Assessment: 100% written work.

PBL6704W PHD IN CRIMINOLOGY

360 NQF credits at NQF level 10

Convener: A supervisor appointed by Senate

Course entry requirements: Acceptance to a PhD programme.

Course outline:

A PhD thesis must represent an original contribution to, or substantial advance on, knowledge in the field. The thesis may not be more than 80 000 words. A candidate will undertake research, and such advanced study as may be required, under the guidance of a supervisor appointed by Senate.

DP requirements: None

Assessment: 100% written work.

PVL4624F HUMAN RIGHTS AND PRIVATE LAW

Higher postgraduate course, first semester.

30 NQF credits at NQF level 8

Convener: Dr L Boonzaier

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

The relationship between human rights and private law is becoming increasingly important in many jurisdictions, and continues to generate controversy in South Africa. This course aims to enhance participants' understanding of the relationship between human and constitutional rights, on the one hand, and core areas of South African private law, on the other, by placing that relationship in theoretical and comparative perspective. It considers: (a) different models of the horizontal application of human rights under different domestic constitutions; (b) the competing legal and political theories at play in the relationship between Private Law and Human Rights; and (c) selected issues where human rights have recently influenced traditional private law doctrines (e.g. in property, obligations, and family law) in different jurisdictions.

DP requirements: Satisfactory class attendance (see course outline).

Assessment: Coursework 100%

PVL4625S PROPERTY LAW IN A CONSTITUTIONAL ORDER

Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: Dr G Mathiba

Course entry requirements: See rules for Postgraduate Diplomas.

174 COURSE OUTLINES (POSTGRADUATE)

Course outline:

In evaluating the foundations and context of property law critically, this course takes a legal comparative approach in focusing on the place of property law within a constitutional order, by considering (a) Different legal traditions of property law; (b) Various constitutional property regimes; (c) The effects of economic, social and political transformation on property law.

DP requirements: 80% attendance at seminars.

Assessment: Short Research Projects 25%, Seminars (oral presentation) 25%, Examination 50%.

PVL4630F COMPARATIVE MINERAL LAW IN AFRICA

Higher postgraduate course, first semester.

30 NQF credits at NQF level 8

Convener: Professor H Mostert

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

In enabling study of the theory and practice of mineral law, this course focuses on building understanding of the complexities of the mineral laws of selected African jurisdictions in their historical, constitutional and political setting. It introduces the topic by dealing with the prevalent regulatory frameworks for mineral law in Africa, and the core concepts. It deals specifically with the nature and content of rights to minerals. In doing so, it analyses critically the extent of current regulatory controls and/or lack thereof, focusing specifically on provisions dealing with resource rents, social and environmental responsibility and governance in the mineral and petroleum sectors. This allows students to gain a critical understanding of the practical context in which mineral law operates, and the need for reform.

DP requirements: 80% attendance at seminars.

Assessment: 100% continuous assessment.

PVL4631S NEGOTIATING EXTRACTIVE AGREEMENTS AND MINING CONTRACTS

Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: Professor H Mostert

Course entry requirements: See rules for Postgraduate Diplomas.

Course outline:

This course is aimed at students interested in the process of contract negotiations in the mining sector. The course will provide an overview of the nature of mining contracts, including the advantages and disadvantages of these contracts to furthering the goals of the broader legislative scheme governing mineral resources. It will provide a clear overview of the requirements for a valid contract and the types of terms and conditions typically encountered in contracts of this nature. It will furthermore set out the practical context within which these contracts are negotiated, providing insight into the imbalance of power (asymmetry of information) of negotiating teams. The stages of the negotiating process will be set out in detail, which includes the pre-negotiation, negotiation and post-negotiation stage. Finally, the concepts of good governance, transparency and accountability will be discussed throughout the course, given their importance to facilitating outcomes that are favourable to the public.

DP requirements: None

Assessment: 100% continuous assessment.

PVL4632F OIL AND GAS LAW IN SOUTH AFRICA

Higher postgraduate course, first semester.

30 NQF credits at NQF level 8

Convener: Professor H Mostert

Course entry requirements: See Rules for Postgraduate Diplomas.

Course outline:

This course is aimed at students interested in the regulation of the oil and gas sector, with a particular focus on the legal framework governing this sector. It will provide an overview of the role-players in the industry, as well as the various stages of project development. It focuses on selected practical and theoretical aspects of the South African law of oil and gas. The course aims to provide specialist knowledge on the governance and management of oil and gas, specifically focusing on the regulation of these resources by the state, licensing requirements and consequences, as well as issues of ownership of resources and land. Other issues that confront the industry will also be discussed, including black economic empowerment and other local content requirements, royalties and taxation, social and environmental responsibility, and administrative law.

DP requirements: None

Assessment: 100% continuous assessment.

PVL4633S RESOURCE REVENUE LAW

Higher postgraduate course, second semester.

30 NQF credits at NQF level 8

Convener: Professor H Mostert and Professor J Hattingh

Course entry requirements: See Rules for Postgraduate Diplomas.

Course outline:

This course is aimed at students interested in the regulation of taxation of the resources sector, with a particular focus on minerals and petroleum resources. The course includes a discussion of the theoretical and practical considerations that inform the structure of the regulatory framework in this sector. The obligations placed on right holders in respect of mineral and petroleum resources are set out. Management of the risks inherent to the sector in the context of taxation is also canvassed, including international law considerations and obligations, as well as considerations that inform the domestic legal framework, such as local beneficiation. Other areas that are covered will include the distinction between source and residence taxation, the taxation of offshore exploration activities, and issues concerning transfer pricing in the sector.

DP requirements: None

Assessment: 100% continuous assessment.

PVL4636F EXTRACTIVES LAW & THE ENERGY TRANSITION

30 NQF credits at NQF level 8

Convener: Professor H Mostert

Course entry requirements: See Rules for Postgraduate Diplomas

Co-requisites: None

Course outline:

The course offers a theoretical engagement with discourses in Mineral and Petroleum Law and Policy under the global transition away from hydrocarbon-based production and consumption systems to low-carbon and/or renewable energy sources (the “Just Transition”). The reality of climate change means that an urgent transition to low- or net-zero energy systems are needed to ensure a sustainable future for humanity. Given the sheer quantity of minerals needed to facilitate the move away from fossil-fuel based energy generation, the extractive sectors will be at the forefront of this energy transition. The underlying complexities involved in such transitions raise critical questions about what the effects of such transition would be on the various rich and poor jurisdictions in the world, with the concern that it may perpetuate current inequalities caused by existing global systems of energy production and consumption. In this light, the proposed course aims are threefold: (i) to provide students with a structured opportunity to deepen their knowledge in understanding the role of law and policy in the Just Transition (ii) to enable students engage with the contested nature of Just Transition concept from a legal-theoretical perspective.

(iii) to enable students to participate in the discourse around the Just Transition and allow them to hone the intellectual tools that may advance their careers.

DP requirements: None

176 COURSE OUTLINES (POSTGRADUATE)

Assessment: Written coursework & class participation: 30% Final case study presentation: 10% Final paper (expanding on the case study and addressing specific essay prompts provided at the end of the course): 60%

PVL5000X PRIVATE LAW - RESEARCH TASK

Higher postgraduate course

15 NQF credits at NQF level 9

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

PVL5606W MASTERS IN PRIVATE LAW

Higher postgraduate course, whole year.

240 NQF credits at NQF level 9

Convener: A supervisor appointed by Senate

Course entry requirements: Acceptance for a Master's programme in Law.

Course outline:

Under the guidance of a supervisor appointed by Senate, a candidate must undertake research at an advanced level on a subject of legal interest approved by Senate, for the purpose of writing a dissertation. Dissertations, not exceeding 40 000 words in length, must constitute a contribution to knowledge and should demonstrate a mastery of the methods of research.

DP requirements: None

Assessment: 100% written work.

PVL5607W MASTERS IN RHETORIC STUDIES

Higher postgraduate course, whole year. Candidates who hold an LLB degree will register for an LLM in Rhetoric Studies

240 NQF credits at NQF level 9

Convener: Distinguished Professor Ph-J Salazar

Course entry requirements: Acceptance for a Master's programme in Law.

Course outline:

Original research on a given topic within the ambit of rhetoric understood as the study of argumentative deliberation in the public sphere.

DP requirements: None

Assessment: 100% written work.

PVL5620S ADVANCED CONTRACT LAW

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Professor T Naudé

Course outline:

This is an advanced course which focuses on aspects of Contract Law. Topics to be covered will be prescribed from year to year. Some of the topics will focus on how the Constitution is influencing the development of the law of contract. Examples of the topics that have been covered in previous years include the following: mistake and the basis of contract in South African law; the expansion of the concept of iustus error; good faith, public policy and fairness in Contract Law (including control mechanisms of unfair contract terms under the common law, the Constitution and the Consumer Protection Act); Non-variation clauses and the availability of the defences of estoppel and waiver in this context; pre-emption agreements: what transactions trigger the right of first refusal?; Impact of the Consumer Protection Act on other aspects of Contract Law, including the residual rights of the

buyer of goods and services; African Contract Law; Remedies for breach of contract, including the right to withhold performance and the assessment of damages; Supervening impossibility of performance and hardship: Change of circumstances or hardship falling short of impossibility; Liability for breaking off contractual negotiations; Private International Law of Contracts; Aspects of the law of cession (cession of future rights, security cessions).

DP requirements: None

Assessment: One research paper of 7 000 words 100%

PVL5620X ADVANCED CONTRACT LAW - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Professor T Naudé

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

PVL5624F HUMAN RIGHTS AND PRIVATE LAW

Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: Dr L Boonzaier

Course entry requirements: See rules for LLM and MPhil Degrees.

Course outline:

The relationship between human rights and private law is becoming increasingly important in many jurisdictions, and continues to generate controversy in South Africa. This course aims to enhance participants' understanding of the relationship between human and constitutional rights, on the one hand, and core areas of South African private law, on the other, by placing that relationship in theoretical and comparative perspective. It considers: (a) different models of the horizontal application of human rights under different domestic constitutions; (b) the competing legal and political theories at play in the relationship between private law and human rights; and (c) selected issues where human rights have recently influenced traditional private law doctrines (e.g. in property, obligations, and family law) in different jurisdictions. This course may be taken by any postgraduate Law student.

DP requirements: Satisfactory class attendance (see course outline).

Assessment: Assessment will take place in two stages: a seminar presentation (which will count 30% of the final mark for the course) and a research paper on a topic to be approved by the course conveners (which will count the remaining 70% of the final mark for the course).

