



# UNIVERSITY OF CAPE TOWN

## FACULTY OF LAW

### 2014

**Postal Address:** University of Cape Town  
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**Dean's & Faculty Offices:** Wilfred and Jules Kramer Building, Middle Campus

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Faculty Office	<a href="mailto:law-studies@uct.ac.za">law-studies@uct.ac.za</a>

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 the 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
- Books 6-11:** Handbooks of the Faculties of Commerce, Engineering and 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 Students

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## 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

The Faculty of Law had its beginnings in the institution of a lectureship in law in 1859 and is the oldest faculty of law in South Africa. The first professor of law, appointed at a salary of £300 per year, was JH Brand, LLD Barrister-at-Law, who left in 1863 to become President of the Orange Free State.

For a detailed account of the history and development of the Faculty of Law see DV Cowen *The History of the Faculty of Law in the University of Cape Town, 1859 -- 1959 (Acta Juridica, 1959)*; *Taught law is tough law: the evolution of a South African Law School (1914 --)* (Tydskrif vir Hedendaagse Romeins-Hollandse Reg, 1988); DP Visser *As durable as the mountain: the story of the Cape Town Law School since 1859 (Consultus, April 1992)*; and Denis Cowen and Daniel Visser *The University of Cape Town Law Faculty: A History 1859 -- 2004* (Siber Ink 2004).

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

- make alterations or changes to any of the published details of the opportunities on offer; or
- 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.

# GENERAL INFORMATION

## Officers in the Faculty

Telephone  
(021) 650  
+

### Dean of the Faculty:

Professor P J Schwikkard, BA *Witwatersrand* LLB LLM *Natal* LLD *Stell* 2705

### Administrative Officer in the Dean's Office:

Mrs L A Collins, BSocSc PGDipMan(HRM) *Cape Town* 2706

### Deputy Dean:

Professor A Rycroft, BA *Rhodes* LLB *Natal* LLM *London* Attorney of the High Court 3070

### Deputy Dean (Postgraduate Studies):

Associate Professor D Collier, BA LLB *Rhodes* LLM PhD *Cape Town* 5658  
Attorney of the High Court

### Director of Internationalisation:

Professor A R Paterson, BSocSc LLB LLM PhD *Cape Town* 5644  
Attorney of the High Court

### Director of the School for Legal Practice:

Ms G Y Kemp, BA LLB *Cape Town* Attorney of the High Court 4481

### Director of Faculty Research:

Professor A G Fagan, BA LLB *Cape Town* MA DPhil *Oxon* (January - June) 3449

Professor L A Feris, BA LLB *Stell* LLM *Georgetown* LLD *Stell* (July - December) 5216

### Development and Marketing Manager:

Ms P Alexander, BA *Cape Town* BA(Hons) MA *Unisa* 5602

### Professional Development Manager:

Mrs I Wasserfall, BJuris LLB *UPE* Attorney of the High Court 5621

### IT Manager:

Ms J Erasmus 5320

### Faculty Finance Staff:

#### Finance Manager:

Ms V Stemmet, BCom(Hons) *UWC* 5657

#### Finance Officer:

Ms R Ferguson 5653

### Human Resources Management:

#### Senior Human Resources Advisor:

Ms S L Hill, BA *Unisa* 2940

#### Human Resources Advisor:

Ms L Sibiya, BTech *CPUT* 2162

### Faculty Administrative Staff:

#### Faculty Manager: Academic Administration:

Mrs R J Gherasim, BMus (Librarianship) HDipLib BBibL(Hons) *Cape Town* 3087

#### Deputy Faculty Manager: Academic Administration:

Ms P Phillips, BA *Cape Town* 5409

#### Administrative Officer (LLB Studies):

Ms V Mzamo 5648

#### Administrative Officer (School for Advanced Legal Studies):

Ms S Ronnie 2997

#### Administrative Assistant:

Mr M C Jacobs, LSTD *UWC* 5745

## 2 GENERAL INFORMATION

### Senior Secretary:

Ms T N Jacobs 3086

## Student Advisors

### LLB Curriculum:

Mr R Bradstreet, BA LLB LLM *Cape Town* Advocate of the High Court 4501  
Ms M du Plessis, BCom LLB LLM *Rhodes* 4385  
Ms S Singlee, LLB LLM *Cape Town* LLM *UNSW* 5690  
Ms H Stoop, LLB *Pretoria* LLM *Stell* 2363  
Dr H Woolaver, LLB *Dunelm* BCL *Oxon* PhD *Cantab* 2493

### Other Curricula:

Ms A L Titus, BCom LLB MCom *Cape Town* (**Business Law courses**) 2617  
Professor H Scott, BA(Hons) LLB *Cape Town* BCL MPhil DPhil *Oxon* (**Humanities courses**) 5610  
Ms M Young, LLB *Stell* LLM *Cape Town* Attorney of the High Court (**Exchange students**) 5616  
Ms K Phelps, BA BSocSc(Hons) *Cape Town* BA (Law) MA LLM *Cantab* (**SALS students**) 5625

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

## Year Co-ordinators

1st year UG LLB & Preliminary 1: Dr A Barratt 3083  
2nd year UG LLB & Preliminary 2: Ms C Powell 5103  
Intermediate Level: Professor A G Fagan 3449  
Final Level: Professor A J Barnard-Naudé 5655

## Postgraduate Programme Conveners

Commercial Law	Associate Professor G Bradfield	2676
Comparative Law in Africa	Professor S Mancuso	2770
Constitutional and Administrative Law	Professor H M Corder	3085
Criminology, Law and Society	Associate Professor D Smythe	5680
Dispute Resolution	Professor A Rycroft	3070
Environmental Law, Marine and Environmental Law	Professor A R Paterson	5644
Human Rights Law	Associate Professor R Manjoo (alternate Professor D M Chirwa)	5615
Intellectual Property Law	Ms L-A Tong	5686
International Law	Ms C Powell	5103
International Trade Law	Associate Professor G Bradfield	2676
Labour Law	Ms S Singlee	5646
Public Law	Professor D M Chirwa	5615
Shipping Law	Associate Professor G Bradfield	2676
Tax Law	Dr T L Gutuza	5639

## Law Students' Council 2014

**Telephone: (021) 6504723**

**Fax: (021) 6505662**

**E-mail address: [lsc.uct@gmail.com](mailto:lsc.uct@gmail.com)**

President

Jonathon Saville

[lsc.president.uct@gmail.com](mailto:lsc.president.uct@gmail.com)

Vice-President External

Chelsea Bruk-Jackson

[lsc.vp.external@gmail.com](mailto:lsc.vp.external@gmail.com)

Vice-President Internal

Chad Echakowitz

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Secretary-General

Marnus du Plessis

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[lsc.transformation@gmail.com](mailto:lsc.transformation@gmail.com)

Academic Officer

Benjamin Klein

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Media & Communications

April Banks

[lsc.communication@gmail.com](mailto:lsc.communication@gmail.com)

Student Life

Penjani Mseteka

[lsc.studentlife@gmail.com](mailto:lsc.studentlife@gmail.com)

## Postgraduate Students' Council 2014

**Telephone: (021) 6505121**

**E-mail address:**

President

Annette Wangia

[annette.wangia@yahoo.com](mailto:annette.wangia@yahoo.com)

Vice-President & Secretary

James Majatame

[MJTJAM001@myuct.ac.za](mailto:MJTJAM001@myuct.ac.za)

Treasurer

Adekunhle Olaofe

[adekunhleolaofe@gmail.com](mailto:adekunhleolaofe@gmail.com)

## 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 (graduate stream)	LLB	3 years	
Bachelor of Laws (undergraduate stream)	LLB	4 years	10695
Postgraduate Diploma in Law	PGDip (Law)	1 year	4393
Master of Laws #	LLM	1 year	10701
Master of Laws in Commercial Law	LLM (Commercial Law)	1 year	
Master of Laws in Dispute Resolution*	LLM (Dispute Resolution)	1 year	
Master of Laws in Intellectual Property Law	LLM (Intellectual Property Law)	1 year	
Master of Laws in International Trade Law	LLM (International Trade Law)	1 year	
Master of Laws in Labour Law	LLM (Labour Law)	1 year	
Master of Laws in Shipping Law	LLM (Shipping Law)	1 year	
Master of Laws in Tax Law	LLM (Tax Law)	1 year	
Master of Philosophy #	MPhil	1 year	
Doctor of Laws (by published work)	LLD	1 year	
Doctor of Philosophy (by thesis)	PhD	2 years	

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

\* Pending CHE accreditation.

## 4 GENERAL INFORMATION

### **Professional Qualification**

The Qualifications of Legal Practitioners Amendment Act of 1997 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. The Act of Parliament regulating admission to practise law is being revised and a new law is expected in the near future, which may change these requirements. 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.



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## 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 the Practical Legal Education Programme (leading to a Certificate in Legal Practice).

### 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 critically to 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, Comparative Legal History, 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, Quantitative Literacy for Law and optional and research components.

These courses are offered in three streams: a three year graduate LLB stream, a five or six year combined Law and Humanities or Law and Commerce 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 which forms part of the degree programme and which cumulatively teaches students generic practical skills such as problem solving, analysis, research and communication skills, as well as practical legal skills such as drafting of particular kinds of legal documents and legal argumentation, both written and verbal. In particular, at the Final Level, a compulsory integrated assessment project draws on elements of the skills component and courses studied in the earlier parts of the curriculum. Law students are required in the Intermediate Level to make constructive use of the knowledge and skills they acquire by contributing to the community through Legal Aid, Community Service, Shawco, Rape Crisis, Parliamentary Monitoring Group or similar outreach activities.

### Graduate LLB stream

Students enter this stream after having completed 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.

## 6 QUALIFICATIONS IN THE FACULTY

### **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.

### **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.

### **Extended streams**

All streams include the possibility of an extended curriculum for the purpose of accommodating students from educationally disadvantaged backgrounds.

### **Advanced Legal Education programme**

This programme provides an opportunity for law graduates to pursue their academic interests at a higher postgraduate level (towards an LLM or Postgraduate Diploma) 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.

### **Practical Legal Education programme**

The School for Legal Practice, established in 1992, is a joint project of the Law Society of South Africa and the Law Faculties of the Universities of Cape Town, Western Cape and Stellenbosch. The object of the School is to provide law graduates with applied skills in legal practice, thereby also improving access to the legal profession.

Two intensive full-time programmes are offered each year, the first commences in mid-January and runs to mid-June, and the second from late June to the end of November. A Night School is also offered which runs from late January to the end of November.

The Faculty also offers degrees at an advanced level which require satisfactory completion of independent research and writing.

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## 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 these departments: Institute of Development and Labour Law (Commercial Law) and the Institute of Marine and Environmental Law, the Centre for Law and Society and the Democratic Governance and Rights Unit (Public Law).

The Centre of Criminology offers courses in both the Faculty of Law and the Faculty of Humanities. The Centre is a research unit with strong community links, and is situated in the Department of Public Law. The School for Legal Practice falls under the office of the Dean.

\* *Denotes on leave for part or all of the 2014 academic year.*

### **Professor Ad Hominem in the Faculty:**

D P Visser, B Juris LLB LLD *Pretoria* Dr Jur *Leiden* Advocate of the High Court

### **Honorary Professors in the Faculty:**

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

I Farlam, BA LLB *Cape Town*

K O'Regan, BA LLB *Cape Town* LLM *Sydney* PhD *London*

J Stewart, LLB(Hons) *London* Director of the Women's Law Centre in Zimbabwe

W Trengove, BCom LLB *Pretoria*

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## DEPARTMENT OF COMMERCIAL LAW

### **Emeritus Professor:**

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

### **Emeritus Associate Professor:**

J Hofman, BL LLB *Zimbabwe* LPhil *Heythrop* B Theol LJC *Greg* Legal Practitioner *Zimbabwe*

### **Associate Professor and Head of Department:**

G Bradfield, BCom LLB *Natal* LLM *Cape Town* Attorney of the High Court (January to March 2014)

C Ncube, LLB *Zimbabwe* LLM *Cantab* PhD *Cape Town* (from April 2014)

### **Professors:**

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*

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

R C Williams, BA LLB *Cape Town* LLM *London* H DipTax *Witwatersrand* PhD *Macquarie* (Part-time)

### **Associate Professors:**

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

D Collier, BA LLB *Rhodes* LLM PhD *Cape Town* Attorney of the High Court

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

C Ncube, LLB *Zimbabwe* LLM *Cantab* PhD *Cape Town*

## 8 DEPARTMENTS IN THE FACULTY

### **Honorary Research Associate:**

T Kruger, BA LLB *Stell* PhD *Leuven*

### **Adjunct Professors:**

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

N Jeram, BA LLB LLM *Cape Town*

T Madima, BJuris *North* LLM PhD *Essex* EMBA *Cape Town* Advocate of the High Court

W Scholtz, BA(Hons) *Rhodes* LLB *Cape Town* Advocate of the Supreme Court

E Swanepoel, BA LLB LLM *Cape Town*

C R Thompson, BA(Hons) *Stell* LLB *Cape Town* Attorney of the High Court

### **Senior Lecturers:**

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

T L Gutuza, BSocSc LLB *Cape Town* BA(Hons) LLM *Unisa* LLM *London* PhD *Cape Town*  
Attorney of the High Court

A Hutchison, BA LLB LLM PhD *Cape Town*

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

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

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

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

### **Lecturers:**

R Bradstreet, BA LLB LLM *Cape Town* Advocate of the High Court

E Fergus, BPsych *Stell* LLB PhD *Cape Town*

J Franco, BA LLB *Cape Town* Attorney and Notary Public and Conveyancer of the High Court  
(Part-time)

L Naidoo, LLB *UKZN* LLM *Cape Town*

M Nkomo, LLB *Wales* LLM *Pretoria/UWC* Master of International Law and Economics *Berne, Fribourg and Neuchatel*

S Singlee, LLB LLM *Cape Town* LLM *UNSW*

H Stoop, LLB *Pretoria* LLM *Stell*

A L Titus, BCom LLB MCom *Cape Town*

### **Administrative Officer:**

C Elissac, BAdmin(Hons) *UWC* (LLB, PGDip/LLM courses)

### **Administrative Assistant:**

M Mbebe (Commerce/Law service courses)

## **Centre for Comparative Law in Africa**

### **Professor and Chair:**

S Mancuso, LLB *Palermo* PhD *Trieste*

### **Director:**

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

### **Administrator:**

S van der Brock

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 and a postgraduate diploma specialising in Comparative Law 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.

## **Institute of Development and Labour Law**

### **Founding Directors:**

C R Thompson (Labour Law Unit, 1987); D P Visser (Institute of Development Law, 1992)

### **Professor and Director:**

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

### **Senior Researcher:**

S Godfrey, MA PhD *Cape Town*

### **Labour and Enterprise Project Co-ordinator:**

J Theron, BA LLB PG Dip (Employment Law and Security Law) *Cape Town* Attorney of the High Court

### **Research Associates:**

C Bosch, BA LLB *Stell* LLM *Cape Town*

A Breetzke, BA LLB *Stell* PG Dip (Employment Law and Social Security Law) *Cape Town*

S H Christie, BA(Hons) LLB *Rhodes* Attorney of the High Court

M Clarke, MA PhD *Toronto*

D du Toit, BA LLB *Cape Town* LLD *Leiden* Advocate of the High Court

C Fenwick, LLB *Melbourne* LLM *Virginia*

S Gallo, MA *London* PhD *Cape Town*

G Giles, BA *Stell* LLB *Johannesburg*

I Manley, BA LLB *London*

N Ndumo, BA LLB *Lesotho* LLM *Cape Town*

B Rutinwa, LLB *Dar es Salaam* BCL DPhil *Oxon*

R Sikwese, LLB *Malawi* LLM *Indiana*

R van Voore, BA LLB *Cape Town* LLM *London* Attorney of the High Court (Part-time)

D Woolfrey, BA LLB *Natal* Attorney of the High Court

### **Administrator:**

F Khan

The Institute was established at the beginning of 1996 through the merger of the Labour Law Unit (established in 1987) and the Institute of Development Law (established in 1992). It is situated in the Faculty of Law. The objectives of the Institute are to promote research into the law relating to development and labour in Southern Africa, foster links and provide a reference point for scholarship and policy. It convenes conferences, seminars and workshops. It is also produces, either independently or as part of joint projects, several publications, including the *Industrial Law Journal* and the *Southern African Development and Labour Monographs*. The Institute also runs postgraduate diplomas in Employment Law and Dispute Resolution as part of the School of Advanced Legal Studies programme.

## Intellectual Property Law and Policy Research Unit

### Founding Director:

D P Visser, B Juris LLB LLD *Pretoria* Dr Jur *Leiden* Advocate of the High Court

### Director:

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

### Unit Staff:

B Maister, MBChB *Cape Town* JD *Minnesota* LLM *New York*

N Warner, MEd *UWC*

### Unit Members/Research Staff:

D Collier, BA LLB *Rhodes* LLM PhD *Cape Town* Attorney of the High Court

C Ncube, LLB *Zimbabwe* LLM *Cantab* PhD *Cape Town*

M Nkomo, LLB *Wales* LLM *Pretoria/UWC* Master of International Law and Economics *Berne, Fribourg and Neuchatel*

L-A Tong, BA(Hons) LLB *Cape Town* LLM *London* LLM *Turin*

The Intellectual Property Law and Policy Research Unit (IP Research 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 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 engage in research and teaching primarily in the area of new and emerging technologies in the fields of biotechnology, information science and technology, medical science and agriculture. As such, the Unit specialises in areas of intellectual property which include patent law, copyright law and access and benefit sharing issues. The debate on intellectual property law and global issues increasingly necessitates policy research and analysis which is relevant to addressing the needs of developing and emerging economies. South Africa has to play a part in defining the manner in which these new challenges are met.

## Shipping Law Unit

### Associate Professor and Head:

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

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 to support the Maritime Law option offered to Final Level LLB students. The Shipping Law Unit provides postgraduate and higher postgraduate tuition and research in Admiralty law and practice and in all private law aspects of the 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. The Unit co-operates closely with the Institute of Marine and Environmental Law which handles the public law elements of the Law of the Sea and related subjects.

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## DEPARTMENT OF PRIVATE LAW

**Emeritus Professors:**

S B Burman, BA LLB *Cape Town* MA DPhil *Oxon* Advocate of the High Court  
 W de Vos, SC BA LLB *Stell* Drs Jur *Leiden* LLD *Cape Town* Advocate of the High Court

**Professor and WP Schreiner Chair:**

A G Fagan, BA LLB *Cape Town* MA DPhil *Oxon*

**Professor and Head of Department:**

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

**Professors:**

A J Barnard-Naudé, BCom LLB *Pretoria* MA *Cape Town* LLD *Pretoria*  
 C N Himonga, LLB *Zambia* LLM PhD *London*  
 D B Hutchison, BCom LLB *Cape Town* PhD *Cantab* Advocate of the High Court (Part-time)  
 H Mostert, BA LLB LLM LLD *Stell*  
 H Scott, BA(Hons) LLB *Cape Town* BCL MPhil DPhil *Oxon*

**Associate Professors:**

M Paleker, BA LLB LLM *Cape Town* Attorney of the High Court  
 \*A Pope, LDipLib *Stell* BA LLB *Rhodes* PG Dip Int Res Ethics *Cape Town*

**Visiting Professor:**

R Evans Jones, LLB *Aberdeen* PhD *Edinburgh*

**Honorary Research Associate:**

M Hewett, BA(Hons) BEd *Cape Town* PhD *Amsterdam*

**Senior Lecturers:**

A Barratt, BA(Hons) HDLIS *Cape Town* LLB LLM *Unisa* PhD *Cape Town*  
 L Greenbaum, BA LLB *Natal* MEd(HE) PhD *UKZN*  
 A M Price, BBusSc LLB *Cape Town* BCL *Oxon* PhD *Cantab*

**Lecturers:**

\*J Jonker, BBusSc LLB MPhil *Cape Town*  
 F Osman, BBusSc LLB LLM *Cape Town*

**Research Co-ordinator for the Chair in Customary Law:**

N Sibanda, LLB *Fort Hare* MA *Stell*

**Administrative Officer:**

N Campbell

**Senior Secretary:**

F Mohamed

## UCT Law Clinic

**Director:**

Y S Moodley, BA HDE LLB LLM *Cape Town* Attorney of the High Court

**Attorneys:**

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

M Smith, BA LLB *Cape Town* Attorney of the High Court

CF Theron, LLB *Stell* Attorney of the High Court

**Administrative Assistant:**

D Williams, BTech *CPUT*

The UCT Law Clinic operates as a fully functioning law practice run by a professional staff of experienced 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 (DOL4500H) which allows them the opportunity to work as 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, communication and organisational skills, file management, trial advocacy, just to list a few.

The Law Clinic is accredited by the Cape Law Society and adheres strictly to its guidelines with regard to professional conduct. The Law Clinic may be contacted at [uctlawclinic@uct.ac.za](mailto:uctlawclinic@uct.ac.za) or on the following number: 021- 650 3775.

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## DEPARTMENT OF PUBLIC LAW

The Department of Public Law offers degrees in both the Faculty of Law and the Faculty of Humanities. The Centre of Criminology, the Institute of Marine and Environment Law, the Centre for Law and Society and the Democratic Governance and Rights Unit are all linked to the Department of Public Law.

The Department of Public Law and 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](mailto:Rene.Francke@uct.ac.za).

**Emeritus Professors:**

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

I Leeman, BA LLB *Stell*

**Emeritus Professor and Senior Scholar:**

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

**Professor and Head of Department:**

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

**Professor and Claude Leon Foundation Chair in Constitutional Governance:**

P de Vos, BCom LLB LLM *Stell* LLM *Columbia* LLD *UWC*



**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

\*L A Feris, BA LLB *Stell* LLM *Georgetown* LLD *Stell*

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

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

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

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

**Associate Professors:**

R Calland, BA(Hons) LLB *Dunelm* LLM *Cape Town* Dip World Politics *London*

R Manjoo, BA LLB LLM *Natal* Advocate of the High Court (Part-time)

D Smythe, BA LLB *Cape Town* JSM JSD *Stanford*

**Adjunct Professor:**

M F Osborne, BA LLB *Witwatersrand* LLM *Notre Dame* Advocate of the High Court of South Africa, Member of New York and Cape Bars

**Honorary Research Associate:**

L W H Ackermann, BA LLB *Stell* MA *Oxon* LLD (hc) *Stell* Honorary Fellow Worcester College Oxford, Emeritus Justice Constitutional Court of South Africa

D C Nel, MPhil MSc PhD *Cape Town*

**Senior Lecturers:**

J Berg, BSocSc(Hons) MSocSc *Cape Town*

K Phelps, BA BSocSc(Hons) *Cape Town* BA (Law) MA LLM *Cantab*

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

A E Tshivhase, BJuris LLB *Venda* LLM *Pretoria* PhD *Cape Town* Advocate of the High Court

M von Broembsen, BA *Stell* LLB *Cape Town* MA *UWC* Attorney of the High Court (Part-time)

**Lecturers:**

M du Plessis, BCom LLB LLM *Rhodes*

L Kohn, LLB LLM *Cape Town*

S Lutchman, LLB *UKZN* LLM *NYU*

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

M Young, LLB *Stell* LLM *Cape Town* Attorney of the High Court

**Administrative Officer:**

D Mwambala

**Senior Secretary:**

R Francke

**Centre for Law and Society (previously the Law, Race and Gender Unit)****Associate Professor and Director:**

D Smythe, BA LLB *Cape Town* JSM JSD *Stanford*

## 14 DEPARTMENTS IN THE FACULTY

### **Chief Research Officer and Rural Women's Action Research Programme Director:**

A Claassens, BA *Cape Town* BA(Hons) *Witwatersrand* PhD *Roskilde*

### **Senior Researchers:**

M Buthelezi, BA(Hons) *Natal* MA *UKZN* PhD *Columbia*

S Mnisi-Weeks, BA LLB *Cape Town* PhD *Oxon* (Part-time)

### **Senior Lecturer:**

M von Broembsen, BA *Stell* LLB *Cape Town* MA *UWC* Attorney of the High Court (Part-time)

### **Researchers:**

D Jefthas, BSocSc MSocSc *Cape Town*

N Luwaya, BA LLB *Cape Town*

B Matlala, BA MSc *Witwatersrand*

M Souza, LLB LLM *Cape Town*

T Thipe, BA(Hons) *Macalester* MSocSc(Hons) *Cape Town*

T Weinberg, BA(Hons) *Cape Town* MA *Chicago*

### **Research Associates:**

D Budlender, BA(Hons) MA *Cape Town* BSc *Unisa*

N Gasa, BA *UWC*

M Jara, BSc Mechanical Engineering *Natal* MPhil *UWC*

R Kingwill, BA(Hons) *Stell* HED *Cape Town*

L Nijzink, LLM *Maastricht* MA *Amsterdam*

L Thornberry, BA *Harvard* MSc *Oxon* PhD *Stanford*

### **Finance Manager:**

J Thomas

### **Administrator:**

R Harris

The Centre for Law and Society (previously the Law, Race and Gender Research Unit) has worked, since its establishment in 1993, to provide legal decision-makers with an understanding of the ways in which the history and social context of South Africa informs the creation, application and interpretation of our laws. The Centre focuses on producing excellent empirical studies of law in context, based on participatory methodologies and collaborative partnerships. Research, training, and participatory workshops with legal decision makers have focused on issues of gender-based violence, racial discrimination and inequality, sexuality, ethics and associated legal problems. Currently the work of the Centre is focused through its Rural Women's Action Research programme on laws and practices affecting people living under customary law, including the Traditional Courts Bill and Communal Land Rights Act, and related governance issues. We have a developing focus on economic justice and the role of legal institutions in inequality of access to resources and power. The Centre also convenes, with the Centre of Criminology, the LLM/MPhil Programme in Criminology, Law and Society. At the heart of the Centre's work is a commitment to sound research underpinning evidence-based advocacy on critical legal and social issues.