PVL5624X HUMAN RIGHTS AND PRIVATE LAW - RESEARCH TASK

Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Convener: Dr L Boonzaier

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

PVL5625S PROPERTY LAW IN A CONSTITUTIONAL ORDER

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Dr G Mathiba

Course entry requirements: See rules for LLM and MPhil Degrees.

Course outline:

In evaluating the foundations and context of property law critically, this course takes a legal comparative approach in focusing on the place of property law within a constitutional order, by considering different legal traditions of property law; various constitutional property regimes; the effects of economic, social and political transformation on property law; and various theories and theoretical approaches that underlie property law.

DP requirements: 80% attendance at seminars; submission of course assignment (research paper).

Assessment: Projects (7000 word research paper) 30%, Seminars (oral presentation) 20%, Examination 50%.

PVL5625X PROPERTY LAW IN A CONSTITUTIONAL ORDER - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Dr G Mathiba

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

PVL5626S HUMAN RIGHTS, GENDER AND FAMILY

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Associate Professor A Barratt

Course entry requirements: See rules for LLM and MPhil Degrees.

Course outline:

This course examines some of the human rights implications of family law and gender. Some of the specific themes investigated may include the following (amongst others): what is a family? historical, theoretical and constitutional approaches; is a rights-based approach appropriate for family law? Are some kinds of rights more appropriate than others? autonomy rights and the family; diversity, culture and lived realities; agency and grassroots expressions of human rights; family economics; family violence; identity issues; and reproductive rights.

DP requirements: None

Assessment: Written assignment and seminar presentation 30%, Examination 70%

PVL5626X HUMAN RIGHTS, GENDER, AND FAMILY - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Associate Professor A Barratt

Course entry requirements: See Rules for LLM Professional Masters

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

PVL5627S DELICT, UNJUSTIFIED ENRICHMENT, AND HUMAN RIGHTS

(not offered in 2024) Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Professor A G Fagan

Course entry requirements: See rules for LLM and MPhil Degrees.

Course outline:

This course investigates the relationship between delict and unjustified enrichment (that is, non-contractual obligations), on the one hand, and human rights on the other, particularly as those are enacted in bills of rights or similar legally-binding documents. The main emphasis will be on South African law. In the first place, the course will look at the important ways in which the South African law of delict has been (and still might be) changed in order to bring it in line with the South African Constitution: examples are in respect of omissions by public bodies, vicarious liability, and enrichment, and at how it relates to the rights in and values of the South African Constitution. The course will, however, also place the South African law in a broader comparative context: in particular, it will look at the relationship between delict/tort and unjustified enrichment/restitution, on the one hand, and human rights, on the other, in English, Canadian and German law.

DP requirements: Attendance at all lectures and submission of course assignment.

Assessment: Essay 30%, Examination 70%.

PVL5627X DELICT, UNJUSTIFIED ENRICHMENT, AND HUMAN RIGHTS - RESEARCH TASK

(not offered in 2024) Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Professor A G Fagan

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

PVL5630F COMPARATIVE MINERAL LAW IN AFRICA

Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: Professor H Mostert

Course entry requirements: See Rules for LLM and MPhil degrees.

Course outline:

In enabling the study of the theory and practice of mineral law, this course focuses on building understanding of the complexities of the mineral laws of selected African jurisdictions in their historical, constitutional and political setting. It introduces the topic by dealing with the prevalent regulatory frameworks for mineral law in Africa, and the core concepts. It deals specifically with the nature and content of rights to minerals. In doing so, it analyses critically the extent of current regulatory controls and/or lack thereof, focusing specifically on provisions dealing with resource rents, social and environmental responsibility, and governance in the mineral and petroleum sectors. This allows students to gain a critical understanding of the practical context in which mineral law operates, and the need for reform.

DP requirements: None

Assessment: 100% continuous assessment.

PVL5630X COMPARATIVE MINERAL LAW IN AFRICA - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Professor H Mostert

180 COURSE OUTLINES (POSTGRADUATE)

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

PVL5631S NEGOTIATING EXTRACTIVE AGREEMENTS AND MINING CONTRACTS

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Professor H Mostert

Course entry requirements: See rules for LLM and MPhil Degrees.

Course outline:

This course is aimed at students interested in the process of contract negotiations in the mining sector. The course will provide an overview of the nature of mining contracts, including the advantages and disadvantages of these contracts to furthering the goals of the broader legislative scheme governing mineral resources. It will provide a clear overview of the requirements for a valid contract and the types of terms and conditions typically encountered in contracts of this nature. It will furthermore set out the practical context within which these contracts are negotiated, providing insight into the imbalance of power (asymmetry of information) of negotiating teams. The stages of the negotiating process will be set out in detail, which includes the pre-negotiation, negotiation and post-negotiation stage. Finally, the concepts of good governance, transparency and accountability will be discussed throughout the course, given their importance to facilitating outcomes that are favourable to the public.

DP requirements: None

Assessment: Coursework 10% Examination 60% Dissertation 30%.

PVL5631X NEGOTIATING EXTRACTIVE AGREEMENTS AND MINING CONTRACTS - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Professor H Mostert

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

PVL5632F OIL AND GAS LAW IN SOUTH AFRICA

Higher postgraduate course, first semester.

30 NQF credits at NQF level 9

Convener: Professor H Mostert

Course entry requirements: See Rules for LLM and MPhil degrees.

Course outline:

This course is aimed at students interested in the regulation of the oil and gas sector, with a particular focus on the legal framework governing this sector. It will provide an overview of the role-players in the industry, as well as the various stages of project development. It focuses on selected practical and theoretical aspects of the South African law of oil and gas. The course aims to provide specialist knowledge on the governance and management of oil and gas, specifically focusing on the regulation of these resources by the state, licensing requirements and consequences, as well as issues of ownership of resources and land. Other issues that confront the industry will also

be discussed, including black economic empowerment and other local content requirements, royalties and taxation, social and environmental responsibility, and administrative law.

DP requirements: None

Assessment: 100% continuous assessment.

PVL5632X OIL AND GAS LAW IN SOUTH AFRICA - RESEARCH TASK

Higher postgraduate course, first semester.

15 NQF credits at NQF level 9

Convener: Professor H Mostert

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

PVL5633S RESOURCE REVENUE LAW

Higher postgraduate course, second semester.

30 NQF credits at NQF level 9

Convener: Professor H Mostert and Professor J Hattingh

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

This course is aimed at students interested in the regulation of taxation of the resources sector, with a particular focus on minerals and petroleum resources. The course includes a discussion of the theoretical and practical considerations that inform the structure of the regulatory framework in this sector. The obligations placed on right holders in respect of mineral and petroleum resources are set out. Management of the risks inherent to the sector in the context of taxation is also canvassed, including international law considerations and obligations, as well as considerations that inform the domestic legal framework, such as local beneficiation. Other areas that are covered will include the distinction between source and residence taxation, the taxation of offshore exploration activities, and issues concerning transfer pricing in the sector.

DP requirements: None

Assessment: 100% continuous assessment.

PVL5633X RESOURCE REVENUE LAW - RESEARCH TASK

Higher postgraduate course, second semester.

15 NQF credits at NQF level 9

Convener: Professor H Mostert and Professor J Hattingh

Course entry requirements: See Rules for LLM Professional Masters.

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: A research task of a professional nature.

PVL5634W MASTERS IN THE LAW OF MINERAL AND PETROLEUM EXTRACTION AND USE

Higher postgraduate course, whole year.

120 NQF credits at NQF level 9

Convener: Professor H Mostert and Professor J Hattingh

Course entry requirements: See Rules for LLM and MPhil Degrees.

Course outline:

182 COURSE OUTLINES (POSTGRADUATE)

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

DP requirements: None

Assessment: 100% written work.

PVL5636F EXTRACTIVES LAW AND THE ENERGY TRANSITION

30 NQF credits at NQF level 9

Convener: Professor H Mostert

Course entry requirements: See rules for LLM and MPhil degrees

Co-requisites: None

Course outline:

The course offers a theoretical engagement with discourses in Mineral and Petroleum Law and Policy under the global transition away from hydrocarbon-based production and consumption systems to low-carbon and/or renewable energy sources (the “Just Transition”). The reality of climate change means that an urgent transition to low- or net-zero energy systems are needed to ensure a sustainable future for humanity. Given the sheer quantity of minerals needed to facilitate the move away from fossil-fuel based energy generation, the extractive sectors will be at the forefront of this energy transition. The underlying complexities involved in such transitions raise critical questions about what the effects of such transition would be on the various rich and poor jurisdictions in the world, with the concern that it may perpetuate current inequalities caused by existing global systems of energy production and consumption. In this light, the proposed course aims are threefold: (i) to provide students with a structured opportunity to deepen their knowledge in understanding the role of law and policy in the Just Transition (ii) to enable students engage with the contested nature of Just Transition concept from a legal-theoretical perspective (iii) to enable students to participate in the discourse around the Just Transition and allow them to hone the intellectual tools that may advance their careers.

DP requirements: None

Assessment: Written coursework & class participation: 30% Final case study presentation: 10% Final paper (expanding on the case study and addressing specific essay prompts provided at the end of the course): 60% N.B. For students enrolled in the professional masters' stream, an additional research task of 5000 words is required (marked out of 100).

PVL5636X EXTRACTIVES LAW & THE ENERGY TRANSITION - RESEARCH TASK

15 NQF credits at NQF level 9

Convener: Professor H Mostert

Course outline:

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

DP requirements: None

Assessment: The Research Task should have a maximum of 5,000 words and is weighted as per the requirements of the Law Faculty, and linked with the taught modules of the Course: Extractives Law & the Energy Transition.

PVL6700W PHD IN PRIVATE LAW

360 NQF credits at NQF level 10

Convener: A supervisor appointed by Senate

Course entry requirements: See Rules for PhD Degrees.

Course outline:

A PhD thesis must represent an original contribution to, or substantial advance on, knowledge in the field. The thesis may not be more than 80 000 words. A candidate will undertake research, and such advanced study as may be required, under the guidance of a supervisor appointed by Senate.

DP requirements: None

Assessment: 100% written work.

PVL6703W PHD IN RHETORIC STUDIES

360 NQF credits at NQF level 10

Convener: A supervisor appointed by Senate

Course entry requirements: See Rules for PhD Degrees.

Course outline:

Doctoral research on a given topic within the ambit of rhetoric understood as the study of argumentative deliberation in the public sphere.

DP requirements: None

Assessment: 100% written work.

EXCHANGE STUDENTS: INFORMATION AND COURSE OUTLINES

Exchange Advisor: T Thabane

Definitions

Exchange Student:

An exchange student is one from an overseas tertiary institution with which UCT has entered into an Exchange Agreement. An Exchange Agreement may either be a ‘university wide’ agreement that is administered by the International Academic Programmes Office (IAPO) or a ‘Faculty wide’ agreement, which is administered by the Faculty Office. In terms of these agreements, one or more students from the overseas institution may register at UCT for one or more semesters (depending on the terms of the exchange agreement). The agreements are usually subject to a reciprocal fee waiver arrangement, which means that exchange students are not required to pay UCT fees but may still be required to pay their home institution’s fees.

The overseas institution with which UCT has concluded an exchange agreement will usually nominate students to take up an exchange place at UCT. Once nominated by the home institution and once the UCT Faculty Office is advised of such a nomination, exchange students must comply with the procedures for applying to study at UCT and may contact the Faculty Office for more information in this regard. Exchange students should contact their home university’s Exchange Co-ordinator for more information on whether or not their institution has an exchange agreement with UCT and for the nomination procedures of their institution.

Semester Study Abroad (SSA) Student:

An SSA student is one from an overseas tertiary institution who registers at UCT for one or more semesters, paying full tuition fees at UCT. SSA students must apply through the International Academic Programmes Office (IAPO) for admission to UCT. For information about application procedures and general information to study at UCT, visit <http://www.iapo.uct.ac.za/> or email iapo@uct.ac.za.

See below further information as to which courses may be taken by SSA students.

Undergraduate Student:

An undergraduate student is one who does not yet hold a law degree (or a non-law general degree) from a tertiary institution. Students who are in possession of a degree from a tertiary institution, and who are attending law school, but have yet to be awarded a law degree are regarded as undergraduate students for the purpose of study at UCT.

Postgraduate Student:

A postgraduate student is one who is already in possession of a law degree from a tertiary institution.

Orientation Programmes and Accommodation

The International Academic Programmes Office (IAPO) at UCT arranges orientation programmes for Semester Study Abroad and Exchange students and provides information about accommodation as well as general information to study at UCT. See <http://www.iapo.uct.ac.za/> or email iapo@uct.ac.za for more information.

Faculty of Law:

The Faculty of Law is one of six faculties at UCT. The six faculties comprise approximately 62 departments. The Faculty of Law offers a Bachelor of Laws (undergraduate stream or graduate stream), Master of Laws (by coursework and research dissertation or by research dissertation only), Professional Masters, Postgraduate Diploma in Law and Doctoral degree (Doctor of Philosophy or Doctor of Laws). The Dean is the Head of the Law Faculty and is assisted by the Law Faculty Office, which is headed by the Law Faculty Manager for Academic Administration. For more information, see <http://www.law.uct.ac.za/>.

The Faculty of Law is physically situated in the Wilfred and Jules Kramer Building, Middle Campus.

Law Faculty Office:

The Law Faculty Office is the office for the academic administration of the Faculty of Law. The Faculty Office may be contacted on +27 21 650 3086. For queries relating to admission to study law at UCT, email law-studies@uct.ac.za.

Academic and general information

Undergraduate Exchange and Semester Study Abroad Students may do up to a maximum of four courses per semester (unless they obtain permission from the Exchange Advisor to do more).

- The four courses can comprise up to four LLB courses or no more than one LLM course and up to three LLB courses.
- Should an undergraduate student wish to take an LLM course, s/he must first obtain the permission of the individual course convener and provide the Law Faculty Office with the convener's written permission. A signature by the course convener on the registration form is sufficient, if such permission can be obtained at the time of registration. If not, written confirmation must be given to the Faculty Office at the earliest available date thereafter.
- We cannot advise Semester Study Abroad and Foreign Exchange students on how many credits they will receive from their home institution per course. Students need to obtain that information from their home institutions. All we can advise is that a full semester load for UCT undergraduate students is the equivalent to four courses per semester.

Postgraduate Exchange and Semester Study Abroad Students may do a maximum of three LLM courses per semester.

- No additional LLM or LLB courses may be taken.
- Postgraduate students do not need to obtain the permission of the LLM course convener in order to take an LLM course, unless the Faculty Handbook prescribes certain necessary course entrance requirements or has limited class sizes prescribed for the course.

Course Contact Lectures and Information:

- The number of contact lectures for each LLB and LLM course is contained in the Law Faculty Handbook, available from the Law Faculty Office or on the UCT website <http://www.students.uct.ac.za/students/study/handbooks/current>.
- Much of the information regarding courses (both LLB and LLM) is available online on the Law Faculty's website (<http://www.law.uct.ac.za>, select Courses).

Other General Requirements:

- Exchange students who come to study at UCT in terms of an exchange agreement between their Law Faculty and the UCT Law Faculty may only do courses offered by the UCT Law Faculty. If they wish to do courses offered by other faculties at UCT, they need to register with IAPO as occasional students in respect of those additional courses, for which they will need to pay the appropriate fees.

186 EXCHANGE COURSES

- Exchange and Semester Study Abroad students who register for a course are required to complete all the assignments and examinations set for that course. Students do not receive a credit for a course merely for 'attending' lectures or seminars.
- All students, including Exchange and Semester Study Abroad students can change a course at any time within the first week following registration. Thereafter, they will be precluded from doing so.

EXCHANGE COURSES

PBL2000F CONSTITUTIONAL LAW (PART A)

Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.

18 NQF credits at NQF level 7

Convener: Dr N Ramalekana

Course outline:

This course provides an introduction to the history of South African constitutional law and basic concepts such as democracy, legitimacy, constitutionalism, federalism, separation of powers and the rule of law. It then considers the South African Constitution in detail, examining the functions and powers of the three branches of government and the different spheres of government (national, provincial and local).

DP requirements: None

Assessment: Two assignments 20%; One written examination (2 hours) 80%.

PBL3001F INTERNATIONAL LAW

Intermediate Level, half course, first semester

18 NQF credits at NQF level 7

Convener: Associate Professor H Woolaver

Course entry requirements: All Preliminary Level courses to have been completed.

Course outline:

The course addresses the following aspects of international law: introduction and sources of law; subjects and objects of international law; the relationship between international and South African law; state responsibility; peaceful settlement of disputes; the use of force; the United Nations and other key international organisations; and international criminal law.

DP requirements: Please refer to the course handout and/or the intermediate year schedule.

Assessment: Optional essay/opinion: 20%; Mid-course assessment: 30%; Final exam: 50% (if essay/opinion) or 70% (if no essay/opinion)

PBL3801F CRIMINAL LAW (PART A)

Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.

18 NQF credits at NQF level 7

Convener: TBA

Course outline:

Introduction: This course covers the general principles of criminal law. Students are introduced to these principles by a brief examination of the nature of criminal law, the principle of legality and the operation of the Bill of Rights on the rules of criminal law.

Analysis of principles:

The course focuses on an analysis of the case law and legal principles governing the elements of voluntariness of conduct (including the defence of automatism); causation; defences excluding unlawfulness (private defence, necessity, impossibility, obedience to orders, public authority and consent); capacity (including the defences of youth, insanity, intoxication, provocation and emotional stress); fault in the forms of intention and negligence; common purpose, accomplice and accessory-after-the-fact liability; attempt, incitement and conspiracy. The tutorial style of teaching is favoured and students are given all of the tutorial problems and readings, in the order in which they will be covered in classes, at the beginning of the semester and are required to prepare in advance of lectures and tutorials. Class participation is essential.

DP requirements: None

Assessment: Essay 20%; Compulsory test 80%.

PVL1003F/S FOUNDATIONS OF SOUTH AFRICAN LAW (PART A AND B)

First semester/Second semester, three lectures per week. Occasional tutorials at the Convener's discretion. Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.

18 NQF credits at NQF level 5

Convener: Professor AJ Barnard-Naudé

Course outline:

PVL1003F: The objectives of this course are that firstly students should develop foundational knowledge about the legal system in South Africa, including a knowledge of the history, sources of law, hierarchy of the courts, legal reasoning, with special attention to the doctrine of precedent, classifications of the law and fundamental legal concepts, as well as areas of the law relating to HIV and AIDS. The course then covers an introduction to the South African political transition from authoritarian rule to constitutional democracy, including a discussion of the Truth and Reconciliation Commission, transformative constitutionalism and decolonisation.

PVL1003S: Students engage in the first part of the course in a review of the development of public law culture, viewed from the point of view of the fluctuating fortunes of the rule of law. The final section provides students with an overview of the rules relating to interpretation of statutes, and their practical application.

DP requirements: Attendance at 80% of tutorials.

Assessment: One three hour written examination in the first/second semester.

COMMERCIAL LAW SERVICE COURSES FOR NON-LAW STUDENTS

Director: J Franco

Administrative Officer: T Murphy

CML1001F BUSINESS LAW I

18 NQF credits at NQF level 5

Convener: Dr K Lehmann

Course entry requirements: None

Course outline:

The purpose of the course is to provide students with a general introduction to the South African legal system, with its main focus the law of contract. The course starts with an overview of the South African court structure and contemporary sources and branches of South African law, and also introduces students to the Constitution and the impact that it continues to have on legal development. The course then provides students with a general but comprehensive introduction to the general principles of contract, focusing on formation of contracts, the content of contracts, breach of contract and remedies for breach. The course also aims to provide students with an introduction to certain specific contracts, most notably contracts of sale, lease and agency. The general principles of contract are supplemented by a consideration of legislation, in particular the provisions of the Consumer Protection Act, where relevant.

Lecture times: The course is an intensive one, with 5 contact periods per week for the full semester.

DP requirements: Coursework is compulsory. If the student does not submit hand-ins or write a test the student will receive a mark of 0 for that assessment (unless granted an exemption). But the student will be able to write the exam.

Assessment: Coursework 40%; final examination 60%.

CML1004S BUSINESS LAW I

18 NQF credits at NQF level 5

Convener: Dr K Lehmann

Course entry requirements: None

Course outline:

The purpose of the course is to provide students with a general introduction to the South African legal system, with its main focus the law of contract. The course starts with an overview of the South African court structure and contemporary sources and branches of South African law, and also introduces students to the Constitution and the impact that it continues to have on legal development. The course then provides students with a general but comprehensive introduction to the general principles of contract, focusing on formation of contracts, the content of contracts, breach of contract and remedies for breach. The course also aims to provide students with an introduction to certain specific contracts, most notably contracts of sale, lease and agency. The general principles of contract are supplemented by a consideration of legislation, in particular the provisions of the Consumer Protection Act, where relevant.

Lecture times: The course is an intensive one, with 5 contact periods per week for the full semester.