## **Centre of Criminology**

### **Professor:**

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

### **Senior Lecturer:**

J Berg, BSocSc(Hons) MSocSc *Cape Town*

**Administrative Assistant:**

Rene Francke

The Centre of Criminology is a research unit linked to the Department of Public Law. The Centre's research and analysis is organized around four major areas of enquiry:

The Police Reform programme that focuses on issues relating to the reform of the public police in Africa more generally and Southern Africa more specifically.

The Plural Policing programme that explores emerging institutions of polycentric governance, both for delivering security governance and for governance accountability.

The Social History of Criminal Justice in South Africa project which will collate oral histories involving select policy elites so as to document processes of security and justice reform during a critical period of South African history, 1990-2013.

The Non-State Organised Violence programme (in collaboration with the Safety and Violence Initiative) which is a multi-disciplinary research programme with the broad aim of generating significant knowledge on the various manifestations and dynamics of organised non-State violence in Africa.

The research in these areas has enabled the Centre to remain committed to exploring established as well as emerging areas of research and thinking within criminology. A unifying theme is the concern to ensure that all programmes contribute to theory, and policy and implementation.

**Democratic Governance and Rights Unit (DGRU)****Associate Professor and Director:**

R Calland, BA(Hons) LLB *Dunelm* LLM *Cape Town* Dip World Politics *London*

**Research Officers:**

T Masengu, LLB *Rhodes* LLM *LSE* Attorney of the High Court

C Oxtoby, BSocSc LLB *Cape Town* LLM *NYU* Attorney of the High Court

**Programme Manager:**

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

**Senior Secretary:**

Vacant

The DGRU's mission is to advance the principles and practice of constitutional democracy in Africa. Recognising the gap between the promise of constitutionalism and the reality of daily life for the majority of Africans, the DGRU aims to stimulate fresh thinking on the intersection between rights and transformative governance. In collaboration with others, the DGRU supports the process of law and policy reform, and informs debate, through inter-disciplinary research and advocacy.

Our primary focus is on the relationship between governance and human rights, and the unit has established itself as one of South Africa's leading research centres in the area of judicial governance, conducting research on the judicial appointments process, judicial ethics and on the future institutional modality of the judicial branch of government.

**Institute of Marine and Environmental Law****Emeritus Professor:**

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

## 16 DEPARTMENTS IN THE FACULTY

### **Professors:**

\*L A Feris, BA LLB *Stell* LLM *Georgetown* LLD *Stell*

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

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

### **Lecturer:**

M Young, LLB *Stell* LLM *Cape Town* Attorney of the High Court

### **Honorary Research Associates:**

J Hall, BA LLB *Cape Town* LLM *Unisa* PhD *Cape Town*

E V Witbooi, BA LLB LLM *Cape Town* PhD *London*

### **Senior Secretary:**

P C Murphy

The Institute of Marine and Environmental Law monitors developments in the Law of the Sea and Environmental Law both at 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 from time to time substantial articles of an academic nature as monographs or occasional papers; providing opinions and undertaking research projects on a fee-paying basis when commissioned to do so; building up library and reference centres on the Law of the Sea and Environmental Law; providing courses and research supervision for postgraduate students in aspects of the Law of the Sea and Environmental Law; and providing such incidental lectures on these subjects as may be required by the University or outside interests.

## **Refugee Rights Project**

### **Director:**

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

### **Attorneys:**

J Chapman, LLB *Cape Town* Attorney of the High Court

J de Jager, BA LLB LLM *Cape Town*

M Schoeman, BA LLB *UWC*

The Refugee Rights Project convenes two courses: Refugee and Immigration Law (PBL4506F) which focuses on the basic criteria for the attainment, denial and withdrawal of refugee status and the rights and treatment of refugees, and a higher postgraduate course Refugee Law and Human Rights (PBL5653F) which focuses primarily on refugee law and policy issues but does so within the broader context of migration.

Further information on the Refugee Rights Project may be obtained from its website [www.refugeerights.uct.ac.za](http://www.refugeerights.uct.ac.za).

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## OTHER UNITS AND FACILITIES

### School for Legal Practice

**Director:**

G Y Kemp, BA LLB *Cape Town* Attorney of the High Court

**Training Co-ordinator:**

Z Anthony

**Receptionist:**

D Arendse

The School for Legal Practice, established in 1993, is a joint project of the Law Society of South Africa and the Law Faculties of the Universities of Cape Town, Western Cape and Stellenbosch. The object of the School is to provide law graduates with applied skills in legal practice, thereby also improving access to the legal profession.

Two intensive full-time programmes are offered each year, the first commences in mid-January and runs to the middle of June, and the second from late June to end November. A Night School is also offered which runs from late January to the end of July.

Candidates at the School register as UCT students for the semester course DOL5600F/S Legal Practice, and may elect either to follow that course alone, or to apply for admission to LLM studies which will entail the completion of an additional three courses and a 25 000 word dissertation.

Attendance at the School may be credited towards the period required for the successful completion of articles of clerkship for the purposes of admission as an attorney.

The School is situated on the 1<sup>st</sup> Floor, Burg House, 14 Belmont Office Park, Belmont Road, Rondebosch, 7700. Further details on the School for Legal Practice may be obtained from either the Faculty Office or from the Director of the School for Legal Practice, University of Cape Town, Private Bag X3, Rondebosch, 7701. Telephone (021) 650 4481

### Brand Van Zyl Law Library

**Section Manager:**

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

**Reference Librarians:**

D Brey, BSocSc HDLIS BBibI(Hons) *Cape Town* LLB *Unisa*

M Sityana, BBibI *Fort Hare* LLB *WSU*

**Senior Library Assistant:**

T Sotshonondo, LLB *UWC*

**Library Assistant:**

Z Jaffer

**Departmental Assistant:**

J Ismail

**Technical Consultant (IT):**

V Arendse

## 18 OTHER UNITS AND FACILITIES

The Brand Van Zyl Law Library is located on the second level of the Wilfred and Jules Kramer Law School Building, University of Cape Town. It holds substantial collections of South African, foreign, international and comparative legal materials, including monographs, law reports, statutes and journals.

The Library offers a substantial range of electronic resources, including indexes and full-text databases of case law, statutes and journal articles. Law students may access these databases from eighty six computers in the Library, and may use these facilities to type and print out their assignments.

The Law Library also houses the Brand Van Zyl Collection which was presented to the University Library by the Rt Hon G Brand Van Zyl in 1949, and comprises legal works collected by the Van Zyl family over a period of 70 years. Additions to the collection are made by virtue of a bequest received for this purpose from the estate of the late Mrs MEC Van Zyl. This valuable collection now consists of more than 5000 volumes on Roman-Dutch law, most of which were published in the seventeenth and eighteenth centuries. These books may be consulted in the Van Zyl Seminar Room, with the permission of the Law Librarian. Hours of opening may be obtained from the Law Librarian, or from the website: <http://www.lib.uct.ac.za/law>.

### **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 and every student registered in the Faculty has a UCT email account, along with the use of the computers in the Law Faculty email bar in the Kramer Law building (on level 2) and in the Brand Van Zyl Law Library (level 2 and 1). Among the facilities available to students are word-processing for assignments, internet and email, and access to a range of South African and international electronic legal databases.

Students in the Faculty are offered training in general computer knowledge and word processing 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.lib.uct.ac.za/law>.

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.

The Law Faculty homepage also supports the Constitutional Assembly Database of information relating to the drafting of South Africa's 1993 and 1996 Constitutions. Visit the Law Faculty's homepage at <http://www.law.uct.ac.za>

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## STRUCTURE OF COURSE CODES

Every course described in this Handbook has a course name and a corresponding course code. The code structure is uniform, and it gives important information about the course. Each code, e.g. DDD1nnnS, has eight characters, where

DDD	first 3 letters of the code denote the name of the Department offering the course
1	is a number representing the year of study in which the course is usually taken
nnn	is a 3 character number that identifies the course uniquely
S	is a single alpha character, specifying the time period during which the course is offered
	The following are used:
F	1st semester course
S	2nd semester course
H	half course taught over whole year
W	full course, year long
Z	non-standard period

The following examples show how this works:

<b>RDL2002H</b>	Law of Property
RDL	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
<b>PBL3000F</b>	Interpretation of Statutes
PBL	designates a Public Law course
3	designates a third year course
000	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

## COURSES IN THE FACULTY

### Dean of Law

DOL3000X	Moot Competition
DOL3001X	Community Service
DOL3002X	Intermediate Year Skills Component
DOL4000H	Integrative Assessment Project
DOL4500H	Legal Practice (was RDL4203H)
DOL5600F/S/Z	Legal Practice (was DOL6000F/S/Z)

### Department of Commercial Law

CML3001W	Corporation Law
CML4004H	Labour Law - LLB
CML4006W	Commercial Transactions Law

#### *Lectures-and-examination electives:Final Level LLB*

CML4501F	Dispute Resolution
CML4502F	Insurance Law
CML4503F	Intellectual Property Law A
CML4504S	Intellectual Property Law B
CML4505F	International Trade and Maritime Law
CML4506F	Tax Law A
CML4507S	Tax Law B
CML4508S	Trust and Estate Planning
CML4509S	Ways of Doing Business

#### *Seminars-and-research-paper electives:Final Level LLB*

CML4401H	Independent Research Option
CML4601F	Theory and Practice of Commercial Regulation and Governance
CML4602S	Competition Law
CML4603S	Current Commercial Law Issues ( <i>not offered in 2014</i> )
CML4604F	Current Developments in Company Law
CML4605F	Law, Development, Labour and Social Policy
CML4606H	Moot Caput

#### *Undergraduate courses (for students from other faculties)*

CML1001F	Business Law I
CML1004S	Business Law I
CML2001F	Company Law
CML2005F	Labour Law UG
CML2010S	Business Law II

#### *Higher postgraduate courses*

CML5601F	Advanced Company Law: Securities (was CML6001F)
CML5613S	Collective Labour Law (was CML6013S)
CML5616F	International and Comparative Labour Law (was CML6016F) ( <i>not offered in 2014</i> )
CML5622S	Pensions and Social Security Law (was CML6022S) ( <i>not offered in 2014</i> )
CML5624F	Admiralty Jurisdiction and Practice (was CML6024S)
CML5626S	Carriage of Goods by Sea (was CML6026S)
CML5631S	Mediation
CML5640F	International Economic Law (was CML6040F)
CML5641S	Commercial Arbitration (was CML6041S)
CML5651F	Individual Employment Law (was CML6051F)



## COURSES IN THE FACULTY 21

CML5654S	Competition Law (was CML6054S)
CML5655S	Advanced Company Law: Corporate Governance (was CML6055S)
CML5657S	Electronic Intellectual Property Law (was CML6057S)
CML5658S	Electronic Transactions Law (was CML6058S)
CML5660F	Legal Compliance Management (was CML6060F) ( <i>not offered in 2014</i> )
CML5661W	Tax Law (was CML6061W)
CML5663W	Advanced Tax Law (was CML6063W)
CML5664F	Law and Regional Integration in Africa: Comparative Perspective (was CML6064F)
CML5670F	Advanced Insurance Law (was CML6070F) ( <i>not offered in 2014</i> )
CML5671F	Negotiation (was CML6071F)
CML5672S	The Legal Aspects of Corporate Financing Structures (was CML6072S)
CML5673S	International Commercial Transactions Law (was CML6073S)
CML5676S	Workplace Discrimination and Equality Law
CML5677F	Islamic Law and Finance ( <i>not offered in 2014</i> )
CML5678F	Principles of Intellectual Property Law (was RDL5614F)
CML5680S	Advanced Intellectual Property Law ( <i>not offered in 2014</i> )
CML5683F	Comparative Legal Systems
CML5684F	African Law
CML5685S	Common Law ( <i>not offered in 2014</i> )
CML5686S	Civil Law
CML5687S	Chinese Law and Investments in Africa
CML5690F	Maritime Law and Marine Insurance (replaces CML5625F and CML5670F)
CML5691S	Intellectual Property Law, Development and Innovation (was CML5679F)

### *Thesis, dissertation and research paper codes*

CML5600W	Masters in Commercial Law (was CML6000W)
CML5606W	Masters in Commercial Law Dissertation Part (was CML6006W)
CML5607W	Postgraduate Diploma in Law (Labour Law) Research Paper (was CML6007W)
CML5611W	Masters in Tax Law Dissertation Part (was CML6011W)
CML5614W	Masters in Labour Law Dissertation Part (was CML6014W)
CML5615W	Postgraduate Diploma in Law (Tax Law) Research Paper (was CML6015W)
CML5616W	Masters in Shipping Law Dissertation Part (was CML6016W)
CML5617W	Postgraduate Diploma in Law (Shipping Law) Research Paper (was CML6017W)
CML5620W	Postgraduate Diploma in Law (Commercial Law) Research Paper (was CML6020W)
CML5674W	Masters in International Trade Law Dissertation Part (was CML6074W)
CML5681W	Masters in Intellectual Property Law Dissertation Part (was RDL5622W)
CML5682W	Postgraduate Diploma in Law (Intellectual Property Law) Research Paper (was RDL5621W)
CML5688W	Masters in Comparative Law in Africa Dissertation Part
CML5689W	Postgraduate Diploma in Law (Comparative Law in Africa) Research Paper
CML5691S	Intellectual Property Law, Development and Innovation (was CML5679F)
CML6700W	PhD in Commercial Law (was CML7000W)
CML6701W	LLD in Commercial Law (Thesis) (was CML7001W)
CML6702W	LLD in Commercial Law (Published Work) (was CML7002W)

### *Research project codes for Professional Master's*

CML5700W	Research Project (Commercial Law)
CML5701W	Research Project (Dispute Resolution)
CML5702W	Research Project (Intellectual Property Law)
CML5703W	Research Project (International Trade Law)
CML5704W	Research Project (Labour Law)

## 22 COURSES IN THE FACULTY

CML5705W	Research Project (Shipping Law)
CML5706W	Research Project (Tax Law)

### Department of Private Law

RDL1003W	Foundations of South African Law
RDL1004H	Comparative Legal History
RDL1006W	Foundations of South African Law (Extended Curriculum)
RDL1007H	Comparative Legal History (Extended Curriculum)
RDL1008H	Law of Persons and Family
RDL1009H	Law of Persons and Family (Extended Curriculum)
RDL2002H	Law of Property
RDL2003H	Law of Succession
RDL3001H	Law of Succession
RDL3002H	African Customary Law
RDL3003H	Law of Delict
RDL3005W	Law of Contract
RDL3006H	Jurisprudence
RDL3008H	Civil Procedure
RDL4005H	African Customary Law
RDL4006H	Jurisprudence
RDL4008H	Civil Procedure

#### *Lectures-and-examination electives:Final Level LLB*

RDL4501F	HIV/Aids, Bioethics and the Law ( <i>not offered in 2014</i> )
RDL4503F	Selected Studies in Roman Law
RDL4504S	South African Mineral Law: Theory, Context and Reform
RDL4505F	The Law of Cession
RDL4506S	Unjustified Enrichment
RDL4507F	Conflict of Laws

#### *Seminars-and-research-paper elective:Final Level LLB*

RDL4401H	Independent Research Option
RDL4601F	Advanced Property Law: Capita Selecta
RDL4602S	Civil Justice Reform
RDL4603F	Jurisprudence and South African Law
RDL4604S	Law and Post-Apartheid Literature
RDL4605S	Legal Pluralism, Religion, Culture and Human Rights
RDL4606F	Private Law and Human Rights
RDL4608S	The South African Law of Delict in Theoretical and Comparative Perspective
RDL4609H	Moot Caput

#### *Exchange programme courses*

RDL1003F	Foundations of South African Law (Part A)
RDL1003S	Foundations of South African Law (Part B)

#### *Higher postgraduate courses*

RDL5616F	Legal Pluralism: with Special Reference to Africa (was RDL6016S)
RDL5620S	Advanced Contract Law (was RDL6020S) ( <i>not offered in 2014</i> )
RDL5623F	Human Rights and African Customary Law ( <i>offered as from 2015</i> )
RDL5624F	Human Rights and Private Law ( <i>offered as from 2015</i> )
RDL5625S	Principles, Context and Reform of Property Law in a Constitutional Order ( <i>offered as from 2015</i> )
RDL5626S	Human Rights, Gender, and Family ( <i>offered as from 2015</i> )
RDL5627F	Delict, Unjustified Enrichment, and Human Rights ( <i>offered as from 2015</i> )

*Thesis, dissertation and research paper codes*

RDL5606W	Masters in Private Law (was RDL6006W)
RDL6700W	PhD in Private Law (was RDL7003W)
RDL6701W	LLD in Private Law (Thesis) (was RDL7004W)
RDL6702W	LLD in Private Law (Publication) (was RDL7005W)

**Department of Public Law**

PBL2000W	Constitutional Law
PBL2001H	International Law
PBL2002W	Constitutional Law (Extended Curriculum)
PBL3000F	Interpretation of Statutes
PBL3001H	International Law
PBL3801W	Criminal Law
PBL3802H	Criminal Procedure
PBL4001W	Administrative Law
PBL4801H	Evidence
PBL4802H	Criminal Procedure

*Lectures-and-examination electives:Final Level LLB*

PBL4501F	Criminology: Selected Issues
PBL4502F	Environmental Law
PBL4503F	European Union Law
PBL4504F	International Criminal Law and Africa
PBL4505F	International Human Rights Law and the Constitution
PBL4506F	Refugee and Immigration Law

*Seminars-and-research-paper electives:Final Level LLB*

PBL4401H	Independent Research Option
PBL4402H	Independent Research Paper
PBL4601S	Constitutional Litigation
PBL4602F	Criminal Justice and the Constitution
PBL4603F	Public Law (was 4303H)
PBL4604F	Social Justice and the Constitution
PBL4605F	Women and Law
PBL4606H	Moot Caput

*Exchange programme courses*

PBL2000F	Constitutional Law (Part A)
PBL2001F	International Law (Part A)
PBL3801F	Criminal Law (Part A)

*Undergraduate Criminology course (for Humanities students only)*

PBL2800F	Crime and Deviance in South African Cities
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*Humanities Honours in Criminology (for Humanities Honours students only)*

PBL4804F	Crime and Criminology ( <i>not offered in 2014</i> )
PBL4806H	Research Paper ( <i>not offered in 2014</i> )
PBL4807F	Criminal Process ( <i>not offered in 2014</i> )
PBL4809S	Crime and Social Control in Africa ( <i>not offered in 2014</i> )
PBL4810F	Research Methods in Criminology and Criminal Justice ( <i>not offered in 2014</i> )

*Science Master's in Climate change and sustainable development (for Science students only)*

PBL5045S	Environmental Law for Non-Lawyers
PBL5046S	Climate, Law and Governance
PBL5047H	Climate Change (Minor Dissertation)

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### *Higher postgraduate courses*

PBL5602S	International Law of the Sea
PBL5615F	Principles of Public International Law (was PBL6015F)
PBL5618S	International Law on Disputes and the Use of Force (was PBL6018S)
PBL5619F	International Environmental Law (was PBL6019F)
PBL5622S	Legal Writing (was PBL6022S) ( <i>not offered in 2014</i> )
PBL5623F	Governing under the Constitution: Law and Practice (was PBL6023S)
PBL5628F	International Rights of the Child (was PBL6028F)
PBL5631S	International Protection of Human Rights (was PBL6031S)
PBL5633S	Litigating the Bill of Rights (was PBL6033S) ( <i>not offered in 2014</i> )
PBL5634F	Human Rights Law (was PBL6034F)
PBL5635S	Administrative Justice (was PBL6035F)
PBL5640F	Principles of Environmental Law (was PBL6040F)
PBL5641F	Land Use Planning Law (was PBL6041F)
PBL5642S	Natural Resources Law (was PBL6042S)
PBL5643S	Pollution Law (was PBL6043S)
PBL5644F	Sexual Offences and the Law (was PBL6044S) ( <i>not offered in 2014</i> )
PBL5647F	Social Justice, Law and Poverty (was CML6047F) ( <i>not offered in 2014</i> )
PBL5648S	Social Justice in Practice (was CML6048S) ( <i>not offered in 2014</i> )
PBL5651S	International Protection of Women's Human Rights (was PBL6051S)
PBL5652S	Muslim Personal Law and Human Rights (was PBL6052S)
PBL5653F	Refugee and Human Rights (was PBL6053F)
PBL5807S	International Criminal Law (was PBL6807S)
PBL5815S	Punishment and Human Rights (was PBL6815S)
PBL5820F	Theories of Crime and Social Order (was PBL6820F)
PBL5822S	Victims and Victimology: Theory, Policy and Practice (was PBL6822S) ( <i>not offered in 2014</i> )
PBL5844S	Police and Policing: Explorations in Security Governance (Trends in the Governance of Security) (was PBL6844F)
PBL5847S	Forensics and the Law
PBL5848F	Law and Society in Africa
PBL5849F	Law in Action

### *Thesis, dissertation and research paper codes*

PBL5600W	Masters in Public Law (was PBL6000W)
PBL5601W	Masters in Public Law Dissertation Part (was PBL6001W)
PBL5602W	Masters in Constitutional and Administrative Law Dissertation Part (was PBL6002W)
PBL5605W	Postgraduate Diploma in Law (Human Rights Law) Research Paper (was PBL6005W)
PBL5611W	Postgraduate Diploma in Law (Public Law) Research Paper (was PBL6011W)
PBL5624W	Masters in Marine and Environmental Law Dissertation Part (was PBL6024W)
PBL5625W	Masters in Constitutional Law Dissertation Part (was PBL6025W)
PBL5626W	Masters in Human Rights Law Dissertation Part (was PBL6026W)
PBL5627W	Masters in International Public Law Dissertation Part (was PBL6027W)
PBL5632W	Postgraduate Diploma in Law (Environmental Law) Research Paper (was PBL6032W)
PBL5654W	Masters in Environmental Law Dissertation Part (was PBL6054W)
PBL5655W	Postgraduate Diploma in Law (Constitutional and Administrative Law) Research Paper (was PBL6055W)
PBL5656W	Postgraduate Diploma in Law (International Law) Research Paper (was PBL6056W)
PBL5657W	Postgraduate Diploma in Law (Marine and Environmental Law) Research Paper (was PBL6057W)
PBL5800W	Masters in Criminology (was PBL6800W)

PBL5809W	Masters in Criminal Justice (was PBL6809W)
PBL5850W	Masters in Criminology, Law and Society Dissertation Part
PBL6700W	PhD in Public Law (was PBL7000W)
PBL6701W	LLD in Public Law (Thesis) (was PBL7001W)
PBL6702W	LLD in Public Law (Published Work) (was PBL7002W)
PBL6703W	PhD in Criminal Justice (was PBL7803W)
PBL6704W	PhD in Criminology (was PBL7800W)

**Courses offered by other departments**

*Elective courses: Final Level LLB*

LAB4008S	Medicina Forensis (was LAB5000S)
SLL1134H	isiXhosa for Law
SLL1135H	Afrikaans Communication for Law

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## **RULES FOR LLB DEGREE STREAMS (up to 2011)**

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 up to and including 2011*. Students who registered for the LLB for the first time in 2012 or who repeated the preliminary year in 2012 should refer to the following section, **Rules for LLB Degree Streams (from 2012)**.