DP requirements: Coursework is compulsory. If the student does not submit hand-ins or write a test the student will receive a mark of 0 for that assessment (unless granted an exemption). But the student will be able to write the exam.

Assessment: Coursework 40%; final examination 60%.

CML2001F COMPANY LAW

18 NQF credits at NQF level 6

Convener: Dr T Thabane

Course entry requirements: Business Law 1 and no undergraduate student in his/her first year of study may register for Company Law.

Course outline:

The course offers an overview of the laws that govern the nature, formation, and management of partnerships, trusts, companies and close corporations with the main focus being on companies. Students are encouraged to apply the analytical abilities acquired in previous law courses and these skills are further developed. After the course students will be able to, amongst others, navigate the Companies Act 71 of 2008 and will be familiar with its core provisions and their practical impact.

Lecture times: The course is an intensive one with 5 contact periods per week for the full semester.

DP requirements: Coursework is compulsory. If the student does not submit hand-ins or write a test the student will receive a mark of 0 for that assessment (unless granted an exemption). But the student will be able to write the exam.

Assessment: Coursework 40%; final examination 60%.

CML2005F LABOUR LAW

18 NQF credits at NQF level 6

Convener: L Mkhwanazi

Course entry requirements: No undergraduate student in his/her first year of study may take Labour Law. It is recommended that students have passed a foundation course in law, e.g. Business Law I.

Course outline:

This course aims to provide students with an understanding of the common law contract of employment and labour law statutes; including the Labour Relations Act; Basic Conditions of the Employment Act; and the Employment Equity Act. The course will specifically focus on the following issues that commonly arise in the workplace: the legal definition of 'employee'; discipline and dismissals; unfair labour practices; unfair discrimination in employment and recruitment and selection; employment equity issues; collective bargaining; strikes and lock-outs; and dispute resolution.

Lecture times: This course is an intensive one, with 3 lectures per week for the full semester.

DP requirements: Coursework is compulsory. If the student does not submit hand-ins or write a test the student will receive a mark of 0 for that assessment (unless granted an exemption). But the student will be able to write the exam.

Assessment: Coursework 40%; final examination 60%.

CML2010Z BUSINESS LAW II

12 NQF credits at NQF level 6

Convener: J Franco

Course entry requirements: Business Law I. No undergraduate student in the first year of study may register for Business Law II.

Co-requisites: None

Course outline:

Business law 2 is designed to give students an understanding of commercial transactions, how they are financed, and the risks involved. The course covers insolvency, credit agreements, stokvels and the various forms of security that can be used to finance commercial transactions. By the end of the course, students should have an appreciation of the types of legal issues that commonly arise in financing transactions – how creditors can best secure themselves in the event of non-payment and ultimately the risk of insolvency and how debtors are protected under the National Credit Act.

COMMERCIAL LAW SERVICE COURSES FOR NON-LAW STUDENTS 191

The course also covers public sector financial management, looking specifically at the legal obligations set out in the Public Finance Management Act 1999 and the Municipal Finance Management Act 2003 and related laws.

Lecture times: The course is an intensive one with 5 contact periods per week for 8 weeks in Semester 2.

DP requirements: Writing the test is compulsory. If a student does not write the test and does not get an exemption then the student will be marked absent and awarded 0 for the test. But the student will be able to write the exam.

Assessment: Coursework 30% and final examination 70%

CML4607F LAW FOR ENGINEERS

10 NQF credits at NQF level 8

Convener: B Zungu

Course entry requirements: This course is only available to BSc(Eng) Electrical Engineering; BSc(Eng) Electrical and Computer Engineering and BSc(Eng) Mechatronics students.

Course outline:

The course is designed to give students a general understanding of the legal issues they will face in their engineering careers and to enable them to act professionally and ethically. The course gives an overview of the South African legal system, and then provides a general but comprehensive synopsis of the law of contract, labour law, corporate governance and the various entities which can be used for conducting business and the legal implications of each. In addition, students are given an introduction to intellectual property. By the end of the term students should have an appreciation of the types of issues and risks that commonly arise in the socio-legal context of engineering practice.

Lecture times: There are 4 contact sessions per week in this intensive course.

DP requirements: Completion of assignment and class test is compulsory. If the student does not submit the assignment or write the test the student will receive 0 for that assessment (unless granted an exemption). But the student will be able to write the exam.

Assessment: Assignment (20%), Class test (20%), Exam (60%)

SUMMER TERM SERVICE COURSES

Admission Criteria: The following courses will be limited to a **maximum of 75 students**. Once this number has been reached, no further students will be registered for the course.

Note: A first year student may not do a law course during Summer Term.

Note: Students may not anticipate a course in order to lighten their standard workload

In addition to the above, only the following students are eligible to do these law courses in Summer Term:

- a) Semester Study Abroad Students (from UCT), registered in the Commerce Faculty who need the course to graduate in the current year;
- b) Construction Studies students who require Business Law I as a prerequisite for CON3032W and who already have a full credit load and which could impact on their graduation;
- c) Students for whom the course is the only course required in order to graduate (i.e. it is the only scheduled course outstanding for the degree);
- d) Students who require the course in order to graduate in the current year of study and who are already carrying a normal scheduled workload.

Note: In the event of an over-subscription students may have to be de-registered for the course and preference will be given to students in the order of the above categories i.e. first group (a), second group (b) and so on. **Students must register by 1 October and will be notified by the end of October if they are to de-register. But students in categories (c) and (d) may register up to 15 December.**

Note: A course will only run if a **minimum of 45 students** register for the course – if fewer students register, the course will be withdrawn due to insufficient demand.

192 COMMERCIAL LAW SERVICE COURSES FOR NON-LAW STUDENTS

The authority and responsibility for administering the admission criteria and registering students on the Summer Term programme rests with each student's home faculty.

STUDENTS MUST STATE WHICH CATEGORY (a-d) THEY FALL INTO WHEN REGISTERING.

CML1001P BUSINESS LAW I - SUMMER TERM

18 NQF credits at NQF level 5

Convener: TBA

Course entry requirements: None

Course outline:

Refer to course outline for CML1001F/CML1004S.

Lecture times: Lectures are offered on a daily basis for three hours over a four-week period.

DP requirements: Writing the test is compulsory. If a student does not write the test and does not get an exemption then the student will be marked absent and awarded 0 for the test. But the student will be able to write the exam.

Assessment: Test 40%; final examination 60%.

CML2001P COMPANY LAW - SUMMER TERM

18 NQF credits at NQF level 6

Convener: TBA

Course entry requirements: No undergraduate student in the first year of study may register for Company Law. Business Law I is a prerequisite for Company Law, and students cannot register for Company Law unless they successfully completed Business Law I in the previous year of study.

Course outline:

Refer to course outline for CML2001F.

Lecture times: Lectures are offered on a daily basis for three hours over a four-week period.

DP requirements: Writing the test is compulsory. If a student does not write the test and does not get an exemption then the student will be marked absent and awarded 0 for the test. But the student will be able to write the exam.

Assessment: Test 40%; final examination 60%.

CML2005P LABOUR LAW - SUMMER TERM

18 NQF credits at NQF level 6

Convener: TBA

Course entry requirements: No undergraduate student in his/her first year of study may take Labour Law. It is recommended that students have passed a foundation course in law, e.g. Business Law I.

Course outline:

Refer to course outline for CML2005F.

Lecture times: Lectures are offered on a daily basis for three hours over a four-week period.

DP requirements: Writing the test is compulsory. If a student does not write the test and does not get an exemption then the student will be marked absent and awarded 0 for the test. But the student will be able to write the exam

Assessment: Test 40%; final examination 60%

CML2010P BUSINESS LAW II - SUMMER TERM

12 NQF credits at NQF level 6

Convener: TBA

Course entry requirements: Business Law I. No undergraduate student in the first year of study may register for Business Law II.

Course outline:

Refer to course outline for CML 2010Z.

Lecture times: Lectures are offered on a daily basis for three hours over a four-week period.

DP requirements: Writing the test is compulsory. If a student does not write the test and does not get an exemption then the student will be marked absent and awarded 0 for the test. But the student will be able to write the exam.

Assessment: Test 30% and final examination 70%.

BURSARIES, SCHOLARSHIPS AND PRIZES

*Note - certain bursaries, scholarships and prizes may not be available every year. Awards will only be made where funding is available for the bursary, scholarship or prize concerned.

Bursaries from external agencies for LLB study

The Legal Practitioners Fidelity Fund

Merit bursaries for study for a maximum period of two years for the LLB degree are offered by the Fund. The bursary amount will in each case be determined by the Bursary Committee of the Fund and preference will be given to applicants in serious financial need, although exceptional merit might also result in an award. Applicants must apply when they have a maximum of two years of study remaining towards their LLB degree. The closing date for bursary application is 15 August. Application forms are available on request in writing to Legal Practitioners Fidelity Fund, P O Box 3062, Cape Town 8000, or calling on 021 424 4608 or emailing on LLBbursary@fidfund.co.za.

See also Book 13 in the series of handbooks, *Bursary and Loan Opportunities for Undergraduate Study*, available from the Faculty Office and Undergraduate Funding Office, or at <http://www.students.uct.ac.za/students/study/handbooks/current>, which lists more than 40 external funding opportunities available to eligible LLB students.

Scholarships and bursaries in the Law Faculty for LLB study

Scholarships and bursaries in the Law Faculty for LLB study

Scholarships awarded by the Faculty based on academic merit at the end of each year

Philip Schock Charitable and Educational Foundation Scholarship (for Intermediate Level LLB)

This scholarship was founded in 1989 by the above Foundation in memory of the late Mr Justice Philip Schock. Awarded on law course results of a student proceeding to Intermediate Level LLB studies either from Final Level BA or from Preliminary Level LLB. The candidate must be within the top third of the class and financial need shall be a consideration.

Value: variable

Tenure: One year

Philip Schock Charitable and Educational Foundation Scholarship (for Final Level LLB)

This scholarship was founded in 1989 by the above Foundation in memory of the late Mr Justice Philip Schock. Awarded on the course results of a student in the Intermediate LLB studies proceeding to the final year. The candidate must be within the top third of the class and financial need shall be a consideration.

Value: variable

Tenure: One year

Scheepers Memorial Scholarship

This scholarship was founded in 1923 by the late Mr Justice JJ Scheepers in memory of his two sons who were killed in the Great War and is based on the results of the examination at the end of the Intermediate Level LLB by the Faculty Board. The scholarship is tenable for the Final Level LLB and may be held together with another University scholarship.

Value: R2 000

Tenure: One year

Twamley Undergraduate Scholarship

The Twamley Undergraduate Scholarships were founded in memory of the late Mr Harold James van Staveren Twamley who bequeathed funds to the University for this purpose.

The scholarship award is made on the basis of the most outstanding academic performance on the results obtained by a student who was registered for the first time for PBL2000W Constitutional Law, PVL2002H Law of Property and PVL2003H Law of Succession.

Value: R2 000

Tenure: One year

Scholarships awarded on application

The Faculty of Law offers a number of scholarships for South African LLB students, based on academic merit and demonstrated financial need, and are focused on students from previously disadvantaged backgrounds. These scholarships are for tuition fees and are credited directly to the fee account of successful recipients. Some scholarships are renewable, dependent on academic performance and donor funding. Application forms are available on the Faculty website at www.law.uct.ac.za/scholarship-funding, which is intermittently updated as opportunities become available once a call for application is sent out.

Scholarships: for South Africans from previously disadvantaged backgrounds studying Law at UCT**Excellence in Law Scholarship**

The Faculty of Law has raised donor funding to be able to offer *Excellence in Law* scholarships, to talented South African students from previously disadvantaged backgrounds. Several scholarships are available annually, at between R15 000 and R60 000 p.a., paid directly to the recipient's fee account specifically for fees.

Closing date: Variable - check the Faculty's website

Value: between R15 000 and R60 000 per annum

Tenure: One year (renewable subject to conditions)

In addition to the *Excellence in Law* Scholarships, there are a number of named scholarships that are offered every few years, which will be advertised via the Faculty Office and on the Faculty website as opportunities become available.

Everard and Joan MacFarlane Family Leadership Scholarship

The Everard and Joan MacFarlane Family Leadership Scholarship is a prestigious two-year scholarship award, established by a Faculty alumnus and his family, for University of Cape Town Law students in their intermediate and final year of their LLB programme. Awards are made to students in, or going into, their intermediate year of study. Students who have completed their preliminary courses are eligible to apply. This scholarship is geared to contribute to the demographic transformation of the Law Faculty student body and, in turn, the South African legal profession. As such, this scholarship is for law students with financial need who are previously disadvantaged South African citizens, and who also meet the criteria related to leadership and social engagement. Selection is primarily based on academic performance and Everard and Joan MacFarlane Family Leadership Scholarship Scholars are expected to have an excellent academic record. In particular, successful applicants will demonstrate leadership potential and social engagement through a history of participation in student life and leadership, and a commitment to social justice. This scholarship includes participation in a leadership programme in the Faculty.

Closing date: Variable - check the Faculty's website

Value: R75 000 per annum

Tenure: Two years (renewal is subject to conditions)

Sir Franklin Berman Fellowship

In recognition of Sir Frank Berman's contribution to the UCT Trust in the UK, and to UCT Law, the *Sir Franklin Berman Fellowship* has been established through the generosity of those who have worked with him. The Sir Franklin Berman Fellowship is a one-year scholarship award to a student in the final year of their LLB, who has shown an interest and done very well in International Law in intermediate year. Up to three scholarships of R60,000 are awarded per annum, and awards are decided on a competitive academic basis.

Value: R60 000 per annum

Tenure: One year

The Smuts (Tercentenary) Old Cape Scholarship

Mr Michael Smuts, BA LLB (Cape Town) MA (Oxon) donated a sum of money to the University of Cape Town for the creation of a scholarship to be awarded on an annual basis to a South African student in the final year of the graduate LLB who has an interest in practicing law in the public service. This scholarship is administered by UCT's Financial Aid office, and is awarded on a competitive academic basis.

Value: R20 000 per annum

Tenure: One year

Scholarships and bursaries for postgraduate studies in Law other than postgraduate study for an LLB degree

Scholarships awarded without application

Ilse Lowisohn Grants

In 1984 a sum of R10 000 was bequeathed to the University by the late Miss Ilse Lowisohn for the purpose of providing a grant to assist a graduate of the Faculty of Law to undertake courses of postgraduate study in legal history or comparative law at an overseas university. Candidates are selected annually by the WP Schreiner Professor of Law from graduates of the faculty who have shown interest in the historical and comparative dimensions of Roman-Dutch law. Recipients must be registered or intend to register for an approved course of postgraduate study at an overseas university and use the grant to further their knowledge of Roman Law or one of the modern civil law jurisdictions.

Value: Variable

Tenure: One year

Ina Ackermann Scholarship

A scholarship in memory of the late Ina Ackermann was established in the Faculty of Law from contributions donated to the Ina Ackermann Memorial Fund by family, friends and colleagues. The scholarship is awarded annually in recognition of the importance which Ms Ackermann attached to the role of women in the practising legal profession and is awarded to a woman graduate of the Faculty of Law at UCT who proceeds to the full-time first semester programme offered by the School for Legal Practice. Factors considered when making the award would include academic achievement, financial need and potential for success in the practising legal profession.

Value: Variable

Tenure: Six months

Scholarships for postgraduate study awarded on application

Only candidates registered within the minimum time for completion of their degree are eligible for the award of any of these scholarships, bursaries or grants.

Excellence in Law Postgraduate Scholarships

The Faculty of Law has raised donor funding to be able to offer scholarships to previously disadvantaged South African postgraduate candidates. Several *Excellence in Law* scholarships are available annually, at LLM, MPhil and PhD level. These are awarded based primarily on academic merit, although financial need may also be a consideration.

Closing date: Variable – check the Faculty's website

Value: R60 000 pa for LLM or MPhil candidates and R90 000 pa for PhD candidates

Tenure: One year for LLM or MPhil by coursework and research candidates. Two years for Masters by research only candidates subject to satisfactory progress in the first year of registration. Three years for PhD candidates subject to satisfactory progress in the first and second year of registration.

Law Faculty Master's and Doctoral Scholarships

To encourage postgraduate research, the Law Faculty makes awards to suitable candidates for masters degrees by research only or doctoral degrees in the Faculty of Law at UCT. This funding is in addition to other scholarship opportunities and is intended as a form of bridging finance to give candidates contemplating higher degrees the security of knowing that their financial needs will be at least partially met for the first year of their studies, which is a critical period in their progress. Successful candidates must also make application to the UCT Postgraduate Funding Office and other appropriate sources for scholarship funding. Any award from external sources that takes financial support beyond the level of R230 000 per annum for a master's candidate or R283 000 per annum for a doctoral candidate will then be deducted from the scholarship granted by the Faculty.

Closing date: Variable – check the Faculty's website

Value: R84 000

Tenure: One year (The scholarship may be re-awarded on application once only.)

Basil and Con Corder Scholarship

In 1997, a scholarship was established in terms of the wishes of the late Basil Corder. The scholarship is awarded to a University of Cape Town graduate in law who is registered at the University of Cape Town for the LLM degree by coursework and minor dissertation, on the basis of financial need, proven academic merit and having displayed a concern for the wider community through service individually or in voluntary organisations. Preference will be given to an applicant who will be completing part of the degree at a university outside South Africa. In the event that there are no suitable candidates for the award at the level of LLM studies, the scholarship may be awarded to an applicant registered for the Intermediate or Final Level LLB, on the basis of financial need, proven academic merit and indication of concern for the wider community, as set out above.

Closing date: Variable – check the Faculty's website

Value: Variable (approximately R10 000)

Tenure: One year

Ethel Walt Human Rights Scholarship

Ethel Walt was a human rights activist who directed her passion for social justice through her work in the Black Sash. This scholarship is awarded towards tuition for the LLM or MPhil programme in Social Justice or Human Rights Law by coursework and minor dissertation. Preference will be given to applicants who demonstrate proven community involvement of some kind, and a commitment to engaging in community issues after graduation.

Closing date: Variable – check the Faculty's website

Value: R10 000

Tenure: One year

The Alexander Burman Memorial Grant

One grant is awarded each year to a woman who is either a South African citizen or permanent resident, and is in their first year of a PhD in the field of socio-legal studies. The award is based primarily on academic merit although financial need may also be considered, and preference will be given to candidates from previously disadvantaged backgrounds.

198 BURSARIES, SCHOLARSHIPS AND PRIZES

Closing date: Variable – check the Faculty’s website

Value: R100 000

Tenure: One year, non-renewable

Sir William Solomon Memorial Scholarship

In 1939 Miss Emile Jane Solomon bequeathed R10 000 to the University to found a scholarship in memory of her brother, the late Sir William Solomon MA KCSI KCMG, formerly Chief Justice of the Union of South Africa.

The scholarship is available for candidates taking research degrees in law by thesis only.

Closing date: Variable – check the Faculty’s website

Value: R20 000 for LLM or MPhil and R30 000 for PhD

Tenure: One year (The scholarship may be re-awarded on application once only)

Wilfred Kramer Law Grants

Wilfred Kramer Law Grants are available for those who enrol for approved higher postgraduate study in the Faculty of Law at the University of Cape Town. In addition, limited funds are available for candidates who wish to participate in an approved exchange programme at an overseas university; the candidates do part of the LLM coursework at an approved overseas university and the balance of coursework as well as the minor dissertation at UCT Law Faculty. Further information is available from the Law Faculty Office.

Closing date: Variable – check the Faculty’s website

Value: Variable

Tenure: One year (A grant may be re-awarded on application once only)

Beric Croome Postgraduate Tax Law Scholarship

Generous financial support from Dr Beric Croome, an Advocate of the High Court and qualified CA who completed a PhD in Tax Law in this Faculty in 2008, has enabled the establishment of a fund from which an annual scholarship of R10 000 will be awarded to a candidate undertaking postgraduate tax law studies and who has an undergraduate record that reflects effort and perseverance, has financial need and who provides some evidence of having overcome disadvantage.

Closing date: Variable – check the Faculty’s website

Value: R10 000

Tenure: One year

The Dikgang Moseneke Postgraduate Fellowship

The fellowships have been established by the UCT Faculty of Law, in recognition of the contribution that Justice Dikgang Moseneke has made to the field of law in South Africa. The fellowships are intended to promote and encourage academic research into areas of legal theory and practice, and their impact on social justice, democracy, constitutionalism, public accountability, development, and social change. The fellowships are awarded to suitable candidates registered for postgraduate studies at master’s and doctoral level, a major component of which would be a thesis within the broad area of law, justice and society. Only one PhD and one LLM fellowship is awarded each year.

Closing date: Variable – check the Faculty’s website

Value: R140 000 pa for PhD; R90 000 pa for Masters

Tenure: One year for a candidate registered for an LLM by coursework and research degree. Two years for a candidate registered for an LLM by research only degree, subject to satisfactory progress being shown in the first year of registration. Three years for a candidate registered for a PhD degree, subject to satisfactory progress being shown in the first and second years of registration.