### **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 extended 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; the curriculum for the extended curriculum stream will extend over four 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; the curriculum for the extended curriculum stream will extend over three years.

**CURRICULUM REQUIREMENTS:**

**Graduate LLB stream**

FP4.1	The courses prescribed for the LLB degree programme are:	<b>NQF credits</b>	<b>HEQSF level</b>
	<b>PRELIMINARY LEVEL</b>		
	RDL1003W Foundations of South African Law	36	5
	RDL1004H Comparative Legal History	18	5
	RDL1008H Law of Persons and Family	18	5
	PBL2000W Constitutional Law	36	7
	PBL2001H International Law	18	7
	RDL2002H Law of Property	18	7
	MAM1013F/S Law That Counts: Quantitative Literacy for Law (unless the candidate has passed the numeracy test – attempted once only – administered by the Law Faculty during the orientation period). Note that candidates admitted to the Intermediate Level are exempted from this course.	18	5
	Total credits for Preliminary Level	162	
	<b>INTERMEDIATE LEVEL</b>		
	CML3001W Corporation Law	36	7
	PBL3801W Criminal Law	36	7
	PBL3802H Criminal Procedure	18	7
	PBL3000F Interpretation of Statutes	18	7
	RDL3001H Law of Succession	18	7
	RDL3003H Law of Delict	18	7
	RDL3005W Law of Contract	36	7
	RDL3008H Civil Procedure	18	7
	DOL3001X Community Service	0	
	Total credits for Intermediate Level	198	
	<b>FINAL LEVEL</b>		
	CML4006W Commercial Transactions Law	36	8
	PBL4801H Evidence	18	8
	PBL4001W Administrative Law	36	8
	RDL4005H African Customary Law	18	8
	RDL4006H Jurisprudence	18	8
	DOL4000H Integrative Assessment Project	0	8
	Research Component (elective courses and research paper)	36	8
	Total credits for Final Level	162	
	Total credits for the graduate LLB programme	522	
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.		

## 28 RULES FOR LLB DEGREE STREAMS (UP TO 2011)

- 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 optional courses in the Final Level is 54 credits.
- FP4.7.1 Intermediate Level students may register for DOL4500H Legal Practice (previously Legal Aid and Legal Practice) if
- (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.
- FP4.7.2 DOL4500H Legal Practice completed while a student is in the Intermediate Level does not contribute to the fulfilment of the requirements in FP4.4.
- FP4.8 A student from the University of Cape Town coming into the graduate stream of the LLB may be exempted from MAM1013F/S if he or she
- (i) shows in a test prescribed by Senate that he or she has an ability to deal with the numerical problems that arise in law; or
  - (ii) shows evidence that he or she has received credit or tested out for MAM1014F course or its equivalent.

*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

- 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 this test, complete the course MAM1013F/S 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 are exempted from this course.

FP5.3	The courses prescribed for the first (Preliminary) year are:	<b>NQF credits</b>	<b>HEQSF level</b>
	RDL1003W Foundations of South African Law	36	5
	RDL1004H Comparative Legal History	18	5
	One English (ELL) course	18	5
	OR SLL1002S Word Power		
	RDL1008H Law of Persons and Family	18	5
	MAM1013F/S Law That Counts: Quantitative Literacy for Law	18	5
	AND two semester courses in another faculty	36	5
	Total credits for first (Preliminary) year	144	

- FP5.3.1 A candidate who has passed the numeracy test must complete an additional semester course offered in another faculty.
- FP5.3.2 A candidate who wishes to take a course in Economics must take both ECO1010F Microeconomics and ECO1011S Macroeconomics, must have obtained a minimum D symbol for Mathematics (HG) at senior certificate or a minimum of 5 at national senior



certificate or equivalent.

**NOTE:** Students are advised to ascertain the Entrance requirements for all courses they wish to take in another faculty. In the second year, a candidate is required to take two courses in another faculty at second year level in one discipline (e.g. History). Usually one course (semester) (e.g. in History) is sufficient for admission to second year courses in a discipline. However, if he or she wishes to take English courses in the second year, he or she must take two courses in English, one of which must be ELL1013F English Literary Studies, in the first year.

FP5.4	The courses prescribed for the second (Preliminary) year are:	<b>NQF credits</b>	<b>HEQSF level</b>
	PBL2000W      Constitutional Law	36	7
	PBL2001H      International Law	18	7
	RDL2002H      Law of Property	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	

**NOTE:** Students are advised that the language course should not be in a language in which the student is fluent or one taken for Grade 12, unless it is proposed that the language concerned be taken at a more advanced level than beginner.

FP5.5	The courses prescribed for the third (Intermediate) year are:	<b>NQF credits</b>	<b>HEQSF level</b>
	CML3001W      Corporation Law	36	7
	PBL3801W      Criminal Law	36	7
	PBL3802H      Criminal Procedure	18	7
	PBL3000F      Interpretation of Statutes	18	7
	RDL3001H      Law of Succession	18	7
	RDL3003H      Law of Delict	18	7
	RDL3005W      Law of Contract	36	7
	RDL3008H      Civil Procedure	18	7
	DOL3001X      Community Service	0	
	DOL3002X      Intermediate Year Skills Component	0	
	Total credits for third (Intermediate) year	198	

FP5.6	The courses prescribed for the fourth (Final) year are:	<b>NQF credits</b>	<b>HEQSF level</b>
	CML4006W      Commercial Transactions Law	36	8
	PBL4801H      Evidence	18	8
	PBL4001W      Administrative Law	36	8
	RDL4005H      African Customary Law	18	8
	RDL4006H      Jurisprudence	18	8
	DOL4000H      Integrative Assessment Project	0	8
	Research Component (elective courses and research paper)	36	8
	Total credits for fourth (Final) year	162	
	Total credits for the four-year undergraduate LLB programme	660	

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

### All streams: skills component

- 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, seminars and moots)
- 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
  - participate in a moot
  - attend all tutorials (or submit written work at the discretion of the course convener)
- FP6.6 In the FOURTH year, there should be:
- interviewing
  - an Integrative Assessment Project. This project will test the accumulated skills and ability of students to demonstrate an overall grasp of South African law and how it operates in real life situations by posing a problem which integrates a variety of areas of law taught as separate subjects earlier in the curriculum.

## Progress rules for LLB degree streams

### Graduate LLB stream

- 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
- (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 credit obtained will not count towards the fulfilment of the requirements of the degree, nor will the mark obtained be considered for purposes of calculating the Intermediate Level average. The mark will be taken into account, however, for purposes of calculating the overall degree average, in accordance with the normal principles governing this calculation.*

### **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 credit obtained will not count towards the fulfilment of the requirements of the degree, nor will the mark obtained be considered for purposes of calculating the Intermediate Level average. The mark will be taken into account, however, for purposes of calculating the overall degree average, in accordance with the normal principles governing this calculation.*

## Extended LLB stream

- 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 credit obtained will not count towards the fulfilment of the requirements of the degree, nor will the mark obtained be considered for purposes of calculating the Intermediate Level average. The mark will be taken into account, however, for purposes of calculating the overall degree average, in accordance with the normal principles governing this calculation.*

- 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 extended 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 re-admission:**

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 two years.

FP11.2 A student on an extended 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: F16.1 Supplementary examinations rule applies before the FP11 Minimum requirements for re-admission takes effect.*

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 re-admission.

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 grant 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).

**Subminimum 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 examinations:**

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:

- (i) scored 47% or more overall in that course *and*
- (ii) scored 45% or more in the final examination 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.*

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### Supplementary examinations:

FP16.1 Senate may permit a candidate to write supplementary examinations in the equivalent of three half courses in any one year, provided that:

- (i) he or she has reached a sufficiently high standard when failing such course(s); and
- (ii) the courses are the only courses failed by him/her in that year.

**NOTE:** *The decision on whether to award a supplementary examination will be taken by Senate 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 G25.1 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 made on the prescribed form obtainable at the Records Office in the Student Administration Building, 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 Health 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 G18.9 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.

*NOTE: Senate’s authority to permit deviations from the rules governing the curriculum of an LLB student is delegated to the Admissions, Concessions and Credits Committee of the Law Faculty.*

**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:*

*Revenue Law, Trusts and Estate Planning, Competition Law, Constitutional Litigation, Current Issues in Constitutional Law, Conflict of Laws, Unjustified Enrichment and Cession, Moot Option.*

### Graduate LLB Main Stream (LP001)

Preliminary Level	Intermediate Level	Final Level
Foundations of SA Law: RDL1003W	Law of Contract: RDL3005W	Administrative Law: PBL4001W
Law of Persons and Family: RDL1008H	Law of Succession: RDL3001H	African Customary Law: RDL4005H
Comparative Legal History: RDL1004H	Law of Delict: RDL3003H	Commercial Transactions Law: CML4006W
Constitutional Law: PBL2000W	Criminal Law: PBL3801W	Evidence: PBL4801H
International Law: PBL2001H	Criminal Procedure: PBL3802H	Jurisprudence: RDL4006H
Law of Property: RDL2002H	Civil Procedure: RDL3008H	Integrative Assessment Project: DOL4000H
Law That Counts: MAM1013F/S	Corporation Law: CML3001W	Research Component (36 credits)
	Interpretation of Statutes: PBL3000F	
	Community Service: DOL3001X	

### Graduate LLB Extended Curriculum Stream (LP002)

Preliminary Level A	Preliminary Level B	Intermediate Level	Final Level
Foundations of South African Law (EC): RDL1006W	Criminal Law: PBL3801W	Civil Procedure: RDL3008H	Administrative Law: PBL4001W
Law of Persons and Family (EC): RDL1009H	Criminal Procedure: PBL3802H	Law of Contract: RDL3005W	African Customary Law: RDL4005H
Comparative Legal History (EC): RDL1007H	International Law: PBL2001H	Corporation Law: CML3001W	Commercial Transactions Law: CML4006W
Constitutional Law (EC): PBL2002W	Law of Property: RDL2002H	Law of Delict: RDL3003H	Evidence: PBL4801H
Law That Counts: MAM1013F	Interpretation of Statutes: PBL3000F	Research Component (9 credits)	Jurisprudence: RDL4006H
	Law of Succession: RDL3001H	Community Service: DOL3001X	Integrative Assessment Project: DOL4000H
		Intermediate Year Skills Component: DOL3002X	Research Component (27 credits)



**Combined Undergraduate / Graduate LLB Main Stream (LP001)**

<b>Preliminary completed in BA, BCom, etc.</b>	<b>Intermediate Level</b>	<b>Final Level</b>
Foundations of SA Law: RDL1003W	Law of Contract: RDL3005W	Administrative Law: PBL4001W
Law of Persons and Family: RDL1008H	Law of Succession: RDL3001H	African Customary Law: RDL4005H
Comparative Legal History: RDL1004H	Law of Delict: RDL3003H	Commercial Transactions Law: CML4006W
Constitutional Law: PBL2000W	Criminal Law: PBL3801W	Evidence: PBL4801H
International Law: PBL2001H	Criminal Procedure: PBL3802H	Jurisprudence: RDL4006H
Law of Property: RDL2002H	Civil Procedure: RDL3008H	Integrative Assessment Project: DOL4000H
	Corporation Law: CML3001W	Research Component (36 credits)
	Interpretation of Statutes: PBL3000F	
	Community Service: DOL3001X	

*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.*

**Combined Undergraduate / Graduate LLB Extended Stream**

<b>Preliminary completed in BA, BCom, etc.</b>	<b>Intermediate Level A</b>	<b>Intermediate Level B</b>	<b>Final Level</b>
Foundations of SA Law: RDL1003W	Law of Contract: RDL3005W	Corporation Law: CML3001W	Administrative Law: PBL4001W
Law of Persons and Family: RDL1009H	Criminal Law: PBL3801W	Civil Procedure: RDL3008H	African Customary Law: RDL4005H
Comparative Legal History: RDL1004H	Interpretation of Statutes: PBL3000F	Criminal Procedure: PBL3802H	Evidence: PBL4801H
Constitutional Law: PBL2000W	Law of Succession: RDL3001H	Law of Delict: RDL3003H	Jurisprudence: RDL4006H
International Law: PBL2001H		Research Component (9 credits)	Commercial Transactions Law: CML4006W
Law of Property: RDL2002H		Community Service: DOL3001X	Research Component (27 credits)
			Integrative Assessment Project: DOL4000H

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#### Four Year Undergraduate LLB Main Stream (LB002)

Preliminary Level A	Preliminary Level B	Intermediate Level	Final Level
Foundations of SA Law: RDL1003W	Constitutional Law: PBL2000W	Criminal Law: PBL3801W	Administrative Law: PBL4001W
Law of Persons and Family: RDL1008H	International Law: PBL2001H	Criminal Procedure: PBL3802H	African Customary Law: RDL4005H
Comparative Legal History: RDL1004H	Law of Property: RDL2002H	Civil Procedure: RDL3008H	Commercial Transactions Law: CML4006W
ELL course(s) * or Word Power	Language option (1st and 2nd semester)	Corporation Law: CML3001W	Evidence: PBL4801H
Non-law option (1st and 2nd semester) **	2000-level non-law option (1st and 2nd semester)	Interpretation of Statutes: PBL3000F	Jurisprudence: RDL4006H
Law That Counts: Quantitative Literacy for Law: MAM1013F/S		Law of Contract: RDL3005W	Integrative Assessment Project: DOL4000H
		Law of Succession: RDL3001H	Research Component (36 credits)
		Law of Delict: RDL3003H	
		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.

\*\* Candidates who wish to take Economics and who meet the entrance requirements for Economics courses (minimum D symbol HG Mathematics or 5 on national senior certificate), take ECO1010F/ECO1011S.

**Undergraduate LLB Extended Curriculum Stream (LB003)**

Year 1	Year 2	Year 3	Year 4	Year 5
Foundations of South African Law (EC): RDL1006W	Comparative Legal History (EC): RDL1007H	Criminal Law: PBL3801W	Corporation Law: CML3001W	Administrative Law: PBL4001W
Law of Persons & Family (EC): RDL1009H	Constitutional Law (EC): PBL2002W	Law of Property: RDL2002H	Law of Succession: RDL3001H	Commercial transactions Law: CML4006W
Word Power (2nd semester)	Non-law option (1st and 2nd semester) *	International Law: PBL2001H	Civil Procedure: RDL3008H	Evidence: PBL4801H
Law That Counts: MAM1013F		2000-level non-law option (1st and 2nd semester) *	Criminal Procedure: PBL3802H	Jurisprudence: RDL4006H
		Language option (1st and 2nd semester)	Law of Contract: RDL3005W	African Customary Law: RDL4005H
			Law of Delict: RDL3003H	Integrative Assessment Project: DOL4000H
			Interpretation of Statutes: PBL3000F	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 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.

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## RULES FOR LLB DEGREE STREAMS (from 2012)

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 2012 or who repeated the preliminary year in 2012*. Students who registered for the LLB for the first time up to and including 2011 should refer to the previous section, **Rules for LLB Degree Streams (up to 2011)**.

### 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 extended 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; the curriculum for the extended curriculum stream will extend over four 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; the curriculum for the extended curriculum stream will extend over three years.

**CURRICULUM REQUIREMENTS:**

**Graduate LLB stream**

FP4.1	The courses prescribed for the LLB degree programme are:	<b>NQF credits</b>	<b>HEQSF level</b>
	<b>PRELIMINARY LEVEL</b>		
	RDL1003W Foundations of South African Law	36	5
	RDL1004H Comparative Legal History	18	5
	RDL1008H Law of Persons and Family	18	5
	PBL2000W Constitutional Law	36	7
	RDL2002H Law of Property	18	7
	RDL2003H Law of Succession	18	7
	MAM1013F/S Law That Counts: Quantitative Literacy for Law (unless the candidate has passed the numeracy test – attempted once only – administered by the Law Faculty during the orientation period). Note that candidates admitted to the Intermediate Level are exempted from this course.	18	5
	Total credits for Preliminary Level	162	
	<b>INTERMEDIATE LEVEL</b>		
	CML3001W Corporation Law	36	7
	PBL3001H International Law	18	7
	PBL3801W Criminal Law	36	7
	RDL3002H African Customary Law	18	7
	RDL3003H Law of Delict	18	7
	RDL3005W Law of Contract	36	7
	RDL3006H Jurisprudence	18	7
	DOL3001X Community Service	0	
	DOL3002X Intermediate Year Skills Component	0	
	Total credits for Intermediate Level	180	
	<b>FINAL LEVEL</b>		
	CML4004H Labour Law	18	8
	CML4006W Commercial Transactions Law	36	8
	PBL4001W Administrative Law	36	8
	PBL4801H Evidence	18	8
	PBL4802H Criminal Procedure	18	8
	RDL4008H Civil Procedure	18	8
	DOL4000H Integrative Assessment Project	0	8
	Research Component (elective courses and research paper)	36	8
	Total credits for Final Level	180	
	Total credits for the graduate LLB programme	522	
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.		

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- 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.
- FP4.7.1 Intermediate Level students may register for DOL4500H Legal Practice (previously Legal Aid and Legal Practice) if
- they have achieved an average of 65% in the Preliminary Level law courses; and
  - the Director of UCT Law Clinic has admitted them into the course.
- FP4.7.2 DOL4500H Legal Practice completed while a student is in the Intermediate Level does not contribute to the fulfilment of the requirements in FP4.4.
- FP4.8 A student from the University of Cape Town coming into the graduate stream of the LLB may be exempted from MAM1013F/S if he or she
- shows in a test prescribed by Senate that he or she has an ability to deal with the numerical problems that arise in law; or
  - shows evidence that he or she has received credit or tested out for MAM1014F course or its equivalent.

*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

- 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 –
- 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
  - if he or she fails this test, complete the course MAM1013F/S 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 are exempted from this course.*

FP5.3	The courses prescribed for the first (Preliminary) year are:	NQF credits	HEQSF level
RDL1003W	Foundations of South African Law	36	5
RDL1004H	Comparative Legal History	18	5
RDL1008H	Law of Persons and Family	18	5
	One English (ELL) course	18	5
	OR SLL1002S Word Power		
MAM1013F/S	Law That Counts: Quantitative Literacy for Law	18	5
AND two semester courses	in another faculty	36	5
	Total credits for first (Preliminary) year	144	

- FP5.3.1 A candidate who has passed the numeracy test must complete an additional semester course offered in another faculty.

- FP5.3.2 A candidate who wishes to take a course in Economics must take both ECO1010F Microeconomics and ECO1011S Macroeconomics, must have obtained a minimum D symbol for Mathematics (HG) at senior certificate or a minimum of 5 at national senior certificate or equivalent.

**NOTE:** Students are advised to ascertain the Entrance requirements for all courses they wish to take in another faculty. In the second year, a candidate is required to take two courses in another faculty at second year level in one discipline (e.g. History). Usually one course (semester) (e.g. in History) is sufficient for admission to second year courses in a discipline. However, if he or she wishes to take English courses in the second year, he or she must take two courses in English, one of which must be ELL1013F English Literary Studies, in the first year.

		<b>NQF credits</b>	<b>HEQSF level</b>
FP5.4	The courses prescribed for the second (Preliminary) year are:		
	PBL2000W Constitutional Law	36	7
	RDL2002H Law of Property	18	7
	RDL2003H 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	

**NOTE:** Students are advised that the language course should not be in a language in which the student is fluent or one taken for Grade 12, unless it is proposed that the language concerned be taken at a more advanced level than beginner.

		<b>NQF credits</b>	<b>HEQSF level</b>
FP5.5	The courses prescribed for the third (Intermediate) year are:		
	CML3001W Corporation Law	36	7
	PBL3001H International Law	18	7
	PBL3801W Criminal Law	36	7
	RDL3002H African Customary Law	18	7
	RDL3003H Law of Delict	18	7
	RDL3005W Law of Contract	36	7
	RDL3006H Jurisprudence	18	7
	DOL3001X Community Service	0	
	DOL3002X Intermediate Year Skills Component	0	
	Total credits for third (Intermediate) year	180	

		<b>NQF credits</b>	<b>HEQSF level</b>
FP5.6	The courses prescribed for the fourth (Final) year are:		
	CML4004H Labour Law	18	8
	CML4006W Commercial Transactions Law	36	8
	PBL4001W Administrative Law	36	8
	PBL4801H Evidence	18	8
	PBL4802H Criminal Procedure	18	8
	RDL4008H Civil Procedure	18	8
	DOL4000H Integrative Assessment Project	0	8
	Research Component (elective courses and research paper)	36	8
	Total credits for fourth (Final) year	180	
	Total credits for the four-year undergraduate LLB programme	660	

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

## All streams: skills component

- 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, seminars and moots)
- 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
  - participate in a moot
  - attend all tutorials (or submit written work at the discretion of the course convener)
- FP6.6 In the FOURTH year, there should be:
- interviewing
  - an Integrative Assessment Project. This project will test the accumulated skills and ability of students to demonstrate an overall grasp of South African law and how it operates in real life situations by posing a problem which integrates a variety of areas of law taught as separate subjects earlier in the curriculum.

## Progress rules for LLB degree streams

### Graduate LLB stream

- 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
- (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 credit obtained will not count towards the fulfilment of the requirements of the degree, nor will the mark obtained be considered for purposes of calculating the Intermediate Level average. The mark will be taken into account, however, for purposes of calculating the overall degree average, in accordance with the normal principles governing this calculation.*

### **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 credit obtained will not count towards the fulfilment of the requirements of the degree, nor will the mark obtained be considered for purposes of calculating the Intermediate Level average. The mark will be taken into account, however, for purposes of calculating the overall degree average, in accordance with the normal principles governing this calculation.*

## Extended LLB stream

- 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 credit obtained will not count towards the fulfilment of the requirements of the degree, nor will the mark obtained be considered for purposes of calculating the Intermediate Level average. The mark will be taken into account, however, for purposes of calculating the overall degree average, in accordance with the normal principles governing this calculation.*

- 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 extended 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 re-admission:

- 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 two years.

- FP11.2 A student on an extended 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: F16.1 Supplementary examinations rule applies before the FP11 Minimum requirements for re-admission takes effect.*

- 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 re-admission.

- 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 grant 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).

### Subminimum 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.

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### Oral examinations:

- 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:
- (i) scored 47% or more overall in that course *and*
  - (ii) scored 45% or more in the final examination 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 the equivalent of three half courses in any one year, provided that:
- (i) he or she has reached a sufficiently high standard when failing such course(s); and
  - (ii) the courses are the only courses failed by him/her in that year.

**NOTE:** *The decision on whether to award a supplementary examination will be taken by Senate 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 G25.1 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 made on the prescribed form obtainable at the Records Office in the Student Administration Building, 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 Health 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 G18.9 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.
- NOTE: Senate's authority to permit deviations from the rules governing the curriculum of an LLB student is delegated to the Admissions, Concessions and Credits Committee of the Law Faculty.*

**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:*

*Revenue Law, Trusts and Estate Planning, Competition Law, Constitutional Litigation, Current Issues in Constitutional Law, Conflict of Laws, Unjustified Enrichment and Cession, Moot Option.*

### Graduate LLB Main Stream (LP001)

Preliminary Level	Intermediate Level	Final Level
Foundations of SA Law: RDL1003W	Corporation Law: CML3001W	Labour Law: CML4004H
Comparative Legal History: RDL1004H	International Law PBL3001H	Commercial Transactions Law: CML4006W
Law of Persons and Family: RDL1008H	Criminal Law: PBL3801W	Administrative Law: PBL4001W
Constitutional Law: PBL2000W	African Customary Law: RDL3002H	Evidence: PBL4801H
Law of Property: RDL2002H	Law of Delict: RDL3003H	Criminal Procedure: PBL4802H
Law of Succession: RDL2003H	Law of Contract: RDL3005W	Civil Procedure: RDL4008H
Law That Counts: MAM1013F/S	Jurisprudence: RDL3006H	Integrative Assessment Project: DOL4000H
	Community Service: DOL3001X	Research Component (36 credits)
	Intermediate Year Skills Component: DOL3002X	

### Graduate LLB Extended Curriculum Stream (LP002)

Year 1	Year 2	Year 3	Year 4
Foundations of South African Law (EC): RDL1006W	Law of Property: RDL2002H	Corporation Law: CML3001W	Labour Law: CML4004H
Comparative Legal History (EC): RDL1007H	Law of Succession: RDL2003H	Law of Contract: RDL3005W	Administrative Law: PBL4001W
Law of Persons & Family (EC): RDL1009H	International Law: PBL3001H	Jurisprudence: RDL3006H	Evidence: PBL4801H
Constitutional Law (EC): PBL2002W	Criminal Law: PBL3801W	Commercial Transactions Law: CML4006W	Criminal Procedure: PBL4802H
Law That Counts: MAM1013F	African Customary Law: RDL3002H	Research Component (9 credits)	Civil Procedure: RDL4008H
	Law of Delict: RDL3003H	Community Service DOL3001X	Integrative Assessment Project: DOL4000H
		Intermediate Year Skills Component: DOL3002X	Research Component (27 credits)

**Combined Undergraduate / Graduate LLB Main Stream (LP001)**

<b>Preliminary completed in BA, BCom, etc.</b>	<b>Intermediate Level</b>	<b>Final Level</b>
Foundations of SA Law: RDL1003W	Corporation Law: CML3001W	Labour Law: CML4004H
Comparative Legal History: RDL1004H	International Law: PBL3001H	Commercial Transactions Law: CML4006W
Law of Persons and Family: RDL1008H	Criminal Law: PBL3801W	Administrative Law: PBL4001W
Constitutional Law: PBL2000W	African Customary Law: RDL3002H	Evidence: PBL4801H
Law of Property: RDL2002H	Law of Delict: RDL3003H	Criminal Procedure: PBL4802H
Law of Succession: RDL2003H	Law of Contract: RDL3005W	Civil Procedure: RDL4008H
	Jurisprudence: RDL3006H	Integrative Assessment Project: 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.*

**Combined Undergraduate / Graduate LLB Extended Stream**

<b>Preliminary completed in BA, BCom, etc.</b>	<b>Intermediate Level A</b>	<b>Intermediate Level B</b>	<b>Final Level</b>
Foundations of SA Law: RDL1003W	International Law: PBL3001H	Corporation Law: CML3001W	Labour Law: CML4004H
Law of Persons and Family: RDL1008H	Criminal Law: PBL3801W	African Customary Law: RDL3002H	Administrative Law: PBL4001W
Comparative Legal History: RDL1004H	Law of Contract: RDL3005W	Jurisprudence: RDL3006H	Evidence: PBL4801H
Constitutional Law: PBL2000W	Law of Delict: RDL3003H	Commercial Transactions Law: CML4006W	Criminal Procedure: PBL4802H
Law of Property: RDL2002H		Research Component (9 credits)	Civil Procedure: RDL4008H
Law of Succession: RDL2003H		Community Service DOL3001X	Research Component (27 credits)
		Intermediate Year Skills Component: DOL3002X	Integrative Assessment Project: DOL4000H

**Four Year Undergraduate LLB Main Stream (LB002)**

<b>Preliminary Level A</b>	<b>Preliminary Level B</b>	<b>Intermediate Level</b>	<b>Final Level</b>
Foundations of SA Law: RDL1003W	Constitutional Law: PBL2000W	Corporation Law: CML3001W	Labour Law: CML4004H
Comparative Legal History: RDL1004H	Law of Property: RDL2002H	International Law: PBL3001H	Commercial Transactions Law: CML4006W
Law of Persons and Family: RDL1008H	Law of Succession: RDL2003H	Criminal Law: PBL3801W	Administrative Law: PBL4001W
ELL course(s) * or Word Power	Language option (1st and 2nd semester)	African Customary Law: RDL3002H	Evidence: PBL4801H
Non-law option (1st and 2nd semester) **	2000-level non-law option (1st and 2nd semester)	Law of Delict: RDL3003H	Criminal Procedure: PBL4802H
Law That Counts MAM1013F/S		Law of Contract: RDL3005W	Civil Procedure: RDL4008H
		Jurisprudence: RDL3006H	Integrative Assessment Project: DOL4000H
		Community Service: DOL3001X	Research Component (36 credits)
		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.

\*\* Candidates who wish to take Economics and who meet the entrance requirements for Economics courses (minimum D symbol HG Mathematics or 5 on national senior certificate), take ECO1010F/ECO1011S.



**Undergraduate LLB Extended Curriculum Stream (LB003)**

Year 1	Year 2	Year 3	Year 4	Year 5
Foundations of South African Law (EC): RDL1006W	Comparative Legal History (EC): RDL1007H	Criminal Law: PBL3801W	Corporation Law: CML3001W	Labour Law: CML4004H
Law of Persons & Family (EC): RDL1009H	Constitutional Law (EC): PBL2002W	Law of Property: RDL2002H	International Law: PBL3001H	Commercial Transactions Law: CML4006W
Word Power (2nd semester)	Non-law option (1st and 2nd semester) *	Law of Succession: RDL2003H	African Customary Law: RDL3002H	Administrative Law: PBL4001W
Law That Counts: MAM1013F		2000-level non-law option (1st and 2nd semester) *	Law of Delict: RDL3003H	Evidence: PBL4801H
		Language option (1st and 2nd semester)	Law of Contract: RDL3005W	Criminal Procedure: PBL4802H
			Jurisprudence: RDL3006H	Civil Procedure: RDL4008H
			Community Service: DOL3001X	Integrative Assessment Project: 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.

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## 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**.*

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#### **ELL1013F** ENGLISH LITERARY STUDIES

NQF credits: 18 at HEQSF level 5

First-year, first-semester course, 3 lectures and 2 tutorials per week.

**Course convener:** Dr H Twidle

**Entrance requirements:** None.

**Course outline:**

This course aims to introduce 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 writing skills.

**Lecture times:** 2<sup>nd</sup> period, Monday, Tuesday and Thursday.

**DP requirements:** None.

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

**Assessment:**

Lecture series: two-hour examination counts for 50% of the final mark; tutorial classwork counts for 50%.

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#### **ELL1016S** ENGLISH LITERARY STUDIES II

NQF credits: 18 at HEQSF level 5

First-year, second-semester course, 3 lectures and 2 tutorials per week.

**Course convener:** Dr H Twidle

**Entrance requirements:** None.

**Course outline:**

This course aims to extend the skills learned in ELL1013F. However, the study of literature will include texts from southern Africa and other parts of the world.

**Lecture times:** 2<sup>nd</sup> period, Monday, Tuesday and Thursday.

**DP requirements:** None.

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

**Assessment:**

Lecture series: two-hour examination counts for 50% of the final mark; tutorial classwork counts for 50%.

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#### **MAM1013F/S** LAW THAT COUNTS: QUANTITATIVE LITERACY FOR LAW

NQF credits: 18 at HEQSF level 5

First year, first- or second-semester course: 3 lectures, 1 tutorial and 1 computer tutorial per week.

**Course convener:** Ms P Lloyd

**Entrance requirements:** None.

(Students can be exempted ONLY on the basis of adequate performance in the Quantitative Literacy component of the National Benchmark Test.)

**Course outline:**

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. Course material will use real-life and legal situations, generally with a social justice focus, to extract concepts and principles using a problem-solving approach. Content to be covered will include percentages, ratios; interest and finance concepts; interpretation of graphs; manipulation of data; interpretation of statistics; computer skills in the form of spreadsheets. The lectures will be conducted in the form of workshop/lectures, the aim being to create a learning environment based on group-work and problem-solving.

**Lecture times:** 4th period.

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

**Assessment:**

Three written assessments, two assignments and assessment of computer tutorials contribute to the class record, counting 50%. The final examination consists of a written assessment and a computer assessment and counts 50%.

**SLL1002F/S WORD POWER**

*(A course in etymology)*

*(NOTE: This course may also be offered in Summer/Winter Term - please consult the Centre for Open Learning.)*

NQF credits: 18 at HEQSF level 5

Offered in the first and second semesters, 3 lectures and 1 tutorial per week.

**Course convener:** Mrs G Solomons

**Entrance Requirements:** None.

**Course outline:** The course consists of three components:

- (1) words and ideas: focus on concepts deriving from ancient words and key words associated with them;
- (2) word-building skills;
- (3) style: focus on the use of English grammar.

**Lecture times:** 1<sup>st</sup> semester: 5<sup>th</sup> period; 2<sup>nd</sup> semester: 5<sup>th</sup> and 8<sup>th</sup> periods.

**DP requirements:** None.

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%.

**Law courses****PBL2000W CONSTITUTIONAL LAW**

NQF credits: 36 at HEQSF level 7

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

**Course convener(s):** Ms L Kohn and Ms C Powell

**Entrance requirements:** Undergraduate LLB students: concurrent registration with PBL2001H and RDL2002H.

Graduate LLB students: concurrent registration with RDL1003W, RDL1004H, RDL1008H, RDL2002H, RDL2003H.

**Course outline:**

The first part of the course provides an introduction to the history of South African constitutional

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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.

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### **PBL2001H INTERNATIONAL LAW**

NQF credits: 18 at HEQSF level 7

Preliminary Level, half course, whole year, two lectures per week, tutorials.

**Course convener(s):** Dr H Woolaver

**Entrance requirements:** Undergraduate LLB students: concurrent registration with PBL2000W and RDL2002H.

Graduate LLB students: concurrent registration with RDL1003W, RDL1004H, RDL1008H, PBL2000W and RDL2002H.

**Course outline:** The course addresses the following aspects of international law: introduction and sources; sovereignty; subjects and objects of international law; the relationship between international and municipal law; limitations upon the exercise of sovereignty; state responsibility; state succession; peaceful settlement of disputes; the use of force; the United Nations and international integration; the African Union and regional integration; prescriptive and enforcement jurisdiction in criminal matters; and international criminal law.

**DP requirements:** None.

**Assessment:**

Tutorial work and test(s) 40%

November examination 60%

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### **PBL2002W CONSTITUTIONAL LAW (EXTENDED CURRICULUM)**

NQF credits: 36 at HEQSF level 7

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

**Course convener(s):** Ms M du Plessis

**Entrance requirements:** Undergraduate LLB extended curriculum students: concurrent registration with RDL1007H.

Graduate LLB students: concurrent registration with RDL1009H, RDL1006W, RDL1007H.

**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%
Extended curriculum assignments	5%

**RDL1003W FOUNDATIONS OF SOUTH AFRICAN LAW**

NQF credits: 36 at HEQSF level 5

**Course convener(s):** Dr L Greenbaum (1<sup>st</sup> semester) and Professor A J Barnard-Naudé (2<sup>nd</sup> semester)

**Entrance requirements:** Undergraduate LLB students: concurrent registration with RDL1004H and RDL1008H.

Graduate LLB students: concurrent registration with RDL1004H, RDL1008H, PBL2000W, PBL2001H, RDL2002H, RDL2003H.

**Course outline:**

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 provides students with an overview of the rules relating to interpretation of statutes, and their practical application.

In the second semester, students engage in a review of the development of the culture of public law, through the fluctuating fortunes of the rule of law, followed by a section on the role of law in the transformation from Apartheid to constitutional democracy, transformative constitutionalism, and transformative legal culture.

Students' writing and research skills are developed through tutorial exercises and written assignments.

**DP requirements:** Attendance at 80% of tutorials; attendance at court visits.

**Assessment:**

Coursework (1<sup>st</sup> semester)

Tutorial assignment 1	1%
March test	1.5%
Tutorial assignment 2	2.5%
June test	20%

Coursework (2<sup>nd</sup> semester)

Integrated Assessment Project written component (group work)	5%
Integrated Assessment Project oral component	5%
Essay	12.5%
Tutorial assignment 3	2.5%
Final examination	50%

**RDL1004H COMPARATIVE LEGAL HISTORY**

NQF credits: 18 at HEQSF level 5

**Course convener(s):** Professor H Scott

**Entrance requirements:** Undergraduate LLB students: concurrent registration with RDL1003W and RDL1008H.

Graduate LLB students: concurrent registration with RDL1003W, RDL1008H, PBL2000W, PBL2001H, RDL2002H, RDL2003H.

**Course outline:**

The course serves as an introduction to South African private law, with particular emphasis on the law of property and obligations. Its main aims are, first, to provide both a map of the law and an

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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. During the first semester the focus is on the content and function of important institutions such as ownership, possession, contract, unjustified enrichment and delict, and on the relationship between these institutions. The tutorials are real-life problem-solving exercises which foster the ability to apply legal rules in an analytical manner. During the second semester we examine the history of a number of important legal rules, in each case beginning with their roots in Roman law and tracing their development into the 20<sup>th</sup> century, but investigating also the influence of other legal systems, particularly that of English law. This half of the course emphasises the contingency of legal rules and the factors which have refashioned the law in every age. It aims to equip students to engage critically with legal texts drawn from a wide range of contexts.

**DP requirements:** None.

**Assessment:**

Coursework

April test	5%
2 tutorial assignments	10% (5% each)
June test	25%
Essay	10%
Final examination	50%

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### **RDL1006W FOUNDATIONS OF SOUTH AFRICAN LAW (EXTENDED CURRICULUM)**

NQF credits: 36 at HEQSF level 5

**Course convener(s):** Dr L Greenbaum

**Entrance requirements:** Undergraduate LLB extended curriculum students: concurrent registration with RDL1009H and MAM1013F/S.

Graduate LLB students: concurrent registration with RDL1009H, RDL1007H, PBL2002W, MAM1013F/S.

**Course outline:**

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 provides students with an overview of the rules relating to interpretation of statutes, and their practical application.

In the second semester, students engage in a review of the development of the culture of public law, through the fluctuating fortunes of the rule of law, followed by a section on the role of law in the transformation from Apartheid to constitutional democracy, transformative constitutionalism, and transformative legal culture.

Students' writing and research skills are developed through tutorial exercises and frequent written assignments. The development of students' academic skills is given particular attention in this course.

**DP requirements:** Attendance at 80% of tutorials; attendance at court visits.

**Assessment:**

Coursework (1<sup>st</sup> semester)

Tutorial assignment 1	1%
March test	1.5%
Tutorial assignment 2	2.5%
June test	15%

Coursework (2<sup>nd</sup> semester)

Integrated Assessment Project written component (group work)	5%
Integrated Assessment Project oral component	5%
Essay	12.5%
Tutorial assignment 3	2.5%
Extended curriculum year mark for class tests	5%
Final examination	50%

**RDL1007H COMPARATIVE LEGAL HISTORY (EXTENDED CURRICULUM)**

NQF credits: 18 at HEQSF level 5

**Course convener(s):** Professor H Scott

**Entrance requirements:** Undergraduate LLB extended curriculum students: concurrent registration with PBL2002W.

Graduate LLB students: concurrent registration with RDL1006W, RDL1009H, PBL2002W.

**Course outline:**

The course serves as an introduction to South African private law, with particular emphasis on the law of property and obligations. 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. During the first semester the focus is on the content and function of important institutions such as ownership, possession, contract, unjustified enrichment and delict, and on the relationship between these institutions. The tutorials are real-life problem-solving exercises which foster the ability to apply legal rules in an analytical manner. During the second semester we examine the history of a number of important legal rules, in each case beginning with their roots in Roman law and tracing their development into the 20<sup>th</sup> century, but investigating also the influence of other legal systems, particularly that of English law. This half of the course emphasises the contingency of legal rules and the factors which have refashioned the law in every age. It aims to equip students to engage critically with legal texts drawn from a wide range of contexts.

**DP requirements:** None.

**Assessment:**

## Coursework

April test	5%
2 tutorial assignments	10% (5% each)
June test	20%
Essay	10%
Extended curriculum year mark for class tests	5%
Final examination	50%

**RDL1008H LAW OF PERSONS AND FAMILY (was RDL1002H)**

NQF credits: 18 at HEQSF level 5

**Course convener(s):** Dr A Barratt

**Entrance requirements:** Undergraduate LLB students: concurrent registration with RDL1004H and RDL1003W.

Graduate LLB students: concurrent registration with RDL1004H, RDL1003W, PBL2000W, RDL2002H, RDL2003H.

**Course outline:**

This course aims to introduce students to the study of private law. In the first term, the course examines the nature of legal personality; the principles of legal capacity; and looks at the principles of domicile. From the second term, 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

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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. This course also aims to develop legal problem-solving skills.

**DP requirements:** None.

**Assessment:**

Coursework

April test	5%
June test	20%
Assignments	15%
November examination (2 hours)	60%

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### **RDL1009H LAW OF PERSONS AND FAMILY (EXTENDED CURRICULUM)**

NQF credits: 18 at HEQSF level 5

**Course convener(s):** Dr A Barratt

**Entrance requirements:** Undergraduate LLB extended curriculum students: concurrent registration with RDL1006W.

Graduate LLB students: concurrent registration with RDL1007H, RDL1006W, PBL2002W.

**Course outline:**

This course aims to introduce students to the study of private law. In the first term, the course examines the nature of legal personality; the principles of legal capacity; and looks at the principles of domicile. From the second term, 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. This course also aims to develop legal problem-solving skills.

**DP requirements:** None.

**Assessment:**

Coursework

April test	5%
June test	15%
Assignments	15%
Extended curriculum year mark	5%
November examination (2 hours)	60%

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### **RDL2002H LAW OF PROPERTY**

NQF credits: 18 at HEQSF level 7

**Course convener(s):** Professor H Mostert and Associate Professor A Pope

**Entrance requirements:** Undergraduate LLB students: concurrent registration with PBL2000W and RDL2003H;

Graduate LLB students: concurrent registration with RDL1003W, RDL1004H, RDL1008H, PBL2000W and RDL2003H

**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.

**DP requirements:** None.



**Assessment:**

Coursework	
2 tests	10% (5% each)
2 tests	30% (15% each)
November examination	60%

**RDL2003H LAW OF SUCCESSION**

NQF credits: 18 at HEQSF level 7

**Course convener(s):** Associate Professor M Paleker and Ms F Osman

**Entrance requirements:** Undergraduate LLB students: concurrent registration with PBL2000W and RDL2002H; Graduate LLB students: concurrent registration with RDL1003W, RDL1004H, RDL1008H, PBL2000W and RDL2002H

**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; testamentary trusts; doctrine of collation; interpretation of wills; succession by contract; and a brief introduction into administration of deceased estates.

**DP requirements:** None.

**Assessment:**

Coursework	
April test (compulsory)	10%
June test (compulsory)	20%
Essay/opinion	20%
Final examination (2 hours)	50%

**Intermediate Level LLB****CML3001W CORPORATION LAW**

NQF credits: 36 at HEQSF level 7

Intermediate Level, whole course, 72 lectures and tutorials.

**Course convener(s):** Ms J Yeats

**Entrance 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 course handout.

**Assessment:**

Optional essay/moot/opinion	20%
June test (compulsory)	30%
November examination	50% (if essay/moot/opinion) 70% (if no essay/moot/opinion)

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### **DOL3000X MOOT COMPETITION**

Intermediate 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.

**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 may not exceed 50%.

The credit obtained will not count towards the fulfilment of the requirements of the degree, nor will the mark obtained be considered for purposes of calculating the Intermediate Level average. The mark will be taken into account, however, for purposes of calculating the overall degree average, in accordance with the normal principles governing this calculation.

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### **DOL3001X COMMUNITY SERVICE**

**Course convener(s):** Professor H Scott

It is a compulsory requirement for the LLB degree that, during the course of their degree, all law students complete a total of 60 hours of unremunerated community service. The service must be legally orientated, must be offered through an approved service provider, and must provide a direct service or benefit to an underprivileged/disadvantaged/vulnerable group or person. An approved service provider is one that is approved by the Law Faculty's Community Service Committee and includes: a) organisations that are directly affiliated to the Law Faculty; and b) organisations that are directly affiliated to Law Faculty based approved service providers. Programmes/projects of approved service providers and organisations that are linked to Law Faculty based approved service providers through which services are offered must also be approved by the Law Faculty's Community Service Committee.

Students must be registered for community service in the year that it is performed. The usual practice is for students to register for the first time in Intermediate Year. However, the total of 60 hours may be performed in whole or in part in any year of the LLB, other than by students in the first year of the four year undergraduate LLB programme. Once students have completed a minimum of 20 hours they must complete the official timesheets and deliver these to the servicing officer for verification, signature and uploading. Students who have not completed all 60 hours of community service will not be permitted to graduate.

This course does not attract a fee. Details of approved service providers are available from the Community Service Vula website. Queries should be directed to Professor H Scott, Room 4.24, Kramer Law School, email: helen.scott@uct.ac.za or to Ms Toni Murphy, Room 6.14, Kramer Law School, email: toni.murphy@uct.ac.za.

Students who successfully complete DOL4500H – Legal Practice are not required to do Community Service.

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### **DOL3002X INTERMEDIATE YEAR SKILLS COMPONENT**

**Course convener(s):** Professor A G Fagan

**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, participate in a moot 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), participate in one moot and attend all tutorials.

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**PBL3000F INTERPRETATION OF STATUTES**

NQF credits: 18 at HEQSF level 7

Intermediate Level, half course, first semester. Three tutorials and 24 lectures.

**Course convener(s):** Dr A Hutchison**Entrance requirements:** All Preliminary Level courses to have been completed.**Course outline:**

Students will be given a detailed course outline. There is no prescribed textbook for the course, but the course outline will refer to the following books: George Devenish *Interpretation of Statutes* (1992), Lourens du Plessis *Reinterpretation of Statutes* (2002) and Christo Botha *Statutory Interpretation* 4th Edition (2005).

The course will deal with the following topics:

1. Introduction
2. Anglo-American trends in statutory interpretation
3. Theories of interpretation in South Africa
4. The impact of the Constitution
5. Types of legislation
6. Conventions of interpretation
7. Aids to construction of meaning
8. Presumptions of interpretation
9. Peremptory and directory provisions.

**DP requirements:** Students must attend and participate in two tutorials. Students who do not attend and participate must submit a discussion of the tutorial topic in writing (1 500 words).

**Assessment:**

Optional essay/moot/opinion	20%
Optional class test	20%
June examination (2 hours 15 minutes)	60% (if essay/moot/opinion and test) 80% (if essay/moot/opinion or test) 100% (if neither essay/moot/opinion nor test)

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**PBL3001H INTERNATIONAL LAW**

NQF credits: 18 at HEQSF level 7

Intermediate Level, half course, whole year, 36 lectures and tutorials.

**Course convener(s):** Dr H Woolaver**Entrance requirements:** All Preliminary Level courses to have been completed.

**Course outline:** The course addresses the following aspects of international law: introduction and sources; sovereignty; subjects and objects of international law; the relationship between international and municipal law; limitations upon the exercise of sovereignty; state responsibility; state succession; peaceful settlement of disputes; the use of force; the United Nations and international integration; the African Union and regional integration; prescriptive and enforcement jurisdiction in criminal matters; and international criminal law.

**DP requirements:** Please refer to course handout.

**Assessment:**

Optional essay/moot/opinion	20%
June test	20%
Compulsary assignment	10%
November examination (2 hours)	50% (if essay/moot/opinion) 70% (if no essay/moot/opinion)

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**PBL3801W CRIMINAL LAW**

NQF credits: 36 at HEQSF level 7

Intermediate Level, whole course, 72 lectures and tutorials.