Faculty International Student Bursaries

The Faculty awards bursaries for Postgraduate Diploma and coursework and research Master’s candidates which will reduce the International Term Fee. These are awarded based on academic

merit, financial need and Faculty requirements. Further details may be found in section 5.7 of the Student Fees book.

Closing dates: Variable – check the Faculty’s website

Value: Variable

For other funding and grants see Book 14 in the series of handbooks, available from the Postgraduate Funding Office, e-mail: pgfunding@uct.ac.za.

Prizes and Awards

Final Level LLB Students

Bowmans Prize

Established in 1992, this annual prize of R5 000 is awarded to the Final Level student, if of sufficient merit, with the highest marks in the courses CML4506F Fundamental Principles of Tax Law and CML4507S Statutory Tax Law of Entities and Transactions.

D B Molteno Memorial Prize

A prize of R1 000 in memory of the late Professor DB Molteno QC, first Professor of Public Law at the University of Cape Town, to be awarded annually to the Final Level student who achieves the best overall performance, if of sufficient merit, in courses offered by the Department of Public Law.

Ephraim Kluk Award

Established in 1988, in terms of the wishes of the late Ephraim Kluk for the purpose of undertaking postgraduate research at the University into international law in respect of the concept of peace, justice and understanding between nations. The prize of R750 is awarded to a candidate selected by the Head of the Department of Public Law in consultation with members of staff in the Department of Public Law.

Gering Prize for Commercial Transactions Law

In 2005 Professor Leonard Gering, an alumnus and academic, established an annual prize in honour of his late wife Nina, a UCT BA graduate. Professor Gering passed away in 2007 and the family then established the Leonard and Nina Gering Prize (R2 750) for the best student in CML4006W Commercial Transactions Law.

Ina Ackermann Prize

A prize of R1 000 in memory of the late Ina Ackermann, Senior Lecturer in Commercial Law at the University of Cape Town (1985-1993), is awarded annually to a student of sufficient merit obtaining the highest overall marks in the course CML4006W Commercial Transactions Law. The funds for this prize have been made available by friends and colleagues of Ms Ackermann.

Judge Schock Prize

In 1989 a prize, variable from R15 000, was established in memory of the late Judge Schock, to be awarded annually to the best Final Level student, if of sufficient merit, at the discretion of the Dean.

Juta Law Prize

Juta & Co established a prize of R1 000 in book vouchers to be awarded annually to the best Final Level student, if of sufficient merit. The prize winner will be entitled to purchase books of his/her choice to that value.

LexisNexis Butterworths Prize – Civil Procedure

LexisNexis Butterworths (Pty) Limited has established an annual prize of R1200 to be used for the purchase of books which they publish. The prize is awarded annually to a student of sufficient merit obtaining the highest overall marks in the course PVL4008H Civil Procedure.

200 BURSARIES, SCHOLARSHIPS AND PRIZES

Spoor and Fisher Prize

Spoor and Fisher, attorneys and patent attorneys, established a prize to be awarded to the student who has the highest average mark in the courses Copyright & Patents and Trade Marks & Unlawful Competition (CML4503F and CML4504S). The value of the award is R1 000.

Intermediate Level LLB Students

Ionann Prize for Criminal Justice

In 2005, Dianna Yach and Peter Stephens donated the proceeds from their book to establish an award of R5 000 for the top black female student in Intermediate Level Criminal Justice courses; to encourage black women from Southern Africa (including the SADC region) to make a career in criminal justice.

LexisNexis Butterworths Prize – Best Intermediate Level

LexisNexis Butterworths (Pty) Limited has established an annual prize of R6 000 to be used for the purchase of books which it publishes. The prize is awarded to the best Intermediate Level student, if of sufficient merit.

Mike Blackman Memorial Prize

The Mike Blackman Memorial Prize is sponsored by Juta & Co and is awarded annually to the student with the best results in Corporation Law. The prize is to commemorate Mike Blackman's outstanding work and contribution to commercial law. The prize consists of a set of the 3-volume *Commentary on the Companies Act* by Blackman et al.

Norton Rose Fullbright Prize for Corporations or Contract Law

This prize, for the best Intermediate Level essay in Corporations or Contract Law, carries a value of R3 000. This is one of three prizes established by Norton Rose Fullbright in 2019.

Sir Franklin Berman Prize

In 2006 Sir Franklin Berman a graduate of UCT and former legal advisor to the British Foreign Office, established a prize of R1 000 for the student who gains the highest marks in International Law.

Tom W Price Memorial Prize

A prize in memory of the late Professor T W Price, Professor of Roman-Dutch Law at the University of Cape Town, is awarded annually to the Intermediate Level student, if of sufficient merit, obtaining the highest overall marks in the Preliminary and Intermediate Levels examinations in Private Law.

Value: R1 000 (variable)

Werksmans Attorneys Prize

In 2013 Werksmans Attorneys established a prize of R5 000 awarded to the best Intermediate Level student, if of sufficient merit, in PVL3005W Law of Contract.

Preliminary LLB Level

(Year 1 Graduate LLB, Year 3 and 4 Combined Law Stream and Year 1 and 2 Undergraduate LLB)

Ben Beinart Memorial Prize

The Editorial Board of *Acta Juridica* and its publishers, Juta & Company Limited, have established an annual prize for the award to the best student, if of sufficient merit, in PVL1004F South African Private Law: System and Context and PVL1003W Foundations of South African Law. The prize includes the most recent five issues of *Acta Juridica* (if available) or, alternatively, five handbooks from the Juta Law list.

Cliffe Dekker Hofmeyr Prize

A prize of R5 000 is awarded to the best student at Preliminary Level i.e. Foundations of SA Law, Law of Persons and Family, Comparative History, Constitutional Law, International Law and Law of Property.

Norton Rose Fullbright Prize for Property Law

This prize, for the best student in Property Law (prelim level), carries a value of R3 000 and is one of three prizes established by Norton Rose Fullbright in 2019.

Other Prizes

Bar Council Moot Prize

A prize of book vouchers to the value of R2 000 to be awarded annually to the best student/s participating in a series of moots conducted within the Faculty. The necessary funds for this prize are made available as a result of a grant from the Cape Town Bar Council.

Blumberg Prize

In 2007 alumnus Henry Blumberg established the Henry & Marcia Blumberg Prize of R5 000 to be awarded annually to an LLB student who has worked hard both academically and in service of the wider student community; the award will be made at the Dean's discretion in consultation with Heads of Department.

Dean's Awards for Service

In recognition of student service to the wider community, such awards were established in 2008. They are made during the course of the year, after a call for nominations from students and staff. They are awarded at the discretion of the Dean, in consultation with the Deputy Deans and Heads of Department. These awards carry no purse.

Lawrence Miller Memorial Award

This award of R2 000 was established by members of *Legalink* in memory of their colleague and UCT alumnus Lawrence Miller (1964) for a student who is going either into their Intermediate or Final year and whose CV reflects community involvement and demonstrates how they have tried to empower or uplift others in their community.

Norton Rose Fullbright Prize for the Best Moot Heads of Argument

This prize, awarded for best Moot performance based on marks, carries a value of R3 000. This is one of three awards established by Norton Rose Fullbright in 2019.

Solly Kessler Memorial Essay Prize

A book prize of R1 200 for the best essay on a topic concerning Constitutional Law, which could be in any course, was established in memory of alumnus Solly Kessler, an outstanding student, who had a particular interest in Constitutional Law.

Spoor and Fisher Prize

In commemoration of their 75th anniversary in 1995, Spoor and Fisher established a prize of R500 for the best article submitted by a UCT Law student and accepted for publication in *Responsa Meridiana*.

Postgraduate-level Prizes and Awards

Captain Bob Deacon Prize

This prize of R500 is awarded annually (at the discretion of the Board of the Shipping Law Unit) to the student who achieves the top mark in the Higher Postgraduate Shipping Law courses. It is

202 BURSARIES, SCHOLARSHIPS AND PRIZES

funded by donations from colleagues in memory of Captain Bob Deacon, one of the first forensic marine surveyors to practise in the port of Cape Town.

The Peter Jan Smeets Prizes

The Peter Jan Smeets Prizes have been established at the initiative of Maarten, Mina and Anahita Smeets in memory of Peter Jan Smeets, who lived in Cape Town 1982-1984. Peter Jan contributed to the economic, social and cultural life of South Africa. The main objective of the prizes is to recognise annually the best African students in four master's Law courses at University of Cape Town's Faculty of Law. The four master's courses for which a prize will be considered are:
Disclaimer: Prizes and Awards are dependent on availability of funds.

- Law of International Trade (LLM)
- Law, Regional Integration and Development in Africa (LLM)
- Comparative Law and Business in Africa (LLM)
- Chinese Law and Investments in Africa (LLM)

Dean's Merit List

NOTES:

The Dean's Merit List is published annually. It contains the names of students whose academic performance over the year is meritorious and hence worthy of recognition. Students who qualify for inclusion in the list will receive a letter of commendation from the Dean. The list will be posted on notice boards. The academic records of students will be endorsed accordingly.

The final results for students who write deferred examinations will be calculated only after publication of the deferred examination results.

For inclusion in a Merit List, a student must:

(a) obtain an overall percentage of 70% or above in all courses completed for the relevant year of study. Credits from other universities may be included for this purpose, provided that at least the equivalent of four full courses is completed at this university in each of the years.

(Note: For the purposes of computing averages, see the details below in 'How to calculate your total average mark'. The mark for the course Law that Counts (MAM1013F), is not included when determining inclusion in the Dean's Merit List. The required aggregate will include deferred examination results, but not supplementary examination results. The required aggregate will be increased by one percentage point for each course fewer than the prescribed number in the standard curriculum.)

- (b) complete the courses within the minimum period;
- (c) not fail any course in the year concerned; and
- (d) not be repeating any course.

How to calculate your total average mark

Preliminary Level and Five-year LLB curriculum

Add the scores in all the courses of the Preliminary Level, Preliminary Level A, Preliminary Level B, or the relevant year of the undergraduate or graduate extended curriculum stream, as the case may be, adding the scores for whole courses TWICE. To get the average percentage, divide the total so calculated by the number of half course equivalents taken.

Intermediate Level

Add the scores in all the courses of the Intermediate Level, adding the scores for whole courses TWICE. Divide the total number so calculated by 10 to get the average percentage.

Final Level

- Whole courses = % x 4
- Half courses = % x 2
- Elective courses = % x 1

Add the weighted percentages calculated according to the above formula. Divide the total by 20 to get the average percentage.