**Course convener(s):** Professor J Burchell

**Entrance 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 course handout.

**Assessment:**

Optional essay/moot/opinion	20%
June test	20%
Assignment/test	10%
November examination (2 hour)	50% (if essay/moot/opinion)
	70% (if no essay/moot/opinion)

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**PBL3802H CRIMINAL PROCEDURE**

NQF credits: 18 at HEQSF level 7

Intermediate Level, half course, whole year. Three tutorials and 36 lectures.

**Course convener(s):** Associate Professor D Smythe and Dr A Tshivhase

**Entrance requirements:** All Preliminary Level courses to have been completed.

**Course outline:**

The general principles of criminal procedure both in Magistrates' Courts and in the High Court. Particular attention will be paid to the impact of constitutional rights on criminal procedure. The course deals inter alia with the following topics: criminal procedural models and the nature of the South African criminal procedural system, the composition of the South African judicial authority and jurisdiction of the criminal courts, the national prosecuting authority, various pre-trial procedures, such as arrest, search and seizure and bail, all aspects relating to the trial, including the plea procedures and the verdict and sentence, and review and appeal.

**DP requirements:** None.

**Assessment:**

Optional essay/moot/opinion	20%
June test	20%
Assignment	10%

November examination (2 hour)

50% (if essay/moot/opinion)

70% (if no essay/moot/opinion)

### **RDL3001H LAW OF SUCCESSION**

NQF credits: 18 at HEQSF level 7

**Course convener(s):** Associate Professor M Paleker and Ms F Osman

**Entrance requirements:** All Preliminary Level courses to have been completed.

**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; testamentary trusts; doctrine of collation; interpretation of wills; succession by contract; and a brief introduction into administration of deceased estates.

**DP requirements:** Please refer to course handout.

**Assessment:**

Optional essay/moot/opinion

20%

June test

30%

November examination (2 hour)

50% (if essay/moot/opinion)

70% (if no essay/moot/opinion)

### **RDL3002H AFRICAN CUSTOMARY LAW**

NQF credits: 18 at HEQSF level 7

Intermediate Level, half course, whole year, 36 lectures and tutorials.

**Course convener(s):** Professor C N Himonga

**Entrance requirements:** All Preliminary Level courses to have been completed.

**Course outline:**

The course aims to facilitate an understanding of the sources, nature, status and role of customary law in South Africa's pluralist legal system. 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 are able to contextualise the law, politics and commercial interests surrounding traditional authority, community boundaries, land and resource management, dispute resolution forums, mining and pharmaceuticals.

**DP requirements:** Please refer to course handout.

**Assessment:**

Optional moot/essay/opinion

20%

Coursework

50% (30% if moot/essay/opinion)

November examination (2 hour)

50%

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**RDL3003H LAW OF DELICT**

NQF credits: 18 at HEQSF level 7

Intermediate Level, half course, whole year, 36 lectures and tutorials.

**Course convener(s):** Professors A G Fagan and H Scott and Dr A M Price

**Entrance requirements:** All Preliminary Level 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.

**DP requirements:** Please refer to course handout.

**Assessment:**

Optional moot/essay/opinion	20%
Coursework	50% (30% if moot/essay/opinion)
November examination (2 hour)	50%

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**RDL3005W LAW OF CONTRACT**

NQF credits: 36 at HEQSF level 7

Intermediate Level, whole course, 96 lectures and tutorials.

**Course convener(s):** Professors D B Hutchison and T Naudé

**Entrance 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 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.

**DP requirements:** Please refer to course handout.

**Assessment:**

Optional essay/moot/opinion	20%
Coursework	30%
November examination (2 hour)	50% (if essay/moot/opinion) 70% (if no essay/moot/opinion)

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**RDL3006H JURISPRUDENCE**

NQF credits: 18 at HEQSF level 7

Intermediate Level, half course, whole year, 36 lectures and three tutorials.

**Course convener(s):** Professors A G Fagan and A J Barnard-Naudé and Dr A M Price

**Entrance requirements:** All Preliminary Level courses to have been completed.

**Course outline:**

This course deals with central issues in analytical, normative, and critical jurisprudence.

**DP requirements:** Please refer to course handout.

**Assessment:**

Optional essay	20%
Coursework	30% (if essay) 50% (if no essay)
November examination	50%

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**RDL3008H CIVIL PROCEDURE**

NQF credits: 18 at HEQSF level 7

**Course convener(s):** Associate Professor M Paleker

**Entrance requirements:** Successful completion of all Preliminary Level courses and concurrent

registration for RDL3003H and RDL3005W.

**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 rules for commencing a lawsuit; the distinction between the action and the application procedure; procedural points *in limine*; service of process; the types of pleadings in actions and applications; discovery and disclosure; trials and motion hearings; the enforcement of judgments and orders; various available remedies; how the courts and court officials function; and litigation ethics.

**DP requirements:** Please refer to course handout.

**Assessment:**

Coursework (3 assignments)	15% (5% each)
June class test	30%
Examination	55%

## Final Level LLB

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### CML4004H LABOUR LAW - LLB

NQF credits: 18 at HEQSF level 8

Final Level course, half course, whole year, 36 lectures and 3 tutorials.

**Course convener(s):** Professor R le Roux

**Entrance 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	
Assignment	20%
Class test	20%
November examination	60%

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### CML4006W COMMERCIAL TRANSACTIONS LAW

NQF credits: 36 at HEQSF level 8

Final Level, whole year course, six small group teaching sessions and 72 lectures. Refer to the Final Level Year Plan distributed at registration for details regarding the small group teaching dates.

**Course convener(s):** Dr A Hutchison

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The course covers principles of the law of agency, sale, lease, consumer protection, credit agreements, negotiable instruments, insurance, secured transactions and insolvency.

**DP requirements:** None.

**Assessment:**

One compulsory class test in June (1 hour)	20%
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One optional oral presentation	10%
One optional written assignment	20%
One November examination (3 hour)	50% or 60% or 70% or 80%

### General Notes:

- Students who do not write the compulsory class test in June through illness will, on production of satisfactory medical certificate, be granted an oral aegrotat test scheduled in the second week of the second semester at a time to be arranged with the course convener. There will be no exemptions from the June test.
- 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 one or more of the year mark options, 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.

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### DOL4000H INTEGRATIVE ASSESSMENT PROJECT

NQF credits: 0

It is a requirement for the LLB degree that all Final Level students register for and pass the Integrative Assessment Project.

**Course convener(s):** Dr A Hutchison

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Objective:** The objectives of the project are to assess students' ability, with the benefit of group interaction, to find and apply the relevant law to a fact complex that integrates a variety of areas of law taught as separate subjects in the LLB curriculum; and to demonstrate an overall grasp of South African law and how it operates in real life situations.

**Course outline:** The Integrative Assessment Project is set as a six-hour project to be completed in the library under open-book examination conditions during the mid-semester break in the second semester. Students registered for the project are divided into groups. Each group is allocated to a day and time in the assessment period. The group is assigned a project question and has a five-hour preparation period followed immediately by a one-hour oral examination. During the preparation period, the group has the opportunity to discuss the project question to identify the legal issues raised and then to research appropriate responses. In the oral examination, members of the group will be asked questions about the project. Each student is assessed individually based on the answers they provide to questions put to them. Each student is graded as a pass/fail. The grading is done by a panel comprising academic staff members.

Further information about the Project is provided at Registration.

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### PBL4001W ADMINISTRATIVE LAW

NQF credits: 36 at HEQSF level 8

Final Level, whole year course, six tutorials and 72 lectures.

**Course convener(s):** Professor H M Corder

**Entrance 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%

**PBL4801H EVIDENCE**

NQF credits: 18 at HEQSF level 8

Final Level, half course, whole year, three tutorials and 36 lectures

**Course convener(s):** Ms S Lutchman

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:** Includes inter alia:

History and sources of the law of evidence; rules of 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, such as judicial notice and rebuttable presumptions; evaluation of evidence, including the cautionary rules; and the standards and burdens of proof.

**DP requirements:** None.

**Assessment:**

Coursework	40%
November examination (2 hour)	60%

**PBL4802H CRIMINAL PROCEDURE**

NQF credits: 18 at HEQSF level 8

Intermediate Level, half course, whole year. Three tutorials and 36 lectures.

**Course convener(s):** Associate Professor D Smythe and Dr A Tshivhase

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The general principles of criminal procedure both in Magistrates' Courts and in the High Court. Particular attention will be paid to the impact of constitutional rights on criminal procedure. The course deals inter alia with the following topics: criminal procedural models and the nature of the South African criminal procedural system, the composition of the South African judicial authority and jurisdiction of the criminal courts, the national prosecuting authority, various pre-trial procedures, such as arrest, search and seizure and bail, all aspects relating to the trial, including the plea procedures and the verdict and sentence, and review and appeal.

**DP requirements:** None.

**Assessment:**

Optional essay/moot/opinion	20%
June test	20%
Assignment	10%
November examination (2 hour)	50% (if essay/moot/opinion) 70% (if no essay/moot/opinion)

**RDL4005H AFRICAN CUSTOMARY LAW**

NQF credits: 18 at HEQSF level 8

**Course convener(s):** Professor C N Himonga

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The course aims to facilitate an understanding of the sources, nature, status and role of customary law in South Africa's pluralist legal system. The course provides an overview of the historical

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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 are able to contextualise the law, politics and commercial interests surrounding traditional authority, community boundaries, land and resource management, dispute resolution forums, mining and pharmaceuticals.

**DP requirements:** None.

**Assessment:**

Optional essay	20%
Coursework	50% (30% if essay)
November examination (2 hour)	50%

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### **RDL4006H JURISPRUDENCE**

NQF credits: 18 at HEQSF level 8

Final Level, half course, whole year, 36 lectures and three tutorials.

**Course convener(s):** Professors A G Fagan and A J Barnard-Naudé and Dr A M Price

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course deals with central issues in analytical, normative, and critical jurisprudence.

**DP requirements:** As specified in the course outline.

**Assessment:**

Coursework	50%
November examination	50%

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### **RDL4008H CIVIL PROCEDURE**

NQF credits: 18 at HEQSF level 8

**Course convener(s):** Associate Professor M Paleker

**Entrance 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 rules for commencing a lawsuit; the distinction between the action and the application procedure; procedural points *in limine*; service of process; the types of pleadings in actions and applications; discovery and disclosure; trials and motion hearings; the enforcement of judgments and orders; various available remedies; how the courts and court officials function; and litigation ethics.

**DP requirements:** None.

**Assessment:**

Coursework	
3 assignments	15% (5% each)
June class test	30%
Examination	55%

## 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 ELECTIVE

DOL4500H Legal Practice (was RDL4203H)

### Department of Commercial Law

#### LECTURES-AND-EXAMINATION ELECTIVES

CML4501F Dispute Resolution  
 CML4502F Insurance Law  
 CML4503F Intellectual Property Law A  
 CML4504S Intellectual Property Law B  
 CML4505F International Trade and Maritime Law  
 CML4506F Tax Law A  
 CML4507S Tax Law B  
 CML4508S Trusts and Estate Planning  
 CML4509S Ways of Doing Business

#### SEMINARS-AND-RESEARCH-PAPER ELECTIVES

CML4601F Theory and Practice of Commercial Regulation and Governance  
 CML4602S Competition Law  
 CML4603S Current Commercial Law Issues (*offered as from 2015*)  
 CML4604F Current Developments in Company Law  
 CML4605F Law, Development, Labour and Social Policy  
 CML4606H Moot Caput

### Department of Private Law

#### LECTURES-AND-EXAMINATION ELECTIVES

RDL4501F HIV/Aids, Bioethics and the Law (*not offered in 2014*)  
 RDL4503F Selected Studies in Roman Law  
 RDL4504S South African Mineral Law: Theory, Context and Reform  
 RDL4505F The Law of Cession  
 RDL4506S Unjustified Enrichment  
 RDL4507F Conflict of Laws

#### SEMINARS-AND-RESEARCH-PAPER ELECTIVES

RDL4601F Advanced Property Law: Capita Selecta  
 RDL4602S Civil Justice Reform  
 RDL4603F Jurisprudence and South African Law  
 RDL4604S Law and Post-Apartheid Literature  
 RDL4605S Legal Pluralism, Religion, Culture and Human Rights  
 RDL4606F Private Law and Human Rights  
 RDL4608S The South African Law of Delict in Theoretical and Comparative Perspective  
 RDL4609H Moot Caput

## Department of Public Law

### LECTURES-AND-EXAMINATION ELECTIVES

PBL4501F	Criminology: Selected Issues
PBL4502F	Environmental Law
PBL4503F	European Union Law
PBL4504F	International Criminal Law and Africa
PBL4505F	International Human Rights Law and the Constitution
PBL4506F	Refugee and Immigration Law

### SEMINARS-AND-RESEARCH-PAPER ELECTIVES

PBL4601S	Constitutional Litigation
PBL4602F	Criminal Justice and the Constitution
PBL4603F	Public Law
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)
RDL4401H	Independent Research Option (Private Law)

## Courses offered by departments in other Faculties

LAB4008S	Medicina Forensis
SLL1134H	isiXhosa for Law
SLL1135H	Afrikaans Communication for Law

## Course outlines:

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### CML4501F DISPUTE RESOLUTION

NQF credits: 9 at HEQSF level 8

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

**Course convener(s):** Professor A Rycroft

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The nature and path of conflict; approaches to managing conflict; positional and interest-based mechanisms; comparing adjudication and mediation; defining the process of mediation; the stages of mediation; the dispute system in the Labour Relations Act; specialised forms of mediation; divorce mediation, community mediation and environmental mediation; arbitration: the forms of arbitration and the defining characteristics; dispute systems design.

**DP requirements:** None.

**Assessment:**

Coursework	
Class test	25%
Contemplative journal	25%
June examination	50%

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**CML4502F INSURANCE LAW**

NQF credits: 9 at HEQSF level 8

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

**Course convener(s):** Dr A Hutchison and Ms H Stoop**Entrance requirements:** All Preliminary and Intermediate Level Courses to have been completed.**Course outline:**

This course will serve as an introduction to the law of insurance in South Africa, concentrating on general principles, but relating those principles, where possible, to practical applications. Both short term and long term insurances are dealt with. The course covers a brief history of the origins of insurance law and practice before visiting the basic requirements for a valid insurance contract. These include the notion of an insurable interest, good faith in insurance contracts, and warranties and exceptions. Claims procedures are touched upon. Where time permits, a brief introduction is given to motor and marine insurance.

**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)

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**CML4503F INTELLECTUAL PROPERTY LAW A**

NQF credits: 9 at HEQSF level 8

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

**Course convener(s):** Mr M Nkomo**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.**Course outline:**

This course provides an introduction to the theories and justifications for intellectual property rights and a focused examination, primarily from a South African perspective, of copyright and patents. The course covers the following: intellectual property law theories and justifications; the international intellectual property law instruments; principles of copyright law; issues in copyright law (for example parody and freedom of expression); principles of patent law, and issues in patent law (for example access to medicines and genetic resources). Students are encouraged to register for Intellectual Property Law B as well in order to gain a complete understanding of intellectual property law.

**DP requirements:** None.**Assessment:**

June examination 100%

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**CML4504S INTELLECTUAL PROPERTY LAW B**

NQF credits: 9 at HEQSF level 8

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

**Course convener(s):** Ms L-A Tong**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.**Course outline:**

This course, combined with Intellectual Property Law A, provides a complete overview of the main pillars of intellectual property law. The topics include: unlawful competition in South Africa (including passing off, trade secrets, misappropriation of a rival's performance); principles of trade mark law in South Africa: issues related to trademarks - Advertising Standards Authority, Domain names; Geographical Indications, and commercialisation of intellectual property.

## 74 LLB COURSE OUTLINES

**DP requirements:** None.

**Assessment:**

November examination 100%

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### **CML4505F** INTERNATIONAL TRADE AND MARITIME LAW

NQF credits: 9 at HEQSF level 8

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

**Course convener(s):** Ms L Naidoo

**Entrance 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

2 class assignments 40% (20% each)

June examination 60%

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### **CML4506F** TAX LAW A

NQF credits: 9 at HEQSF level 8

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

**Course convener(s):** Dr T L Gutuza

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

Tax law is an area of law that is characterised by frequent changes in the legislation. The emphasis in this course is in the areas of law that form the fundamental basis of South Africa's tax system. The course therefore aims to familiarise students with these fundamental concepts of the Income Tax Act as interpreted by the courts. The course will analyse the determination of taxable income through an analysis of source and residence basis of taxation; the distinction between capital and revenue; the distinction between tax avoidance and tax evasion; the determination of gross income and the deductibility of certain expenses and losses.

**DP requirements:** None.

**Assessment:**

June examination 100%

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### **CML4507S** TAX LAW B

NQF credits: 9 at HEQSF level 8

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

**Course convener(s):** Dr T L Gutuza

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course will further develop the basic aspects of tax law introduced in Tax Law A. It will deal with specific aspects of South African Tax Law with the objectives of the course being to familiarise students with the determination of income tax liability of individuals, trusts, estates, companies and partnerships; introduce students to the concept of tax avoidance; introduce students to the administration of tax law such as the collection of tax, objections, appeals, re-opening of assessments and to provide an overview of Value-Added Tax, Donations Tax and Estate Duty.

**DP requirements:** None.

**Assessment:**

November examination	100%
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**CML4508S TRUSTS AND ESTATE PLANNING**

NQF credits: 9 at HEQSF level 8

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

**Course convener(s):** Professor R D Jooste

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed. Concurrent registration with CML4506F Tax Law A and CML4507S Tax Law B is recommended.

**Course outline:**

The 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:**

November examination	100%
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**CML4509S WAYS OF DOING BUSINESS**

NQF credits: 9 at HEQSF level 8

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

**Course convener(s):** Ms K Idensohn

**Entrance 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%

**CML4601F THEORY AND PRACTICE OF COMMERCIAL REGULATION AND GOVERNANCE**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Associate Professor D Collier and Ms 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.

## 76 LLB COURSE OUTLINES

### Assessment:

Participation in class	20%
Research Paper (5000 words)	80%

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### CML4602S COMPETITION LAW

NQF credits: 9 at HEQSF level 8

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

**Course convener(s):** Judge D M Davis

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

#### 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:** 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.

**DP requirements:** None.

#### Assessment:

Research paper (5000 words)	100%
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### CML4604F CURRENT DEVELOPMENTS IN COMPANY LAW

NQF credits: 9 at HEQSF level 8

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

**Course convener(s):** Professor R Williams

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

#### Course outline:

The background to the enactment of the Companies Act 2008 (including a general desiderata of a modern Companies Act); the perceived weaknesses of the Companies Act 1973; the objectives of the Act and purposive interpretation; legal personality, including issues of capacity – RF companies – the consequences that ensure where a company's memorandum of incorporation contains restrictive conditions – the consequences for outsiders who transact with an RF company; the scope for tailoring the structure of a company and its governance to the specific needs of its incorporators – alterable provisions and unalterable provisions of the Act – rules of the company – shareholders' agreements; directors – the nature of the office – the conceptual basis of the office and fundamental concepts underlying the common-law and statutory duties and liabilities of directors; enforcement and remedies; representation of the company – issues of authority – the Turquand Rule; corporate governance – the inter-relationship between the board of directors and the shareholder meeting; corporate finance; fundamental transactions, and business rescue and compromise with creditors.

**DP requirements:** None.

#### Assessment:

Research paper (5000 words)	100%
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### CML4605F LAW DEVELOPMENT LABOUR AND SOCIAL POLICY

NQF credits: 9 at HEQSF level 8

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

**Course convener(s):** Associate Professor D Collier



**Entrance 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, 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%

**DOL4500H LEGAL PRACTICE (was RDL4203H)**

HEQF credits: 9 at HEQSF level 8

Final Level, half course, whole year, two lectures per week.

**Course convener(s):** Ms Y S Moodley

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed; except that Intermediate Level students may register for this course if they achieve an average of 65% in the Preliminary Level law courses and the Director of the Law Clinic admits them into the course.

**Course outline:**

This course offers students their first opportunity of working with real clients and conducting actual litigation, under guidance of the attorneys at the UCT Law Clinic.

Students attend two lectures per week on practical subjects and also conduct ongoing cases on behalf of their clients. In addition, each student participates in a Mock Trial which is based on an actual Law Clinic case and is argued before an actual Magistrate.

During the course of the year students attend approximately six evening clinics where they consult with clients and take on new cases.

At the end of this course students will be able to

- Conduct a proper consultation with a client;
- Draft letters and communicate effectively with clients, attorneys and other parties;
- Draft civil pleadings in actions and applications;
- Manage a typical attorney's file;
- Examine and cross-examine witnesses and present oral argument; and
- Conduct most cases undertaken by the UCT Law Clinic.

**DP requirements:** None.

**Assessment:**

Coursework	
Clinic work and oral examination	40%
Assignments, mock trial and mid-year oral	30%
October/November examination	30%

**LAB4008S MEDICINA FORENSIS**

NQF credits: 9 at HEQSF level 5

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

**Course convener(s):** Professor L J Martin

**Lecturers:** Professor LJ Martin, Associate Professor L Artz, Drs GM Kirk, Y van der Heyde, L Liebenberg, IJ Molefe, S Maistry, S Mfolozi and EB Afonso

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

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### **Course outline:**

The SA legal system and statutory obligations of doctors and health care workers; introduction to human anatomy and physiology; Introduction to medico-legal concepts of life and death; The changes which take place in the body after death; The mechanisms of injury and death causation; Identity and disputed parenthood; sexual offences and violence against women; choice of termination of pregnancy; child abuse and other forensic aspects of paediatric medicine; Iatrogenic disorders; alcoholic intoxication and drunken driving, drug addiction and poisoning as cause of death; pathology of head injury; anoxic mechanisms as cause of death.

**DP requirements:** None.

### **Assessment:**

One written examination in November (2 hours) 100%

Oral examinations of twenty minutes for pass/fail candidates will be held.

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### **PBL4501F CRIMINOLOGY: SELECTED ISSUES**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Professor E van der Spuy

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

### **Course outline:**

The aims of this course are to critically engage with a select number of issues of criminological relevance to the South African society as one particular case study of a developing society in which the intractability of the problem of crime and its containment is widely recognised. 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 issue such as: gangs; corporate crime; gendered violence; organised crime; youth violence; 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? If possible field visits to criminal justice institutions will be arranged.

**DP requirements:** None.

### **Assessment:**

Coursework

Class hand-ins and participation 10%

Course essay 40%

Examination (2 hours) 50%

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### **PBL4502F ENVIRONMENTAL LAW**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Ms M Young

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

### **Course outline:**

The course examines the various branches of law applicable to selected environmental problems. The terrestrial and marine environments are considered from an international and national perspective. The following are covered:

1. An introduction to environmental problems
2. The nature of environmental law
3. Land-use management (environmental impact assessment, protected areas)
4. Resource conservation (water, marine living resources, biodiversity)
5. Pollution law (water, land, air)

**DP requirements:** None.

**Assessment:**

Coursework	
Class tests	20%
Short research assignment	20%
May examination	60%

**PBL4503F EUROPEAN UNION LAW**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Emeritus Professor D J Devine

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

1. Organisation of the European Communities and their Institutions
2. Union Law and National Law
3. The foundations of the European Union (Competition Policy and the Internal Market).

**DP requirements:** None.

**Assessment:**

June examination (1½ hour)	100%
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**PBL4504F INTERNATIONAL CRIMINAL LAW AND AFRICA**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Dr H Woolaver

**Entrance 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:** None.

**Assessment:**

Coursework	
Essay (2500 words)	20%
In-class presentation	10%
Final examination	70%

**PBL4505F INTERNATIONAL HUMAN RIGHTS LAW AND THE CONSTITUTION**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Ms M du Plessis

**Entrance 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:** None.

**Assessment:**

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

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**PBL4506F REFUGEE AND IMMIGRATION LAW**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Ms F Khan

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This 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 relevant sections of the Immigration Act (13 of 2002) will be undertaken. Furthermore case-law of the 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.

**DP requirements:** None.

**Assessment:**

One final examination (2hrs 15 min)	100%
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**PBL4601S CONSTITUTIONAL LITIGATION**

NQF credits: 9 at HEQSF level 8

Final Level, half course, second semester.

**Course convener(s):** Judge D M Davis

**Entrance 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 (eg. 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.

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**PBL4602F CRIMINAL JUSTICE AND THE CONSTITUTION**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Ms K Phelps**Entrance 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 South African criminal justice system. Students will use the group discussions to develop research skills and produce research papers. It ties in with compulsory courses in the LLB, such as criminal law, criminal procedure, evidence and constitutional law as well as with criminology.

**DP requirements:** None.**Assessment:**

Attendance at and participation in seminars	10%
Final research paper	90%

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**PBL4603F PUBLIC LAW**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Professor M H Cheadle**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.**Course outline:**

The aim of the course is to provide a discussion group for students who wish to explore a select field of public law not covered in other optional courses. Students wishing to do research in any area that broadly falls under the rubric of public law may join this group. This select field may include international law, constitutional law, human rights and administrative law, but students are encouraged to choose research in other, more specialised areas. The group starts with a series of seminars that provide a background to research in this area of public law. During this period students also write and discuss their research proposals. In the remaining seminars students will present their papers to the group for discussion.

**DP requirements:** None.**Assessment:**

20 % of the final mark is awarded for class participation, which consists of submission of the research proposal, draft(s) and contributions to class discussions  
80% of the final mark is awarded for the final research paper submitted in September

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**PBL4604F SOCIAL JUSTICE AND THE CONSTITUTION**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Professor P de Vos**Entrance 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. After an introductory seminar dealing with the role of constitutional law in effecting social change, the course will engage with issues around race, sexual orientation, gender and redress as well as other diversity issues. Social and economic rights issues

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will also be discussed. The broad theme of the course is the use of constitutional law in achieving social justice through respect for the dignity of each individual's moral worth.

**DP requirements:** None.

**Assessment:**

Presentations by individual students in seminars	25%
End of semester essay	75%

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### **PBL4605F WOMEN AND LAW**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Associate Professor D Smythe

**Entrance 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%

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### **RDL4501F HIV/AIDS, BIOETHICS AND THE LAW** (*not offered in 2014*)

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Associate Professor A Pope

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This elective introduces students to an interdisciplinary approach to theoretical, legal and ethical issues which arise when medicine, science, the state and the courts must deal with human responses to illness and suffering, in particular, the HIV/AIDS pandemic and related topics in South Africa. The aim is to promote analytical and critical reflection on the relationship between ethics, politics and the law, especially as they relate to responsibility, autonomy, and paternalism from a human rights perspective.

**DP requirements:** None.

**Assessment:**

Coursework (three written assignments)	30% (10% each)
Examination assignment	70%

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### **RDL4503F SELECTED STUDIES IN ROMAN LAW**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Professor H Scott

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course affords Final Year LLB students the opportunity to pursue further the study of Roman law begun in Preliminary Year with Comparative Legal History. It centres on the close reading and analysis of selected titles from Justinian's *Digest* (in translation) in the areas of sale, unjustified enrichment, damage to property and injury to personality, with the assistance of selected literature (in English).

The principal aim of the course is to provide students with the opportunity to deepen and refine their knowledge of the Roman law as it was in the high classical period. However, there is also a comparative goal: knowledge of what was achieved by the classical jurists affords insight into modern legal systems, particularly those which have their roots in Roman law. Finally, the course seeks to promote a deeper understanding of key doctrinal issues in modern South African private law, building on the Contract and Delict courses completed in Intermediate Year and complementing the optional final-year course Unjustified Enrichment.

**\*Please note that a knowledge of Latin is not required.\***

**DP requirements:** None.

**Assessment:**

Coursework

2 assignments

20% (10% each)

June examination (2 hours)

80%

### **RDL4504S SOUTH AFRICAN MINERAL LAW: THEORY, CONTEXT AND REFORM**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Professor H Mostert

**Entrance requirements:** **Pre-requisite:** RDL2002H (Property Law) at Preliminary B level; **Co-requisite** PBL4001W (Administrative Law).

**Course outline:**

In enabling 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:**

Coursework (assignment or class test)

30%

Examination

70%

### **RDL4505F THE LAW OF CESSION**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Professor D B Hutchison

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**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

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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:**

Examination (2 hours) 100%

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### **RDL4506S UNJUSTIFIED ENRICHMENT**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Professor H Scott

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course seeks to provide a broad overview of the South African law of unjustified enrichment - comprising enrichment by transfer (by far the largest part of the subject), imposed enrichment, and enrichment by invasion of rights - and to introduce students to key issues in foreign legal systems. In this way it seeks to equip students for practice and for further postgraduate study.

Unjustified enrichment constitutes the third part - with contract and delict - of the law of obligations. Thus it is essential to an integrated understanding of private law. Moreover, during the last twenty years it has emerged as an important area of commercial litigation throughout the common-law world, and has become the focus of comparative private-law scholarship, especially in England, Scotland, Canada, Australia and most recently the United States. South Africa has not been immune to these trends: enrichment is increasingly the subject of litigation, not only in the high courts and Supreme Court of Appeal but now also in the Constitutional Court, and no fewer than four new books on the subject have appeared recently. A knowledge of unjustified enrichment is thus becoming increasingly important, both from a theoretical perspective and for the purposes of legal practice, whether in South Africa or elsewhere.

**DP requirements:** None.

**Assessment:**

November examination (2 hours) 100%

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### **RDL4507F CONFLICT OF LAWS**

NQF credits: 9 at HEQSF level 8

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

**Course convener(s):** Professor T W Bennett

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

Principles governing application of foreign law; characterisation of cause of action; domicile; choice of law rules for: marriage and divorce, status, contract, delict, property, succession and procedure; exclusion of foreign law, renvoi; recognition and enforcement of foreign judgements.

**DP requirements:** None.

**Assessment:**

Optional written assignment 30%  
One three-hour written examination in June 70% (if assignment)  
100% (if no assignment)

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### **RDL4601F ADVANCED PROPERTY LAW: CAPITA SELECTA**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Professor H Mostert

**Entrance requirements:** **Pre-requisite:** RDL2002H (Property Law) at Preliminary B level.



**Course outline:**

This course aims to deepen LLB students' understanding of certain key aspects of property law by enabling them to explore the implications of important issues in one of three specialised property law fields.

Upon completion of this course, students must demonstrate their ability to engage critically with an identified issue in property law by researching independently, producing a written analysis, and presenting their findings orally.

**DP requirements:** None.

**Assessment:**

Coursework

Formulation of research proposal	5%
Class participation	10%
Oral presentation of preliminary findings	15%
Research paper (5000 words)	70%

**RDL4602S CIVIL JUSTICE REFORM**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Associate Professor M Paleker

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**Aims and objectives

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 content

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

Class attendance and participation	20%
Seminar and presentation	20%
Research paper (5000 words)	60%

**RDL4603F JURISPRUDENCE AND SOUTH AFRICAN LAW**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Professor A G Fagan and Dr A M Price

**Entrance 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%

**RDL4604S LAW AND POST-APARTHEID LITERATURE**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Professor A J Barnard-Naudé

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course deals with the long established relationship between law and literature in the context of post-apartheid society. If, as Adam Small is quoted as having said, 'only literature can perform the miracle of reconciliation', then this begs the question as regards the role of positive law in a post-apartheid society. Do law and literature in a post-apartheid context complement each other, supplement each other, or are their goals and hopes entirely divorced? The course focuses on prose and poetry that addresses the theme of reconciliation (Antjie Krog, Ingrid De Kock, Wally Serote, Carrol Clarkson, etc) and juxtaposes and compares it with the legal discourse on reconciliation and reparation.

**DP requirements:** None.

**Assessment:**

Seminar presentation	30%
Research paper of 5000 words	70%

**RDL4605S LEGAL PLURALISM, RELIGION, CULTURE AND HUMAN RIGHTS**

NQF credits: 9 at HEQSF level 8

**Course convener(s):** Dr W Amien

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course aims to provide final year law students with an understanding of how a plurality of laws operate in a multicultural society such as South Africa, both at official and unofficial levels. By drawing on among others, legislation and case law, attention is paid to historically marginalised religious, cultural and customary laws including personal and family laws emanating from (but not limited to) Islam, Hinduism, Judaism and traditional and non-traditional customary laws. Students are encouraged to consider how, if at all, non-dominant systems of personal and family laws can be addressed within a secular legal framework and what the human rights implications of that are (or would be). Comparative perspectives are offered to enhance the students' understanding of the debates and applications of multiple legal systems in the international arena. The course comprises the following components:

1. Theoretical foundations of legal pluralism
2. Selected religious, cultural and customary laws including (but not limited to): Islamic law; Hindu law; Judaic law; Customary laws
3. Manifestations of plural laws through religions, cultures, customs and secular laws in the private law domain including (but not limited to): Marriage; Divorce; Succession
4. Models of recognition of religious, cultural and customary laws: Assimilation; Accommodation; Integration
5. Human rights implications of official and unofficial application of religious, cultural and customary laws
6. Comparative perspectives from across the globe

**DP requirements:** None.

**Assessment:**

## Coursework

Class attendance and participation	20%
Seminar and presentation	30%
Research paper (5000 words)	50%

**RDL4606F PRIVATE LAW AND HUMAN RIGHTS**

NQF credits: 9 at HEQSF level 8

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

**Course convener(s):** Professor A J Barnard-Naudé

**Entrance requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The course deals with current issues in private law from a theoretical perspective. Topics include:

1. The public/private dichotomy in a constitutional democracy.
2. Theories of application of the South African Constitution to traditional "private law".
3. Transformation of, and transformative issues in relation to, the following institutions of private law:
  - (a) Delict
  - (b) marriage and family
  - (c) contract.
4. The potential of private law, as infused by the Constitution, to resolve the dilemmas of social democracy with specific reference to the apartheid reparations debate.

**DP requirements:** None.

**Assessment:**

Seminar presentation	30%
An essay of 4000-5000 words	70%

**RDL4608S THE SOUTH AFRICAN LAW OF DELICT IN THEORETICAL AND COMPARATIVE PERSPECTIVE**

NQF credits: 9 at HEQSF level 8

Final Level course, second semester, two lecturers per week.

**Course convener(s):** Professor A G Fagan and Dr A M Price

**Entrance 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.

**DP requirements:** None.

**Assessment:**

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

**SLL1134H ISIXHOSA FOR LAW**

NQF credits: 9 at HEQSF level 5

Final Level, half course, whole year, two lectures per week.

**Course convener(s):** Dr M Smouse and Mrs N Ngalo

**Entrance requirements:** None. A student may only register for this course if Xhosa is not one of his/her home languages and provided further that he/she did not complete Xhosa on any level in the final year of high school.

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**Course outline:** This course is a vocation-specific course that introduces law students to communication skills required for a successful interaction between a law professional and a client. The course takes an integrated approach to language learning through an incorporation of law-related interactions such as: child maintenance, credit agreements (i.e. default on...), divorce, evictions, wills, drawing up contracts, and theft. Since the primary focus of this course is on communication skills, the areas of pronunciation, vocabulary development and language structure that is required for successful interaction with clients will be emphasised. The course also aims to familiarise students with common cross-cultural miscommunication in relation to various legal contexts.

**DP requirements:** Students are expected to attend at least 80% of lectures and complete all assessments and projects.

**Assessment:**

Year work (written work and oral tests, portfolio activities)	50%
June oral examination	20%
November oral examination	30%

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### SLL1135H AFRIKAANS COMMUNICATION FOR LAW

NQF credits: 9 at HEQSF level 5

Final Level, half course, whole year, two lectures per week.

**Course convener(s):** Dr J Claassen

**Entrance requirements:** At least 3 years of Afrikaans at secondary school level or a pass in SLL1042F/S. First language speakers of Afrikaans are not permitted to register for this course. A student may only register for this course if Afrikaans is not one of his/her home languages and provided further that he/she did not complete Afrikaans on any level in the final year of high school.

**Course outline:** A course for non-native speakers of Afrikaans, who are registered for BA (Law) or the LLB degree. The course aims to develop the necessary verbal communicative competency in Afrikaans, which is required during interaction between a lawyer and a client. The course equips students with skills to comprehensively conduct and sustain lawyer-client consultations. The content of the course is aimed at complementing the BA (Law) and LLB curriculum. The topics covered overlap with those encountered at legal aid clinics and include, but are not restricted to, child support, children's rights, family violence, divorce, backyard dwellings and municipal issues.

**DP requirements:** 75% of all classes must be attended and all assessments must be completed.

**Assessment:**

Coursework	50%
Examinations, with participants being assessed by means of oral, simulated-client interviews	50%

## Moot options

CML4606H	Moot Caput	Department of Commercial Law
RDL4609H	Moot Caput	Department of Private Law
PBL4606H	Moot Caput	Department of Public Law

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
RDL4401H	Private Law

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 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.

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## POSTGRADUATE QUALIFICATIONS

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. These courses have been introduced and expanded to meet the particular demands of and to complement the research work undertaken by specialised institutes and research units associated with the Faculty.

The growth in the number of courses in recent years has emphasised the need to produce more integrated programmes. Simultaneously, changes in the social and political environment in South Africa have presented the Faculty with the opportunity to develop its postgraduate studies programme to meet a new set of challenges within an African and international context.

With these ends in mind, the School for Advanced Legal Studies was created in 1992 as the home for existing and planned elements of postgraduate law studies at UCT. It is located within the Faculty of Law, and has assumed responsibility for the co-ordination of all higher coursework teaching. Its objectives extend to the promotion of research and academic exchanges with students and staff at other universities.

### Rules and requirements for degrees and diplomas

For LLM and MPhil purposes, students must select and complete four courses or their equivalent and submit a 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, save that the dissertation may be submitted by not later than the Friday before the first term starts, 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.

For named LLM (Professional Master's degree) purposes, students must select and complete four courses or their equivalent and complete a research project comprising four research tasks. 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.

For Postgraduate Diploma purposes, students must select and complete two courses or their equivalent and submit a research paper of not more than 12 500 words by the Friday before the first term starts, the year following first registration 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. Diploma students may, subject to relevant admission criteria, apply to convert their registration to the LLM programme.

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.

### The Postgraduate Centre

The Postgraduate Centre was recently established 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 contacted at [gradcentre@uct.ac.za](mailto:gradcentre@uct.ac.za) or visited at [www.pgfo.uct.ac.za](http://www.pgfo.uct.ac.za).

# 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 and research paper, 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	Qualification Code	Academic Plan Code
Commercial Law	LG002	CML01
Comparative Law in Africa	LG002	CML12
Compliance Management	LG002	CML08
Constitutional and Administrative Law	LG002	PBL01
Dispute Resolution	LG002	CML11
General	LG002	RDL03
Environmental Law	LG002	PBL04
Human Rights Law	LG002	PBL05
Intellectual Property Law	LG002	RDL04
International Law	LG002	PBL06
Labour Law	LG002	CML07
Marine and Environmental Law	LG002	PBL07
Public Law	LG002	PBL09
Shipping Law	LG002	CML09
Tax Law	LG005	CML10

The area of general specialisation will be determined by the field of law in which the research paper and one course for the Postgraduate Diploma have been fulfilled. 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 Diploma in Tax Law, a person who has passed the final professional chartered accountancy examination of the Public Accountants and

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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. he or she holds any other academic or professional qualification which Senate has approved as a ground for admission to the Diploma; or
6. 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, 3.2, 3.3, 3.4 and 3.5 above;
7. 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.

### **NOTES:**

1. *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.*
2. *The following general policy exists currently with regard to applicants: a good LLB (average mark in the 60% to 70% range) is the minimum qualification. 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.*

### **Obtaining the diploma:**

- FG4 A candidate must undertake advanced study in two approved courses (or the equivalent) and complete a research paper on an approved topic 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 research paper.

### **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 and/or research paper.
- FG5.2 The candidate must submit a research paper of not more than 12 500 words on a subject approved by Senate which must be of legal interest and related to one of the approved courses.
- FG5.3 A candidate who has failed any approved course with 47% or more has the right to an oral examination in that course.
- FG5.4 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.

FG5.5 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 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 one course and the research paper at this University.

**Date for submission of research paper:**

FG7.1 The proposal for the research paper must be submitted to the supervisor no later than the time at which half the coursework requirements of the degree have been fulfilled.

FG7.2 The research paper must be submitted no later than the Friday before the first term of the year following the year of registration for the Postgraduate Diploma in Law 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.

**Exclusion from a course**

**Minimum requirements for readmission to the diploma:**

FG8.1 A candidate must pass one of the two courses in order to qualify for readmission.

FG8.2 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.

FG8.3 A candidate who fails the research paper may be permitted by Senate on one occasion only to submit another research paper, which must be on a different topic.

**Exclusion from the diploma:**

FG9.1 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.

FG9.2 A candidate who fails the research paper twice or does not submit the research paper timeously, having been given an extension of time (see FG7) will not be allowed to reregister for either the Diploma nor any further postgraduate study, except with the permission of Senate.

**Duration:**

FG10 Except with the permission of Senate:  
The coursework component of Postgraduate Diploma in Law must be completed within one academic year and the research paper in accordance with Rule FG7.

**Research paper:**

FG11 The research paper must be satisfactory in arrangement and expression and must be printed. A candidate must submit three copies (temporary bindings) and an electronic version directly to the Faculty Office.

*The following statement must appear on the title page:*

Research paper 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

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and a research paper. The other part of the requirement for this qualification was 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*) research papers, including those relating to length and plagiarism, as contained in the rules of this University, and that this research paper conforms to those regulations.

*Note: One unbound copy is lodged with Special Collections, Chancellor Oppenheimer Library.*

The electronic version should be in Adobe (.pdf) or Word (.doc) format. Free software for the pdf format is on the Law fileserver and is also available from the School for Advanced Legal Studies.

### **Publication of research paper:**

FG12 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 Diploma.

### **Distinction:**

FG13.1 The Diploma may be awarded with distinction.

FG13.2 For the Diploma to be awarded with distinction, a candidate must:

- (a) submit the research paper 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; and
- (b) obtain an average mark of at least 75%, the research paper counting for 50% of the examination.

### **Exemption from or modification of rules:**

FG14 Any exemption from or modification of these rules must be approved specifically by Senate.

### **NOTE: Conversion to LLM degree**

*Candidates who have registered for the Postgraduate Diploma in Law may, subject to the requisite qualifications and acceptability, upgrade their registration to the LLM programme. Such candidates should apply in writing to change their registration by no later than 31 AUGUST. They will be informed whether their application has been accepted or not. Candidates who have had the Diploma conferred on them may NOT convert to registration for the LLM retrospectively (see Rule FMC6.3). Students are referred to the Notes which appear immediately below the LLM degree rules, which are applicable to the Diploma in equal measure.*

*Note: It is not possible to downgrade from the LLM to a Postgraduate Diploma.*

## **Master's degrees**

### **Master of Laws (LLM) in approved courses and a research project (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 a research project, subject to these rules in particular, and the following named Professional Master's degrees are:

Qualification	Code
Master of Laws in Commercial Law	LM020
Master of Laws in Dispute Resolution	LM021
Master of Laws in Intellectual Property Law ( <i>from 2015</i> )	LM022
Master of Laws in International Trade Law	LM023
Master of Laws in Labour Law	LM024
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 a research project comprising four research tasks (or two tasks for the Master of Laws in Tax Law). A candidate must obtain at least 50% for each course and 50% for each of the research tasks.

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 The candidate must complete independent research tasks (which together constitute the research project), demonstrating innovation or professional expertise. The research tasks must be drawn from the four courses (or equivalent) referred to in FPM3.1.

FPM3.8 Each research task must be submitted for assessment by no later than the day on which examinations end in the semester in which the course from which the research task is drawn runs.

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FPM3.9 A candidate who fails any of the research tasks with 47% or more is entitled on one occasion in respect of each task failed to revise and re-submit that research task.

FPM3.10 A candidate who fails a research task may be permitted by Senate on one occasion only to submit another research task, which must be on a different topic drawn from the same course.

### **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 project 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

1. fails two courses, or the same course twice. For the purpose of this Rule, a 60-credit course shall be regarded as one course, or
2. does not submit a research task by the submission date, or any extended date granted in writing by the course convener of the course to which the research task is linked, or fails two research tasks or a research task twice.

### **Duration of programme:**

FPM6 Except with the permission of Senate:

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

### **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 FPM3.8;
- 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.

### **NOTES:**

- (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 automatic 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	Qualification Code	
		LLM	MPhil
Commercial Law	CML01	LM003	LM002
Comparative Law in Africa	CML12	LM003	LM002
Constitutional and Administrative Law	PBL01	LM003	LM002
Criminology, Law and Society	PBL11	LM003	LM002
Dispute Resolution	CML11	LM003	LM002
Environmental Law	PBL04	LM003	LM002
General	RDL03	LM003	LM002
Human Rights Law	PBL05	LM003	LM002
Intellectual Property Law	RDL04	LM003	LM002
International Law	PBL06	LM003	LM002
International Trade Law	CML06	LM003	–
Labour Law	CML07	LM003	LM002
Marine and Environmental Law	PBL07	LM003	LM002
Private Law and Human Rights ( <i>from 2015</i> )	RDL05	LM003	LM002
Public Law	PBL09	LM003	LM002
Shipping Law	CML09	LM003	LM002
Tax Law	CML10	LM003	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 -

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. 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. 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

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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:**

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.

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 The minor dissertation must be submitted by no later than the Friday before the first term of the year following the Final Level of registration for approved courses (see

Rule FMC11) 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. Should a longer period be required to complete a dissertation, a formal application for extension must be submitted. This will have fee implications. Candidates have to re-register in February each year while completing the degree.

### **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.

### **Exclusion from the degree:**

- FMC9.1 A candidate who fails two courses or the same course twice will not be allowed to reregister for any other LLM 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 either the Degree nor any further postgraduate study, except with the permission of Senate.

### **Duration of programme:**

- FMC10 Except with the permission of Senate:
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
  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.

### **Minor dissertation:**

- FMC11 The minor dissertation must be satisfactory in arrangement and expression and must be typed and printed. A candidate must submit three copies (temporary bindings) and an electronic version directly to the Faculty Office.

*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 was 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.

**Note:** One unbound copy is lodged with Special Collections, Chancellor Oppenheimer Library. The electronic version should be in Adobe (.pdf) or Word (.doc) format. Free software for the pdf format is on the Law fileservers and is also available from the School for Advanced Legal Studies.

### **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.

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

1. complete the coursework in one year if full-time or in two years if part-time;
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;
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
4. obtain an average mark of at least 75%, the minor dissertation counting for 50% of the examination.

**Exemption from or modification of rules:**

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

**NOTES:**

- (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 automatic 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 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.

**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:

<b>Specialisation</b>	<b>Qualification Code</b>	<b>Academic Plan Code</b>
Commercial Law	LM001	CML01
Criminal Justice	LM001	PBL02
Private Law	LM001	RDL08
Public Law	LM001	PBL09

**Admission:**

FMD1 A person may be considered for admission as a candidate for the degree of Master of Laws if –

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
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 not later than the last Friday in February 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.

**Examination:**

FMD3 The examination consists of –

1. a dissertation on a subject of legal interest approved by Senate; or

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2. a series of (four) short dissertations on cognate areas of the law, approved by Senate.

### Dates for submission:

- FMD4.1 When candidates intend to submit their dissertations for examination with a view to the degree being awarded at either the June or December graduation ceremonies, they must inform the Registrar in writing by no later than 1 February or 20 June, as the case may be.
- FMD4.2 The final dates for submitting dissertations to the Registrar are 1 March or 15 August, respectively.

### Written or oral examinations:

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

### Part-time students:

- FMD6 A part-time student must be registered for a minimum of 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. A candidate must submit five copies (in temporary bindings), together with five copies of a brief summary of the contents of the argument.