Medals

A. LLB Class Medals

1. A medal is awarded for a course only if Senate so decides. In determining whether a medal should be awarded for a course, Senate must be guided by the following:

1.1 A medal may be awarded in any course, half course or semester course which is taught during contact periods totalling at least 36 hours, or which has equivalent weight.

1.2 Courses or parts of courses or units may be combined for the purposes of the award of a medal provided:

- 1.2.1 the courses, part courses or units are not optional, and
- 1.2.2 they are undertaken in each instance by the same group of students during the course of a single academic year.

1.3 Except as determined by Senate, only one medal is awarded for each course or combination of courses, half courses or semester course.

2. The award of a medal:

2.1 A medal may be awarded only to a student who has demonstrated special ability and no award will be made if there is no candidate of sufficient merit.

2.2 No award will be made to any student undertaking the course for a second time.

2.3 If Senate decides that a medal may be awarded for a course, it must designate the faculty which will make the award. No distinction must be made between students from different faculties undertaking the course.

2.4 The award will be at the discretion of the Faculty concerned and based upon final examinations or class work or both.

3. Publication of awards: A list of class medallists will be published in December and a supplementary list will be published in April, after deferred examination results are known.

Class medals may be awarded in the following LLB courses:

- CML3001W Corporation Law
- CML4004S Labour Law
- CML4006W Commercial Transactions Law
- PBL2000W Constitutional Law
- PBL3001F International Law
- PBL3801W Criminal Law
- PBL4802F Criminal Procedure
- PBL4001W Administrative Law
- PBL4801F Law of Evidence
- PVL1003W Foundations of South African Law

204 BURSARIES, SCHOLARSHIPS AND PRIZES

PVL1004F	South African Private Law: System and Context
PVL1008H	Law of Persons and Family
PVL2002H	Law of Property
PVL2003H	Law of Succession
PVL3003S	African Customary Law
PVL3003F	Law of Delict
PVL3005W	Law of Contract
PVL3006S	Jurisprudence
PVL4008H	Civil Procedure

B. John Kotze Medal

The late Sir John Gilbert Kotze, formerly a judge of the Supreme Court of Appeal (formerly the Appellate Division), bequeathed a sum of money to the University for a medal to be awarded annually to the Final Level LLB graduate who obtained the highest marks in Roman Law and Private Law. (Note: As Roman Law is no longer a compulsory course in the LLB curriculum, South African Private Law: System and Context is substituted as the equivalent.)

Dean's Merit List

NOTES:

1. *The Dean's Merit List is published annually. It contains the names of students whose academic performance over the year is meritorious and hence worthy of recognition. Students who qualify for inclusion in the list will receive a letter of commendation from the Dean. The academic records of students will be endorsed accordingly.*
2. *The final results for students who write deferred examinations will be calculated only after publication of the deferred examination results.*

For inclusion in a Merit List, a student must:

- (a) obtain an overall percentage of 70% or above in all courses completed for the relevant year of study. Credits from other universities may be included for this purpose, provided that at least the equivalent of four full courses is completed at this university in each of the years.
(Note: For the purposes of computing averages, see the details below in 'How to calculate your total average mark'. The mark for the course Law that Counts (MAM1013F), is not included when determining inclusion in the Dean's Merit List. The required aggregate will include deferred examination results, but not supplementary examination results. The required aggregate will be increased by one percentage point for each course fewer than the prescribed number in the standard curriculum.)
- (b) complete the courses within the minimum period;
- (c) not fail any course in the year concerned; and
- (d) not be repeating any course.

How to calculate your total average mark

Preliminary Level and Five-year LLB curriculum

Add the scores in all the courses of the Preliminary Level, Preliminary Level A, Preliminary Level B, or the relevant year of the undergraduate or graduate extended curriculum stream, as the case may be, adding the scores for whole courses TWICE. To get the average percentage, divide the total so calculated by the number of half course equivalents taken.

Intermediate Level

Add the scores in all the courses of the Intermediate Level, adding the scores for whole courses TWICE. Divide the total number so calculated by 10 to get the average percentage.

Final Level

Whole courses = % x 4

Half courses = % x 2

Elective courses = % x 1

Add the weighted percentages calculated according to the above formula. Divide the total by 20 to get the average percentage.

Medals

A. LLB Class Medals

1. A medal is awarded for a course only if Senate so decides. In determining whether a medal should be awarded for a course, Senate must be guided by the following:

1.1 A medal may be awarded in any course, half course or semester course which is taught during contact periods totalling at least 36 hours, or which has equivalent weight.

1.2 Courses or parts of courses or units may be combined for the purposes of the award of a medal provided:

1.2.1 the courses, part courses or units are not optional, and

1.2.2 they are undertaken in each instance by the same group of students during the course of a single academic year.

1.3 Except as determined by Senate, only one medal is awarded for each course or combination of courses, half courses or semester course.

2. The award of a medal:

2.1 A medal may be awarded only to a student who has demonstrated special ability and no award will be made if there is no candidate of sufficient merit.

2.2 No award will be made to any student undertaking the course for a second time.

2.3 If Senate decides that a medal may be awarded for a course, it must designate the faculty which will make the award. No distinction must be made between students from different faculties undertaking the course.

2.4 The award will be at the discretion of the Faculty concerned and based upon final examinations or class work or both.

3. Publication of awards: A list of class medallists will be published in December and a supplementary list will be published in April, after deferred examination results are known.

Class medals may be awarded in the following LLB courses:

CML3001W	Corporation Law
CML4004S	Labour Law
CML4006W	Commercial Transactions Law
PBL2000W	Constitutional Law
PBL3001F	International Law
PBL3801W	Criminal Law
PBL4802F	Criminal Procedure
PBL4001W	Administrative Law
PBL4801F	Law of Evidence
PVL1003W	Foundations of South African Law
PVL1004F	South African Private Law: System and Context
PVL1008H	Law of Persons and Family

206 BURSARIES, SCHOLARSHIPS AND PRIZES

PVL2002H	Law of Property
PVL2003H	Law of Succession
PVL3003S	African Customary Law
PVL3003F	Law of Delict
PVL3005W	Law of Contract
PVL3006S	Jurisprudence
PVL4008H	Civil Procedure

B. John Kotze Medal

The late Sir John Gilbert Kotze, formerly a judge of the Supreme Court of Appeal (formerly the Appellate Division), bequeathed a sum of money to the University for a medal to be awarded annually to the Final Level LLB graduate who obtained the highest marks in Roman Law and Private Law. (Note: As Roman Law is no longer a compulsory course in the LLB curriculum, South African Private Law: System and Context is substituted as the equivalent.)

ADDITIONAL INFORMATION

Distinguished Teachers in the Faculty

The University has instituted a Distinguished Teacher Award in recognition of the importance of excellence in teaching at all levels in the University. The following members of staff of the Faculty of Law have received the award:

Professor D B Hutchison (Roman Dutch and Private Law)	1982
Judge D M Davis (Commercial Law)	1983
Professor J Hare (Commercial Law)	2000
EJS Steyn (Criminal Justice)	2001
Associate Professor W Schärf (Criminal Justice)	2002
Professor M Paleker (Private Law)	2005
Professor J Yeats (Commercial Law)	2018

Fellows in the Faculty

The Council of the University has established Fellowships for members of the permanent academic staff in recognition of original distinguished academic work of such quality as to merit special recognition. The following members of staff of the Faculty of Law have received Fellowships:

Professor T W Bennett
 Professor J Burchell
 Professor H M Corder
 Professor W de Vos
 Professor C N Himonga
 Professor H Mostert
 Distinguished Professor Ph-J Salazar
 Professor C D Shearing
 Professor D P Visser

UCT Book Award

The University Book Award recognises the publication of books, written by University staff, that brings credit to the University. The following members of staff of the Faculty of Law have received the award:

Professor M S Blackman	<i>Companies (in Law of South Africa, first re-issue Vol 4, parts 1,2 and 3)</i>	1998
Professor J I Glazewski	<i>Environmental Law in South Africa</i>	2002
Professor M S Blackman, G K Everingham, R D Jooste	<i>Companies Act: Commentary</i>	2004
Distinguished Professor Ph-J Salazar	<i>Words are Weapons</i>	2021

Publications

Acta Juridica

Acta Juridica is published under the auspices of the Faculty of Law of the University of Cape Town. It has appeared annually since 1958 and is the successor to Butterworths South African Law Review (1954-1957). The General Editor is Associate Professor G Bradfield and the Treasurer is S Lutchman.

Responsa Meridiana

Responsa Meridiana is an annual law review published under the auspices of the Student Law Societies of the Universities of Cape Town and Stellenbosch. It first appeared in 1964. It is purely a student publication and contains articles of legal interest from both within and outside the Faculty of Law.

Law Students' Council

The Law Students' Council (LSC) consists of nine UCT Law students. Students are chosen to represent the Law Faculty through democratic elections held annually and which occur independently of the Student Representative Council (SRC).

The LSC acts a bridge between staff and Law students on both academic and extra-curricular fronts. We strive to develop a healthy student life above and beyond academic learning.

In achieving these aims, the LSC represents the student body in various aspects of the Law Faculty. Our members echo the student voice on the Faculty Board, Academic Planning Committee, Moots Committee, Community Service Committee, Health and Safety Board, Orientation Committee, Information Technology and Equipment Committee, and Timetable Committee.

Our **Mission** going forward is:

Communication: to facilitate consistent and helpful dialogue between staff and students

Integration: to culture a sense of genuine community within the Law Faculty

Representation: to elevate student-related issues to relevant faculty committees and to create new platforms conducive to hearing and tackling student-related issues

Service: to meeting the academic and social needs of students

Leadership: to build on the foundations laid by past Councils in order to realise long-term goals

Legitimacy: to gain confidence from the student body as an integral part of academic and social life

Our **Vision** going forward is to meet diverse student needs through healthy communication, effective representation and thoughtful leadership.

Postgraduate Law Students' Council

The PGLSC consists of ten UCT postgraduate law students, elected through annual democratic elections, to represent the postgraduate law students.

The PLSC acts as a link between the Law Faculty staff and the postgraduate law students on both academic and extra-curricular fronts. We strive to develop a healthy student life, above and beyond academic learning.

In achieving these aims, the PGLSC represents the student body in the following Faculty fora: the Faculty Board, IT Committee, Library Committee, Orientation Committee, Teaching and Learning Committee, Timetable Committee, and Transformation Committee.