### 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 research proposal 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	Qualification Code	Academic Plan Code
Commercial Law	LM011	CML01
Criminal Justice	LM011	PBL02
Private Law	LM011	RDL08
Public Law	LM011	PBL09

**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 not later than the last Friday in February 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 applicant as the leading authority in his or her field.
- 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 in a document entitled *Procedures for the Administration of the LLD by Published Work*.

*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,

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- 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	Qualification Code	Academic Plan Code
Commercial Law	LD001	CML01
Criminal Justice	LD001	PBL02
Criminology	LD001	PBL03
Private Law	LD001	RDL08
Public Law	LD001	PBL09

The general rules of the University for the PhD apply, i.e. there are no specific rules for the Faculty of Law.

## 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 Intellectual Property Law (*offered as from 2015*)  
 Master of Laws in International Trade Law  
 Master of Laws in Labour Law  
 Master of Laws in Shipping Law  
 Master of Laws in Tax Law

### Commercial Law

**Programme convener:** Associate Professor G Bradfield

#### Master of Laws (LLM) in Commercial Law (Professional Master's degree) [LM020CML01]

The curriculum comprises four 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.

Elective courses [to the value of 120 credits]		NQF credits	HEQSF level
Four of the following courses (30 credits each):			
CML5601F	Advanced Company Law	30	9
CML5613S	Collective Labour Law	30	9
CML5624F	Admiralty Jurisdiction and Practice	30	9
CML5626S	Carriage of Goods by Sea	30	9
CML5640F	International Economic Law	30	9
CML5641S	Commercial Arbitration	30	9
CML5651F	Individual Employment Law	30	9
CML5654S	Competition Law	30	9
CML5655S	Advanced Company Law: Corporate Governance	30	9
CML5658S	Electronic Transactions Law	30	9
CML5664F	Law and Regional Integration in Africa: Comparative Perspective	30	9
CML5670F	Advanced Insurance Law ( <i>not offered in 2014</i> )	30	9
CML5672S	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	30	9
CML5687S	Chinese Law and Investments in Africa	30	9
CML5690F	Maritime Law and Marine Insurance	30	9
PBL5602S	International Law of the Sea	30	9
<b>Research component</b>			
CML5700W	Research Project (Commercial Law)	60	9
<b>Total credits</b>		<b>180</b>	

## Dispute Resolution

Programme convener: Professor A Rycroft

### Master of Laws (LLM) in Dispute Resolution (Professional Master's degree) [LM021CML11]

The curriculum comprises three compulsory courses, one elective course 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.

	NQF credits	HEQSF level
<b>Compulsory (core) courses</b>		
CML5631S Mediation	30	9
CML5641S Commercial Arbitration	30	9
CML5671F Negotiation	30	9
<b>Elective course [to the value of 30 credits]</b>		
One Master's course	30	9
<b>Research component</b>		
CML5701W Research Project (Dispute Resolution)	60	9
<b>Total credits</b>	<b>180</b>	

## Intellectual Property Law (*on offer as from 2015*)

Programme convener: Ms L-A Tong

### Master of Laws (LLM) in Intellectual Property Law (Professional Master's degree) [LM022CML13]

The curriculum comprises four compulsory 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.

	NQF credits	HEQSF level
<b>Compulsory (core) courses</b>		
CML5657S Electronic Intellectual Property Law	30	9
CML5678F Principles of Intellectual Property Law	30	9
CML5680F Advanced Intellectual Property Law	30	9
CML5691S Intellectual Property Law, Development and Innovation	30	9
<b>Research component</b>		
CML5702W Research Project (Intellectual Property Law)	60	9
<b>Total credits</b>	<b>180</b>	

## International Trade Law

Programme convener: Associate Professor G Bradfield

### Master of Laws (LLM) in International Trade Law (Professional Master's degree) [LM023CML06]

The curriculum comprises two compulsory courses, two 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.

		NQF credits	HEQSF level
<b>Compulsory (core) courses</b>			
CML5640F	International Economic Law	30	9
CML5673S	International Commercial Transactions Law	30	9
<b>Elective courses [to the value of 60 credits]</b>			
Two of the following courses:			
CML5626S	Carriage of Goods by Sea	30	9
CML5641S	Commercial Arbitration	30	9
CML5654S	Competition Law	30	9
CML5664F	Law and Regional Integration in Africa: Comparative Perspective	30	9
CML5687S	Chinese Law and Investments in Africa	30	9
<b>Research component</b>			
CML5703W	Research Project (International Trade Law)	60	9
<b>Total credits</b>		<b>180</b>	

## Labour Law

**Programme convener:** Professor R le Roux

### **Master of Laws (LLM) in Labour Law (Professional Master's degree) [LM024CML07]**

The curriculum comprises three compulsory courses, one elective course 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.

		NQF credits	HEQSF level
<b>Compulsory (core) courses</b>			
CML5613S	Collective Labour Law	30	9
CML5651F	Individual Employment Law	30	9
CML5676S	Workplace Discrimination and Equality Law	30	9
<b>Elective course [to the value of 30 credits]</b>			
One of the following courses:			
CML5631S	Mediation	30	9
CML5641S	Commercial Arbitration	30	9
CML5655S	Advanced Company Law: Corporate Governance	30	9
CML5671F	Negotiation	30	9
<b>Research component</b>			
CML5704W	Research Project (Labour Law)	60	9
<b>Total credits</b>		<b>180</b>	

## Shipping Law

**Programme convener:** Associate Professor G Bradfield

### **Master of Laws (LLM) in Shipping Law (Professional Master's degree) [LM025CML09]**

The curriculum comprises two compulsory courses, two 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.

		NQF credits	HEQSF level
<b>Compulsory (core) courses</b>			
CML5626S	Carriage of Goods by Sea	30	9
CML5690F	Maritime Law and Marine Insurance	30	9
<b>Elective courses [to the value of 60 credits]</b>			
Two of the following courses:			
CML5624F	Admiralty Jurisdiction and Practice	30	9
CML5641S	Commercial Arbitration	30	9
CML5670F	Advanced Insurance Law ( <i>not offered in 2014</i> )	30	9
PBL5602S	International Law of the Sea	30	9
<b>Research component</b>			
CML5705W	Research Project (Shipping Law)	60	9
<b>Total credits</b>		<b>180</b>	

## Tax Law

Programme convener: Dr T L Gutuza

### Master of Laws (LLM) in Tax Law (Professional Master's degree) [LM026CML10]

The curriculum comprises two compulsory 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 both of the courses and demonstrating professional expertise. The curriculum consists of 180 credits.

		NQF credits	HEQSF level
<b>Compulsory (core) courses</b>			
CML5661W	Tax Law	60	9
CML5663W	Advanced Tax Law	60	9
<b>Research component</b>			
CML5706W	Research Project (Tax Law)	60	9
<b>Total credits</b>		<b>180</b>	



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## POSTGRADUATE 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.

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/diploma in the specialist area concerned. Please refer to the Rules for LL.M and MPhil Degrees and the Rules for Postgraduate Diplomas in Law for further information.

#### The following 'programmes' are described:

- Commercial Law
- Comparative Law in Africa
- Compliance Management (*not offered in 2014*)
- Constitutional and Administrative Law
- Criminology, Law and Society
- Dispute Resolution
- Environmental Law
- Human Rights Law
- Intellectual Property Law
- International Law
- International Trade Law
- Labour Law
- Marine and Environmental Law
- Private Law and Human Rights (*offered as from 2015*)
- 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'.

## Commercial Law

**Programme convener:** Ms J Yeats

### **Master's degree (LLM/MPhil) specialising in Commercial Law [LM003CML01/ LM002CML01]**

The curriculum comprises four elective courses 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. The curriculum consists of 240 credits.

## 110 POSTGRADUATE STUDY PROGRAMMES

<b>Elective courses [to the value of 120 credits]</b>		<b>NQF credits</b>	<b>HEQSF level</b>
Four of the following courses (30 credits each):			
CML5601F	Advanced Company Law	30	9
CML5640F	International Economic Law	30	9
CML5641S	Commercial Arbitration	30	9
CML5654S	Competition Law	30	9
CML5655S	Advanced Company Law: Corporate Governance	30	9
CML5658S	Electronic Transactions Law	30	9
CML5660F	Legal Compliance Management ( <i>not offered in 2014</i> )	30	9
CML5664F	Law and Regional Integration in Africa: Comparative Perspective	30	9
CML5671F	Negotiation	30	9
CML5672S	Legal Aspects of Corporate Financing Structures	30	9
CML5673S	International Commercial Transactions Law	30	9
PBL5622S	Legal Writing ( <i>not offered in 2014</i> )	30	9
<b>Research component</b>			
CML5606W	Minor Dissertation	120	9
<b>Total credits</b>		<b>240</b>	

### **Postgraduate Diploma in Law specialising in Commercial Law [LG002CML01]**

The curriculum comprises two elective courses from this section, or courses listed under the Labour Law or Shipping Law programmes, and a compulsory research paper of not more than 12 500 words on a related topic approved by the programme convener. The curriculum consists of 120 credits.

<b>Elective courses [to the value of 60 credits]</b>		<b>NQF credits</b>	<b>HEQSF level</b>
Two of the following courses (30 credits each):			
CML5601F	Advanced Company Law	30	9
CML5640F	International Economic Law	30	9
CML5641S	Commercial Arbitration	30	9
CML5654S	Competition Law	30	9
CML5655S	Advanced Company Law: Corporate Governance	30	9
CML5658S	Electronic Transactions Law	30	9
CML5660F	Legal Compliance Management ( <i>not offered in 2014</i> )	30	9
CML5664F	Law and Regional Integration in Africa: Comparative Perspective	30	9
CML5671F	Negotiation	30	9
CML5672S	Legal Aspects of Corporate Financing Structures	30	9
CML5673S	International Commercial Transactions Law	30	9
PBL5622S	Legal Writing ( <i>not offered in 2014</i> )	30	9
<b>Research component</b>			
CML5620W	Research Paper	60	9
<b>Total credits</b>		<b>120</b>	

## Comparative Law in Africa

Programme convener: Professor S Mancuso

### Master's degree (LLM/MPhil) specialising in Comparative Law in Africa [LM003CML12/LM002CML12]

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.

		NQF credits	HEQSF level
<b>Compulsory (core) courses [to the value of 60 credits]</b>			
CML5683F	Comparative Legal Systems	30	9
CML5684F	African Law	30	9
<b>Elective courses [to the value of 60 credits]</b>			
Two of the following courses:			
CML5616F	International and Comparative Labour Law ( <i>not offered in 2014</i> )	30	9
CML5664F	Law and Regional Integration in Africa: Comparative Perspective	30	9
CML5677F	Islamic Law and Finance ( <i>not offered in 2014</i> )	30	9
CML5685S	Common Law ( <i>not offered in 2014</i> )	30	9
CML5686S	Civil Law	30	9
CML5687S	Chinese Law and Investments in Africa	30	9
PBL5652S	Muslim Personal Law and Human Rights	30	9
PBL5848F	Law and Society in Africa	30	9
PBL5849F	Law in Action	30	9
RDL5616F	Legal Pluralism with Special Reference to Africa	30	9
RDL5623F	Human Rights and African Customary Law ( <i>offered as from 2015</i> )	30	9
<b>Research component</b>			
CML5688W	Minor Dissertation	120	9
<b>Total credits</b>		<b>240</b>	

### Postgraduate Diploma in Law specialising in Comparative Law in Africa [LG002CML12]

The curriculum comprises two compulsory courses and a compulsory research paper of not more than 12 500 words on a related topic approved by the programme convener. The curriculum consists of 120 credits.

		NQF credits	HEQSF level
<b>Compulsory (core) courses [to the value of 60 credits]</b>			
CML5683F	Comparative Legal Systems	30	9
CML5684F	African Law	30	9
<b>Research component</b>			
CML5689W	Research Paper	60	9
<b>Total credits</b>		<b>120</b>	

## Compliance Management *(not offered in 2014)*

Programme convener: Ms J Yeats

### Postgraduate Diploma in Law specialising in Compliance Management [LG002CML08]

The curriculum comprises two compulsory courses and a compulsory research paper of not more than 12 500 words on a related topic approved by the programme convener. The curriculum consists of 120 credits.

<b>Compulsory (core) courses</b>		<b>NQF credits</b>	<b>HEQSF level</b>
CML5655S	Advanced Company Law: Corporate Governance	30	9
CML5660F	Legal Compliance Management <i>(not offered in 2014)</i>	30	9
<b>Research component</b>			
PBL5620W	Research Paper	60	9
<b>Total credits</b>		<b>120</b>	

## Constitutional and Administrative Law

Programme convener: Professor H M Corder

### Master's degree (LLM/MPhil) specialising in Constitutional and Administrative Law [LM003PBL01/LM002PBL01]

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.

<b>Compulsory (core) courses</b>		<b>NQF credits</b>	<b>HEQSF level</b>
PBL5623F	Governing Under the Constitution: Law and Practice	30	9
PBL5635S	Administrative Justice	30	9
<b>Elective courses [to the value of 60 credits]</b>			
Two courses, including at least one of the following courses (30 credits each):			
PBL5619F	International Environmental Law	30	9
PBL5622S	Legal Writing <i>(not offered in 2014)</i>	30	9
PBL5633S	Litigating the Bill of Rights <i>(not offered in 2014)</i>	30	9
PBL5634F	Human Rights Law	30	9
PBL5640F	Principles of Environmental Law	30	9
PBL5647F	Social Justice, Law and Poverty <i>(not offered in 2014)</i>	30	9
PBL5653F	Refugee Law and Human Rights	30	9
<b>Research component</b>			
PBL5602W	Minor Dissertation	120	9
<b>Total credits</b>		<b>240</b>	

### Postgraduate Diploma in Law specialising in Constitutional and Administrative Law [LG002PBL01]

The curriculum comprises two compulsory courses and a compulsory research paper of not more than 12 500 words on a related topic approved by the programme convener. The curriculum consists of 120 credits.

<b>Compulsory (core) courses</b>		<b>NQF credits</b>	<b>HEQSF level</b>
PBL5623F	Governing Under the Constitution: Law and Practice	30	9

PBL5635S	Administrative Justice	30	9
<b>Research component</b>			
PBL5655W	Research Paper	60	9
<b>Total credits</b>		<b>120</b>	

## Criminology, Law and Society

**Programme convener:** Associate Professor D Smythe

### Master's degree (LLM/MPhil) specialising in Criminology, Law and Society [LM003PBL11/LM002PBL11]

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.

		NQF credits	HEQSF level
<b>Compulsory (core) course</b>			
PBL5849F	Law in Action	30	9
<b>Compulsory (core) course</b>			
One of the following courses:			
PBL5848F	Law and Society in Africa	30	9
PBL5820F	Theories of Crime and Social Order	30	9
<b>Elective courses [to the value of 60 credits]</b>			
Two of the following courses:			
PBL5847S	Forensics and the Law	30	9
PBL5807S	International Criminal Law	30	9
PBL5844S	Police and Policing: Explorations in Security Governance	30	9
PBL5815S	Punishment and Human Rights	30	9
PBL5647F	Social Justice, Law and Poverty ( <i>not offered in 2014</i> )	30	9
PBL5822S	Victims and Victimology: Theory, Policy and Practice ( <i>not offered in 2014</i> )		
RDL5616F	Legal Pluralism with Special Reference to Africa	30	9
<b>Research component</b>			
PBL5850W	Minor Dissertation	120	9
<b>Total credits</b>		<b>240</b>	

## Dispute Resolution

**Programme convener:** Professor A Rycroft

### Master's degree (LLM/MPhil) specialising in Dispute Resolution [LM003CML11/ LM002CML11]

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.

		NQF credits	HEQSF level
<b>Compulsory (core) courses</b>			
CML5631S	Mediation	30	9
CML5641S	Commercial Arbitration	30	9
CML5671F	Negotiation	30	9
<b>Elective course [to the value of 30 credits]</b>			
One Master's course (recommended course - PBL5618S International Law on		30	9

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Disputes and Use of Force)

### Research component

CML5614W	Minor Dissertation	120	9
<b>Total credits</b>		<b>240</b>	

### Postgraduate Diploma in Law specialising in Dispute Resolution [LG002CML11]

The curriculum comprises two compulsory courses and a compulsory research paper of not more than 12 500 words on a related topic approved by the programme convener. The curriculum consists of 120 credits.

		NQF credits	HEQSF level
<b>Compulsory (core) courses</b>			
CML5631S	Mediation	30	9
CML5671F	Negotiation	30	9
<b>Research component</b>			
CML5607W	Research Paper	60	9
<b>Total credits</b>		<b>120</b>	

## Environmental Law

Programme convener: Professor A R Paterson

### Master's degree (LLM/MPhil) specialising in Environmental Law [LM003PBL04/LM002PBL04]

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.

		NQF credits	HEQSF level
<b>Compulsory (core) courses</b>			
PBL5640F	Principles of Environmental Law	30	9
<b>Elective courses [to the value of 90 credits]</b>			
Three of the following courses:			
PBL5619F	International Environmental Law	30	9
PBL5641F	Land Use Planning Law	30	9
PBL5642S	Natural Resources Law	30	9
PBL5643S	Pollution Law	30	9
<b>Research component</b>			
PBL5654W	Minor Dissertation	120	9
<b>Total credits</b>		<b>240</b>	

### Postgraduate Diploma in Law specialising in Environmental Law [LG002PBL04]

A candidate may be required to complete an introductory course to law in general and/or public international law if he/she has not previously completed courses in these disciplines.

The curriculum comprises one compulsory course, one elective course and a compulsory research paper of not more than 12 500 words on a related topic approved by the programme convener. The curriculum consists of 120 credits.

		NQF credits	HEQSF level
<b>Compulsory (core) course</b>			
PBL5640F	Principles of Environmental Law	30	9
<b>Elective course</b>			
One of the following courses:			
PBL5619F	International Environmental Law	30	9
PBL5641F	Land Use Planning Law	30	9

PBL5642S	Natural Resources Law	30	9
PBL5643S	Pollution Law	30	9
<b>Research component</b>			
PBL5632W	Research Paper	60	9
		<b>Total credits</b>	<b>120</b>

## Human Rights Law

**Programme convener:** Associate Professor R Manjoo (alternate Professor D M Chirwa)

### Master's degree (LLM/MPhil) specialising in Human Rights Law [LM003PBL05/LM002PBL05]

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.

<b>Elective courses [to the value of 120 credits]</b>		<b>NQF credits</b>	<b>HEQSF level</b>
Four of the following courses (30 credits each):			
PBL5619F	International Environmental Law	30	9
PBL5628F	International Rights of the Child	30	9
PBL5631S	International Protection of Human Rights	30	9
PBL5633S	Litigating the Bill of Rights ( <i>not offered in 2014</i> )	30	9
PBL5634F	Human Rights Law	30	9
PBL5635S	Administrative Justice	30	9
PBL5640F	Principles of Environmental Law	30	9
PBL5647F	Social Justice, Law and Poverty ( <i>not offered in 2014</i> )	30	9
PBL5651S	International Protection of Women's Human Rights	30	9
PBL5652S	Muslim Personal Law and Human Rights	30	9
PBL5653F	Refugee Law and Human Rights	30	9
PBL5822S	Victims and Victimology: Theory, Policy and Practice ( <i>not offered in 2014</i> )	30	9
PBL5844S	Police and Policing: Explorations in Security Governance	30	9
<b>Research component</b>			
PBL5626W	Minor Dissertation	120	9
		<b>Total credits</b>	<b>240</b>

### Postgraduate Diploma in Law specialising in Human Rights Law [LG002PBL05]

The curriculum comprises two elective courses and a compulsory research paper of not more than 12 500 words on a related topic approved by the programme convener. The curriculum consists of 120 credits.

<b>Elective courses [to the value of 60 credits]</b>		<b>NQF credits</b>	<b>HEQSF level</b>
Two of the following courses (30 credits each):			
PBL5619F	International Environmental Law	30	9
PBL5628F	International Rights of the Child	30	9
PBL5631S	International Protection of Human Rights	30	9
PBL5633S	Litigating the Bill of Rights ( <i>not offered in 2014</i> )	30	9
PBL5634F	Human Rights Law	30	9
PBL5635S	Administrative Justice	30	9
PBL5640F	Principles of Environmental Law	30	9
PBL5647F	Social Justice, Law and Poverty ( <i>not offered in 2014</i> )	30	9
PBL5651S	International Protection of Women's Human Rights	30	9

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PBL5652S	Muslim Personal Law and Human Rights	30	9
PBL5653F	Refugee Law and Human Rights	30	9
PBL5807S	International Criminal Law		
PBL5815F	Punishment and Human Rights		
PBL5822S	Victims and Victimology: Theory, Policy and Practice ( <i>not offered in 2014</i> )		
PBL5844S	Police and Policing: Explorations in Security Governance		
<b>Research component</b>			
PBL5605W	Research Paper	60	9
<b>Total credits</b>		<b>120</b>	

## Intellectual Property Law

Programme convener: Ms L-A Tong

### Master's degree (LLM/MPhil) specialising in Intellectual Property Law

#### [LM003CML13/LM002CML13]

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.

		NQF credits	HEQSF level
<b>Elective courses [to the value of 120 credits]</b>			
Four courses, including at least three of the following courses (30 credits each):			
CML5657S	Electronic Intellectual Property Law	30	9
CML5678F	Principles of Intellectual Property Law	30	9
CML5680F	Advanced Intellectual Property Law ( <i>not offered in 2014</i> )	30	9
CML5691S	Intellectual Property Law, Development and Innovation	30	9
<b>Research component</b>			
CML5681W	Minor Dissertation	120	9
<b>Total credits</b>		<b>240</b>	

### Postgraduate Diploma in Law specialising in Intellectual Property Law

#### [LG002RDL04]

The curriculum comprises two elective courses and a compulsory research paper of not more than 12 500 words on a related topic approved by the programme convener. The curriculum consists of 120 credits.

		NQF credits	HEQSF level
<b>Elective courses [to the value of 60 credits]</b>			
Two of the following courses (30 credits each):			
CML5657S	Electronic Intellectual Property Law	30	9
CML5678F	Principles of Intellectual Property Law	30	9
CML5680S	Advanced Intellectual Property Law ( <i>not offered in 2014</i> )	30	9
CML5691S	Intellectual Property Law, Development and Innovation	30	9
<b>Research component</b>			
CML5682W	Research Paper	60	9
<b>Total credits</b>		<b>120</b>	

*NOTE: Postgraduate Diploma students may not take two courses in the same semester, except with the permission of Senate*



## International Law

Programme convener: Ms C Powell

### Master's degree (LLM/MPhil) specialising in International Law [LM003PBL06/LM002PBL06]

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.

<b>Elective courses [to the value of 120 credits]</b>		<b>NQF credits</b>	<b>HEQSF level</b>
Four of the following courses (30 credits each):			
CML5640F	International Economic Law	30	9
CML5673S	International Commercial Transactions Law	30	9
PBL5602S	International Law of the Sea	30	9
PBL5615F	Principles of Public International Law	30	9
PBL5618S	International Law on Disputes and the Use of Force	30	9
PBL5619F	International Environmental Law	30	9
PBL5628F	International Rights of the Child	30	9
PBL5631S	International Protection of Human Rights	30	9
PBL5807S	International Criminal Law	30	9
<b>Research component</b>			
PBL5627W	Minor Dissertation	120	9
<b>Total credits</b>		<b>240</b>	

### Postgraduate Diploma in Law specialising in International Law [LG002PBL06]

The curriculum comprises two elective courses and a compulsory research paper of not more than 12 500 words on a related topic approved by the programme convener. The curriculum consists of 120 credits.

<b>Elective courses [to the value of 60 credits]</b>		<b>NQF credits</b>	<b>HEQSF level</b>
Two of the following courses (30 credits each):			
CML5640F	International Economic Law	30	9
CML5673S	International Commercial Transactions Law	30	9
PBL5602S	International Law of the Sea	30	9
PBL5615F	Principles of Public International Law	30	9
PBL5618S	International Law on Disputes and the Use of Force	30	9
PBL5619F	International Environmental Law	30	9
PBL5628F	International Rights of the Child	30	9
PBL5631S	International Protection of Human Rights	30	9
PBL5807S	International Criminal Law	30	9
<b>Research component</b>			
PBL5656W	Research Paper	60	9
<b>Total credits</b>		<b>120</b>	

## International Trade Law

Programme convener: Associate Professor G Bradfield

### Master's degree (LLM) specialising in International Trade Law [LM003CML06]

## 118 POSTGRADUATE STUDY PROGRAMMES

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.