Our **Mission Statement** consists of the following:

- Advancing the University's values of promoting inclusivity, transformation, and engaging with the key issues of our natural and social worlds, in a diverse student body,
- Recognising the cultural diversity of the student body and the need for mutual respect and tolerance,
- Facilitating cooperation and constant communication between the Faculty and students,
- Creating an environment that encourages student engagement with challenging issues beyond the confines of their specific academic programmes,

- Ensuring that there are ongoing opportunities for postgraduate students to enhance their academic experience, for example by organising career workshops, and other relevant seminars,
- Empowering students to become transformative and ethical leaders by facilitating and encouraging opportunities for co-curricular learning, and skills development,
- Encouraging, initiating, and supporting active participation of students in community engagement initiatives;
- Promoting research by creating peer-review mechanisms for students, and encouraging networking between students and the Faculty

Our **Vision** is to enhance student representation with the objective of not only ensuring the personal and professional wellbeing of the students, but also preparing them to be active contributors to the growth and development of their communities through the different roles they will play in society, beyond UCT. We also strive to continue being a leading student leadership council at UCT, that meets the needs of the student body in a timely and effective manner.

Ethics Clearance

Research that involves human participants or animal use for research or teaching must undergo ethics review, according to faculty-specific guidelines. Review generally entails prior approval of a research proposal by a Research Ethics or Animal Ethics Committee. In cases where prior approval is not appropriate, the research proposal should be subjected to appropriate deliberative procedures, according to faculty-specific guidelines. Research papers, research projects, dissertations or theses that involve human participants or animal use may not be submitted for examination if they have not undergone any ethics review process.

INDEX

Administrative Justice and Open Government	150
Administrative Law	59
Admiralty Jurisdiction & Practice - Research Task	125
Admiralty Jurisdiction and Practice	117
Advanced Company Law	122
Advanced Company Law - Research Task	122
Advanced Contract Law	176
Advanced Contract Law - Research Task	177
Advanced Contract Law elective	74
Advanced Intellectual Property Law	139
Advanced Intellectual Property Law - Research Task	139
Advanced Property Law: Capita Selecta	75
Advanced Studies in African Customary Law	74
African Customary Law	74
Banking Law	66
Business Law I	189
Business Law I - Summer Term	192
Business Law II	190
Business Law II - Summer Term	192
Carriage of Goods by Sea	126
Carriage of Goods by Sea - Research Task	126
Chinese Law and Investments in Africa	139
Chinese Law and Investments in Africa - Research Task	140
Civil Justice Reform	75
Civil Procedure	60
Collective Labour Law	123
Collective Labour Law - Research Task	123
Commercial Arbitration	128
Commercial Arbitration - Research Task	128
Commercial Law - Research Task	122
Commercial Transactions Law	58
Community Service	55
Company Law	190
Company Law - Summer Term	192
Company Law, Corporate Governance and Stakeholder Relations	141
Company Law, Corporate Governance and Stakeholder Relations - Research Task	141
Comparative Law and Business in Africa	133
Comparative Law and Business in Africa - Research Task	134
Comparative Mineral Law in Africa	174
Comparative Mineral Law in Africa - Research Task	179
Competition Law	66
Competition Law - Research Task	129
Conflict of Laws	73
Constitutional Law	52
Constitutional Law (Part A)	187
Constitutional Litigation	771
Contents	3
Copyright & Patents	63
Corporate Law and Governance	134
Corporate Law and Governance - Research Task	134
Corporation Law	55
Criminal Justice and the Constitution	771

Criminal Law.....	56
Criminal Law (Part A).....	187
Criminal Procedure.....	60
Criminal Process and Human Rights.....	172
Criminology: Selected Issues.....	68
Cyberlaw.....	65
Delict, Unjustified Enrichment, and Human Rights.....	179
Delict, Unjustified Enrichment, and Human Rights - Research Task.....	179
Dispute Resolution.....	62
Electronic Intellectual Property Law.....	129
Electronic Intellectual Property Law - Research Task.....	130
Electronic Transactions Law.....	130
Electronic Transactions Law - Research Task.....	130
Environmental Law.....	69
Environmental Law for Judicial Officers.....	152
European Union Law.....	69
Extractives Law & the Energy Transition.....	175
Extractives Law & the Energy Transition - Research Task.....	182
Extractives Law and the Energy Transition.....	182
Forensics and the Law.....	156
Foundations of South African Law.....	53
Foundations of South African Law (Part A and B).....	187
Fundamental Principles of Tax Law.....	64
General Tax Law Provisions.....	131
Governing under the Constitution: Law and Practice.....	160
Governing Under the Constitution: Law and Practice.....	147
Guide to the usage of this Handbook.....	6
Human Rights and Private Law.....	177
Human Rights and Private Law - Research Task.....	177
Human Rights, Gender and Family.....	178
Human Rights, Gender, and Family - Research Task.....	178
Human Rights, Legal Pluralism, Religion and Culture.....	167
Image, Voice, Word.....	551
Independent Research Paper in Judicial Studies.....	153
Individual Employment Law.....	128
Individual Employment Law - Research Task.....	128
Integrative Assessment Moot.....	59
Intellectual Property Law, Development & Innovation - Research Task.....	141
Intellectual Property Law, Development and Innovation.....	140
Intermediate Year Skills Component.....	56
International Commercial Transactions Law.....	120
International Commercial Transactions Law - Research Task.....	136
International Criminal Law and Africa.....	69
International Environmental Law.....	159
International Environmental Law - Research Task.....	160
International Human Rights Law and the Constitution.....	70
International Law.....	56
International Law in Theory and Practice.....	158
International Law of the Sea.....	146
International Law of the Sea - Research Task.....	158
International Law on Disputes and Use of Force.....	146
International Protection of Human Rights.....	162
International Protection of Women's Human Rights.....	166
International Rights of the Child.....	162

International Tax I	145
International Tax II	145
Judging in a Constitutional Democracy	151
Judicial Skills and Practical Jurisprudence	151
Jurisprudence	58
Jurisprudence and South African Law	76
Labour Law	58
Labour Law - Summer Term	192
Land Use Planning Law	149
Land Use Planning Law - Research Task	164
Law and Regional Integration in Africa	67
Law and Society in Africa	171
Law and Technology for Judicial Officers	153
Law for Engineers	191
Law in Action	171
Law in Action - Research Methods	156
Law of Banking, Finance and Payments	143
Law of Banking, Finance and Payments - Research Task	144
Law of Contract	57
Law of Delict	57
Law of Evidence	59
Law of International Trade	124
Law of International Trade - Research Task	125
Law of Persons and Family	53
Law of Property	54
Law of Succession	54
Law that Counts	52
Law, Regional Integration and Development in Africa	132
Law, Regional Integration and Development in Africa - Research Task	132
Legal Practice	68
Literature: how and why?	551
Litigating South African Bill of Rights	168
Local Government Law	70
Marine Insurance Law	142
Marine Insurance Law - Research Task	142
Maritime Law	126
Maritime Law - Research Task	126
Masters in Commercial Law	122
Masters in Commercial Law Dissertation Part	122
Masters in Comparative Law in Africa Dissertation Part	140
Masters in Constitutional and Administrative Law Dissertation Part	158
Masters in Constitutional Law Dissertation Part	161
Masters in Criminal Justice	172
Masters in Criminology	172
Masters in Criminology, Law and Society Dissertation Part	171
Masters in Dispute Resolution Dissertation Part	127
Masters in Environmental Law Dissertation Part	166
Masters in Human Rights Law Dissertation Part	161
Masters in Intellectual Property Law Dissertation Part	144
Masters in International Public Law Dissertation Part	161
Masters in International Taxation Dissertation Part	142
Masters in International Trade Law Dissertation Part	137
Masters in Labour Law Dissertation Part	124
Masters in Marine & Environmental Law Dissertation Part	160

Masters in Private Law	176
Masters in Public Law	157
Masters in Public Law Dissertation Part	157
Masters in Rhetoric Studies	176
Masters in Shipping Law Dissertation Part	124
Masters in Tax Law Dissertation Part	123
Masters in the Law of Mineral and Petroleum Extraction and Use	181
Mediation	118
Mediation - Research Task	127
Medicina Forensis	72
Moot Competition	55
Natural Resources Law	164
Natural Resources Law - Research Task	164
Negotiating Extractive Agreements and Mining Contracts	174
Negotiating Extractive Agreements and Mining Contracts - Research Task	180
Negotiation	135
Negotiation - Research Task	135
Oil and Gas Law in South Africa	180
Oil and Gas Law in South Africa - research task	181
PhD in Commercial Law	144
PhD in Criminal Justice	173
PhD in Criminology	173
PhD in Private Law	183
PhD in Public Law	172
PhD in Rhetoric Studies	183
Police and Policing: Explorations in Security Governance	170
Pollution Law	150
Pollution Law - Research Task	165
Practical Approach to Evidence Law	152
Practical Court Processes	152
Principles of Environmental Law	148
Principles of Environmental Law - Research Task	163
Principles of Intellectual Property Law	138
Principles of Intellectual Property Law - Research Task	138
Private Law - Research Task	176
Property Law in a Constitutional Order	178
Property Law in a Constitutional Order - Research Task	178
Public Law - Research Task	157
Punishment and Human Rights	169
Refugee and Immigration Law	70
Refugee Law and Human Rights	166
Regional Instruments, Courts and Cases for Judicial Officers	154
Research Methods in Taxation	144
Resource Revenue Law	175
Resource Revenue Law - Research Task	181
Rhetoric, Law and Society	76
Sexual Offences and the Law	165
Social Justice and the Constitution	772
South African Mineral Law: Theory, Context and Reform	73
South African Private Law: System and Context	53
Spatial Justice, Ubuntu and the Nomos of Apartheid	76
Specific Tax Law Provisions	119
Specific Tax Law Provisions - Research Task	131
Statutory Tax Law of Entities and Transactions	64

Tax Policy - Research Task	133
Tax Policy in a Developmental Context	133
Tax Treaty Law.....	119
Tax Treaty Law - Research Task.....	135
The Law of Cession.....	73
The Legal Aspects of Corporate Financing Structures	136
The Legal Aspects of Corporate Financing Structures - Research Task	136
The South African Law of Delict in Theoretical and Comparative Perspective.....	77
Theories of Crime and Social Order	155
Trade Marks & Unlawful Competition.....	63
Transparency Law & Governance: Global and Local Theory & Practice	168
Unjustified Enrichment.....	74
Victims and Victimology.....	169
Victims and Victimology: Theory, Policy and Practice	155
Ways of Doing Business.....	65
Women and Law.....	72
Word Power	52
Workplace Discrimination and Equality Law.....	137
Workplace Discrimination and Equality Law - Research Task	137