	NQF credits	HEQSF level
<b>Compulsory (core) courses</b>		
CML5640F International Economic Law	30	9
CML5673S International Commercial Transactions Law	30	9
<b>Elective courses [to the value of 60 credits]</b>		
Two of the following courses:		
CML5626S Carriage of Goods by Sea	30	9
CML5641S Commercial Arbitration	30	9
CML5654S Competition Law	30	9
CML5664F Law and Regional Integration in Africa: Comparative Perspective	30	9
CML5687S Chinese Law and Investments in Africa	30	9
PBL5615F Principles of Public International Law	30	9
PBL5619F International Environmental Law	30	9
<b>Research component</b>		
CML5674W Minor Dissertation	120	9
<b>Total credits</b>	<b>240</b>	

## Labour Law

**Programme convener:** Ms S Singlee

The Universities of Cape Town, Stellenbosch and the Western Cape offer a co-ordinated postgraduate programme in labour law. The joint-university postgraduate labour law programme consists of the following courses, six of which are offered by the University of Cape Town and the rest by the Universities of Stellenbosch and the Western Cape.

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.

### **Master's degree (LLM/MPhil) specialising in Labour Law [LM003CML07/ LM002CML07]**

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.

	NQF credits	HEQSF level
<b>Elective courses [to the value of 120 credits]</b>		
Four of the following courses (30 credits each):		
<b>University of Cape Town courses:</b>		
CML5613S Collective Labour Law	30	9
CML5616F International and Comparative Labour Law ( <i>not offered in 2014</i> )	30	9
CML5622S Pensions and Social Security Law ( <i>not offered in 2014</i> )	30	9
CML5651F Individual Employment Law	30	9
CML5671F Negotiation	30	9
CML5676S Workplace Discrimination and Equality Law	30	9
<b>University of Stellenbosch courses:</b>		
Equality in the Workplace	30	9
Labour Law under the Constitution	30	9
<b>University of the Western Cape courses:</b>		
Labour Law in the New Global Market	30	9

Unfair Dismissal Law		30	9
<b>Research component</b>			
CML5614W	Minor Dissertation	120	9
	<b>Total credits</b>	<b>240</b>	

### Postgraduate Diploma in Law specialising in Labour Law [LG002CML07]

The curriculum comprises two elective courses and a compulsory research paper of not more than 12 500 words on a related topic approved by the programme convener. The curriculum consists of 120 credits.

		NQF credits	HEQSF level
<b>Elective courses [to the value of 60 credits]</b>			
Two of the following courses (30 credits each):			
<b>University of Cape Town courses:</b>			
CML5613S	Collective Labour Law	30	9
CML5616F	International and Comparative Labour Law ( <i>not offered in 2014</i> )	30	9
CML5622S	Pensions and Social Security Law ( <i>not offered in 2014</i> )	30	9
CML5651F	Individual Employment Law	30	9
CML5671F	Negotiation	30	9
CML5676S	Workplace Discrimination and Equality Law	30	9
<b>University of Stellenbosch courses:</b>			
	Equality in the Workplace	30	9
	Labour Law under the Constitution	30	9
<b>University of the Western Cape courses:</b>			
	Labour Law in the New Global Market	30	9
	Unfair Dismissal Law	30	9
<b>Research component</b>			
CML5607W	Research Paper	60	9
	<b>Total credits</b>	<b>120</b>	

The University of Stellenbosch and the University of the Western Cape courses are recognised by UCT as approved courses for the purposes of LLM Rule FMC6.1, 6.2 and 6.3 and Postgraduate Diploma in Law Rule FG6.1 and 6.2. Students registering at Stellenbosch or UWC will be required to pay the standard fee for the courses offered there. *The onus is on the students to register with the other university and supply the University with their results from Stellenbosch/Western Cape if they wish to be granted credit for and exemption from courses prescribed for the degree or diploma.*

## Marine and Environmental Law

**Programme convener:** Professor A R Paterson

### Master's degree (LLM/MPhil) specialising in Marine and Environmental Law [LM003PBL07/LM002PBL07]

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.

		NQF credits	HEQSF level
<b>Compulsory (core) courses</b>			
PBL5602S	International Law of the Sea	30	9
PBL5619F	International Environmental Law	30	9
<b>Elective courses [to the value of 60 credits]</b>			
Two of the following courses:			

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PBL5640F	Principles of Environmental Law	30	9
PBL5641F	Land Use Planning Law	30	9
PBL5642S	Natural Resources Law	30	9
PBL5643S	Pollution Law	30	9
<b>Research component</b>			
PBL5624W	Minor Dissertation	120	9
<b>Total credits</b>		<b>240</b>	

### **Postgraduate Diploma in Law specialising in Marine and Environmental Law [LG002PBL07]**

The curriculum comprises one compulsory course, one elective course and a compulsory research paper of not more than 12 500 words on a related topic approved by the programme convener. The curriculum consists of 120 credits.

		<b>NQF credits</b>	<b>HEQSF level</b>
<b>Compulsory (core) course</b>			
PBL5602S	International Law of the Sea	30	9
<b>Elective course [to the value of 30 credits]</b>			
One of the following courses:			
PBL5619F	International Environmental Law	30	9
PBL5640F	Principles of Environmental Law	30	9
PBL5641F	Land Use Planning Law	30	9
PBL5642S	Natural Resources Law	30	9
PBL5643S	Pollution Law	30	9
<b>Research component</b>			
PBL5657W	Research Paper	60	9
<b>Total credits</b>		<b>120</b>	

### **Private Law and Human Rights (on offer as from 2015)**

Programme convener: Dr A M Price

### **Master's degree (LLM) specialising in Private Law and Human Rights [LM003RDL05]**

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.

		<b>NQF credits</b>	<b>HEQSF level</b>
<b>Compulsory (core) course</b>			
RDL5624F	Human Rights and Private Law ( <i>offered as from 2015</i> )	30	9
<b>Elective courses [to the value of 90 credits]</b>			
Three courses, including at least two of the following courses:			
RDL5620S	Advanced Contract Law ( <i>not offered in 2014</i> )	30	9
RDL5623F	Human Rights and African Customary Law ( <i>offered as from 2015</i> )	30	9
RDL5625F	Property Law in a Constitutional Order: Comparative Perspectives ( <i>offered as from 2015</i> )	30	9
RDL5626S	Human Rights, Gender, and Family ( <i>offered as from 2015</i> )	30	9
RDL5627F	Delict, Unjustified Enrichment, and Human Rights ( <i>offered as from 2015</i> )	30	9
<b>Research component</b>			
RDL5628W	Minor Dissertation	120	9
<b>Total credits</b>		<b>240</b>	

## Master's degree (MPhil) specialising in Private Law and Human Rights [LM002RDL05]

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 234 credits.

	NQF credits	HEQSF level
<b>Compulsory (core) course</b>		
RDL5624F Human Rights and Private Law ( <i>offered as from 2015</i> )	30	9
<b>Elective course [to the value of 60 credits]</b>		
Two of the following courses:		
RDL5620S Advanced Contract Law ( <i>not offered in 2014</i> )	30	9
RDL5623F Human Rights and African Customary Law ( <i>offered as from 2015</i> )	30	9
RDL5625F Property Law in a Constitutional Order: Comparative Perspectives	30	9
RDL5626S Human Rights, Gender, and Family ( <i>offered as from 2015</i> )	30	9
RDL5627F Delict, Unjustified Enrichment, and Human Rights ( <i>offered as from 2015</i> )	30	9
<b>Elective course [to the value of at least 24 credits]</b>		
One non-law Master's course approved by the programme convener	24	9
<b>Research component</b>		
RDL5628W Minor Dissertation	120	9
<b>Total credits</b>	<b>234</b>	

## Public Law

**Programme convener:** Professor D M Chirwa

A student may obtain a Master's degree in Public Law, or a Postgraduate Diploma in Public Law, by taking the required number of courses from the following programmes and a minor dissertation/research paper in the same area:

- Constitutional and Administrative Law
- Criminology, Law and Society
- Environmental Law
- Human Rights Law
- International Law
- Marine and Environmental Law

## Master's degree (LLM/MPhil) specialising in Public Law [LM003PBL09/ LM002PBL09]

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.

	NQF credits	HEQSF level
<b>Elective courses [to the value of 120 credits]</b>		
Four courses from the following programmes:		
Constitutional and Administrative Law	120	9
Criminology, Law and Society		
Environmental Law		
Human Rights Law		
International Law		

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Marine and Environmental Law

### Research component

PBL5601W	Minor Dissertation	120	9
		<b>Total credits</b>	<b>240</b>

### Postgraduate Diploma in Law specialising in Public Law [LG002PBL09]

The curriculum comprises two elective courses and a compulsory research paper of not more than 12 500 words on a related topic approved by the programme convener. The curriculum consists of 120 credits.

		NQF credits	HEQSF level
<b>Elective courses [to the value of 60 credits]</b>			
Two courses from the following programmes:			
Constitutional and Administrative Law		60	9
Criminology, Law and Society			
Environmental Law			
Human Rights Law			
International Law			
Marine and Environmental Law			
<b>Research component</b>			
PBL5611W	Research Paper	60	9
		<b>Total credits</b>	<b>120</b>

## Shipping Law

**Programme convener:** Associate Professor G Bradfield

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, and Postgraduate Diplomas in Law.)

### Master's degree (LLM/MPhil) specialising in Shipping Law [LM003CML09/ LM002CML09]

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.

		NQF credits	HEQSF level
<b>Compulsory (core) courses</b>			
CML5626S	Carriage of Goods by Sea	30	9
CML5690F	Maritime Law and Marine Insurance	30	9
<b>Elective courses [to the value of 60 credits]</b>			
CML5624F	Admiralty Jurisdiction and Practice	30	9
CML5641S	Commercial Arbitration	30	9
CML5670F	Advanced Insurance Law ( <i>not offered in 2014</i> )	30	9
CML5673S	International Commercial Transactions Law	30	9
PBL5602S	International Law of the Sea	30	9
PBL5643S	Pollution Law	30	9
<b>Research component</b>			
CML5616W	Minor Dissertation	120	9
		<b>Total credits</b>	<b>240</b>

## Postgraduate Diploma in Law specialising in Shipping Law [LG002CML09]

The curriculum comprises two compulsory courses and a compulsory research paper of not more than 12 500 words on a related topic approved by the programme convener. The curriculum consists of 120 credits.

	NQF credits	HEQSF level
<b>Compulsory (core) courses</b>		
CML5626S Carriage of Goods by Sea	30	9
CML5690F Maritime Law and Marine Insurance	30	9
<b>Research component</b>		
CML5617W Research Paper	60	9
<b>Total credits</b>	<b>120</b>	

## Tax Law

Programme convener: Dr T L Gutuza

### Master's degree (LLM/MPhil) specialising in Tax Law [LM003CML10/LM002CML10]

This is a two-year programme.

The curriculum comprises two 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.

	NQF credits	HEQSF level
<b>Compulsory (core) courses</b>		
CML5661W Tax Law	60	9
CML5663W Advanced Tax Law	60	9
<b>Research component</b>		
CML5611W Minor Dissertation	120	9
<b>Total credits</b>	<b>240</b>	

### Postgraduate Diploma in Law specialising in Tax Law [LG005CML10]

This is a one-year programme.

The curriculum comprises one compulsory course and a compulsory research paper of not more than 12 500 words on a related topic approved by the programme convener. The curriculum consists of 120 credits.

	NQF credits	HEQSF level
<b>Compulsory (core) course</b>		
CML5661W Tax Law	60	9
<b>Research component</b>		
CML5615W Research Paper	60	9
<b>Total credits</b>	<b>120</b>	

Postgraduate Diploma students who are eligible may, within the constraints of the rules, elect to upgrade their registration to an MPhil or LLM degree in Commercial Law or Tax Law should they decide to continue their studies. However, students may not use CML5661W toward an MPhil or LLM degree after having had a Postgraduate Diploma conferred on them. Tax Law (CML5661W) or Advanced Tax Law (CML5663W) may also be taken as a double-course, in combination with other courses, toward an MPhil or LLM degree. The required dissertation of not more than 25 000 words may be in either field of study.

## COURSE OUTLINES (POSTGRADUATE)

*Note: The course titles are listed in alphabetical sequence according to the title of the course.*

PBL5635S	Administrative Justice (was PBL6035F)
CML5624F	Admiralty Jurisdiction and Practice (was CML6024S)
CML5655S	Advanced Company Law: Corporate Governance (was CML6055S)
CML5601F	Advanced Company Law: Securities (was CML6001F)
RDL5620S	Advanced Contract Law (was RDL6020S) ( <i>not offered in 2014</i> )
CML5670F	Advanced Insurance Law (was CML6070F) ( <i>not offered in 2014</i> )
CML5680S	Advanced Intellectual Property Law (was RDL5614F) ( <i>not offered in 2014</i> )
CML5663W	Advanced Tax Law (was CML6063W)
CML5684F	African Law
CML5626S	Carriage of Goods by Sea (was CML6026S)
CML5687S	Chinese Law and Investments in Africa
CML5686S	Civil Law
CML5613S	Collective Labour Law (was CML6013S)
CML5641S	Commercial Arbitration (was CML6041S)
CML5685S	Common Law ( <i>not offered in 2014</i> )
CML5683F	Comparative Legal Systems
CML5654S	Competition Law (was CML6054S)
RDL5627F	Delict, Unjustified Enrichment, and Human Rights ( <i>offered as from 2015</i> )
CML5657S	Electronic Intellectual Property Law (was CML6057S)
CML5658S	Electronic Transactions Law (was CML6058S)
PBL5847S	Forensics and the Law
PBL5623F	Governing under the Constitution: Law and Practice (was PBL6023S)
RDL5623F	Human Rights and African Customary Law (was RDL6023F) ( <i>offered as from 2015</i> )
RDL5624F	Human Rights and Private Law ( <i>offered as from 2015</i> )
RDL5626S	Human Rights, Gender, and Family ( <i>offered as from 2015</i> )
PBL5634F	Human Rights Law (was PBL6034F)
CML5651F	Individual Employment Law (was CML6051F)
CML5691S	Intellectual Property Law, Development and Innovation (was CML5679F)
CML5616F	International and Comparative Labour Law (was CML6016F) ( <i>not offered in 2014</i> )
CML5673S	International Commercial Transactions Law (was CML6073S)
PBL5807S	International Criminal Law (was PBL6807S)
CML5640F	International Economic Law (was CML6040F)
PBL5619F	International Environmental Law (was PBL6019F)
PBL5602S	International Law of the Sea
PBL5618S	International Law on Disputes and the Use of Force (was PBL6018S)
PBL5631S	International Protection of Human Rights (was PBL6031S)
PBL5651S	International Protection of Women's Human Rights (was PBL6051S)
PBL5628F	International Rights of the Child (was PBL6028F)
CML5677F	Islamic Law and Finance ( <i>not offered in 2014</i> )
PBL5641F	Land Use Planning Law (was PBL6041F)
CML5664F	Law and Regional Integration in Africa: Comparative Perspective (was CML6064F)
PBL5848F	Law and Society in Africa
PBL5849F	Law in Action
CML5660F	Legal Compliance Management (was CML6060F) ( <i>not offered in 2014</i> )
RDL5616F	Legal Pluralism: with Special Reference to Africa (was RDL6016S)



DOL5600F/S/Z	Legal Practice (was DOL6000F/S/Z)
PBL5622S	Legal Writing (was PBL6022S) ( <i>not offered in 2014</i> )
PBL5633S	Litigating the Bill of Rights (was PBL6033S) ( <i>not offered in 2014</i> )
CML5690F	Maritime Law and Marine Insurance (was CML5625F and CML5670F)
CML5600W	Masters in Commercial Law (was CML6000W)
CML5606W	Masters in Commercial Law Dissertation Part (was CML6006W)
CML5688W	Masters in Comparative Law in Africa Dissertation Part
PBL5602W	Masters in Constitutional and Administrative Law Dissertation Part (was PBL6002W)
PBL5625W	Masters in Constitutional Law Dissertation Part (was PBL6025W)
PBL5809W	Masters in Criminal Justice (was PBL6809W)
PBL5800W	Masters in Criminology (was PBL6800W)
PBL5850W	Masters in Criminology, Law and Society Dissertation Part
PBL5654W	Masters in Environmental Law Dissertation Part (was PBL6054W)
PBL5626W	Masters in Human Rights Law Dissertation Part (was PBL6026W)
CML5681W	Masters in Intellectual Property Law Dissertation Part (was RDL5622W)
PBL5817W	Masters in International Criminal Justice Dissertation Part (was PBL6817W)
PBL5627W	Masters in International Public Law Dissertation Part (was PBL6027W)
CML5674W	Masters in International Trade Law Dissertation Part (was CML6074W)
CML5614W	Masters in Labour Law Dissertation Part (was CML6014W)
PBL5624W	Masters in Marine and Environmental Law Dissertation Part (was PBL6024W)
RDL5606W	Masters in Private Law (was RDL6006W)
RDL5628W	Masters in Private Law and Human Rights Dissertation Part ( <i>offered as from 2015</i> )
PBL5600W	Masters in Public Law (was PBL6000W)
PBL5601W	Masters in Public Law Dissertation Part (was PBL6001W)
CML5616W	Masters in Shipping Law Dissertation Part (was CML6016W)
CML5611W	Masters in Tax Law Dissertation Part (was CML6011W)
CML5631S	Mediation
PBL5652S	Muslim Personal Law and Human Rights (was PBL6052S)
PBL5642S	Natural Resources Law (was PBL6042S)
CML5671F	Negotiation (was CML6071F)
CML5622S	Pensions and Social Security Law (was CML6022S) ( <i>not offered in 2014</i> )
CML6700W	PhD in Commercial Law (was CML7000W)
RDL6700W	PhD in Private Law (was RDL7003W)
PBL6700W	PhD in Public Law (was PBL7000W)
PBL5844S	Police and Policing: Explorations in Security Governance (was PBL6844F)
PBL5643S	Pollution Law (was PBL6043S)
CML5620W	Postgraduate Diploma in Law (Commercial Law) Research Paper (was CML6020W)
CML5689W	Postgraduate Diploma in Law (Comparative Law in Africa) Research Paper
PBL5655W	Postgraduate Diploma in Law (Constitutional and Administrative Law) Research Paper (was PBL6055W)
PBL5632W	Postgraduate Diploma in Law (Environmental Law) Research Paper (was PBL6032W)
PBL5605W	Postgraduate Diploma in Law (Human Rights Law) Research Paper (was PBL6005W)
PBL5656W	Postgraduate Diploma in Law (International Law) Research Paper (was PBL6056W)
CML5607W	Postgraduate Diploma in Law (Labour Law) Research Paper (was CML6007W)
PBL5657W	Postgraduate Diploma in Law (Marine and Environmental Law) Research Paper (was PBL6057W)
PBL5611W	Postgraduate Diploma in Law (Public Law) Research Paper (was PBL6011W)
CML5617W	Postgraduate Diploma in Law (Shipping Law) Research Paper (was CML6017W)

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CML5615W	Postgraduate Diploma in Law (Tax Law) Research Paper (was CML6015W)
PBL5640F	Principles of Environmental Law (was PBL6040F)
CML5678F	Principles of Intellectual Property Law (was RDL5614F)
PBL5615F	Principles of Public International Law (was PBL6015F)
RDL5625S	Property Law in a Constitutional Order: Comparative Perspectives ( <i>offered as from 2015</i> )
PBL5815S	Punishment and Human Rights (was PBL6815S)
PBL5653F	Refugee Law and Human Rights (was PBL6053F)
PBL5644F	Sexual Offences and the Law (was PBL6044S) ( <i>not offered in 2014</i> )
PBL5648S	Social Justice in Practice (was PBL6048S) ( <i>not offered in 2014</i> )
PBL5647F	Social Justice, Law and Poverty (was PBL6047F) ( <i>not offered in 2014</i> )
CML5661W	Tax Law (was CML6061W)
CML5672S	The Legal Aspects of Corporate Financing Structures (was CML6072S)
PBL5820F	Theories of Crime and Social Order (was PBL6820F)
PBL5822S	Victims and Victimology: Theory, Policy and Practice (was PBL6822S) ( <i>not offered in 2014</i> )
CML5676S	Workplace Discrimination and Equality Law

*Note: The course descriptions below are arranged in alphabetical and numerical sequence according to the **course code**.*

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### **CML5600W** MASTERS IN COMMERCIAL LAW (was CML6000W)

NQF credits: 240 at HEQSF level 9

Fifth year status, whole year.

**Course convener:** A supervisor appointed by Senate

**Entrance 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.

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### **CML5601F** ADVANCED COMPANY LAW: SECURITIES (was CML6001F)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Ms J Yeats

**Entrance 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.

**Lectures:** Two double lectures per week, at times to be arranged.

**DP requirements:** Satisfactory attendance at and participation in lectures.

**Assessment:**

Coursework	40%
June examination	60%

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**CML5606W MASTERS IN COMMERCIAL LAW DISSERTATION PART**  
(was CML6006W)

NQF credits: 120 at HEQSF level 9

Higher postgraduate course, whole year.

**Course convener(s):** Ms J Yeats**Entrance 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.

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**CML5607W POSTGRADUATE DIPLOMA IN LAW (LABOUR LAW)**  
**RESEARCH PAPER** (was CML6007W)

NQF credits: 60 at HEQSF level 9

Higher postgraduate course, whole year.

**Course convener(s):** Ms S Singlee**Entrance requirements:** See Rules for Postgraduate Diplomas.**Course outline:**

A Postgraduate Diploma in Law student must write a research paper on a subject of legal interest related to one of their courses. The subject of the research paper must also satisfy the rules applicable to the particular programme. The research paper may not exceed 12 500 words. Although an original contribution to knowledge is always desirable in a research paper, it is not an essential requirement. However, candidates must show that they have:

- knowledge of the subject chosen;
- mastered techniques required for 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.

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**CML5611W MASTERS IN TAX LAW DISSERTATION PART** (was CML6011W)

NQF credits: 120 at HEQSF level 9

Higher postgraduate course, whole year.

**Course convener(s):** Dr T L Gutuza**Entrance 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;

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- 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.

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### **CML5613S COLLECTIVE LABOUR LAW (was CML6013S)**

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester, one seminar per week.

**Course convener(s):** Dr E Fergus

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. 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%)

November examination - 50%

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### **CML5614W MASTERS IN LABOUR LAW DISSERTATION PART**

(was CML6014W)

NQF credits: 120 at HEQSF level 9

Higher postgraduate course, whole year.

**Course convener(s):** Ms S Singlee

**Entrance 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.

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### **CML5615W POSTGRADUATE DIPLOMA IN LAW (TAX LAW) RESEARCH PAPER (was CML6015W)**

NQF credits: 60 at HEQSF level 9

Higher postgraduate course, whole year.

**Course convener(s):** Dr T L Gutuza

**Entrance requirements:** See Rules for Postgraduate Diplomas.

**Course outline:**

A Postgraduate Diploma in Law student must write a research paper on a subject of legal interest related to one of their courses. The subject of the research paper must also satisfy the rules applicable to the particular programme. The research paper may not exceed 12 500 words. Although an original contribution to knowledge is always desirable in a research paper, it is not an essential requirement. However, candidates must show that they have:

- knowledge of the subject chosen;
- mastered techniques required for 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.

### **CML5616F** INTERNATIONAL AND COMPARATIVE LABOUR LAW

(was CML6016F) (*not offered in 2014*)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course; first semester, one triple-period seminar per week, provisionally Mondays, 17h00 - 20h00.

**Course convener(s):** Professor A Rycroft

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. Candidates must have a sufficient level of competence in the field of labour law.

**Course outline:**

This is an advanced course which focuses on selected topics in relation to other national and international jurisdictions as points of reflection for developments in South African labour law. Topics to be covered will be prescribed from year to year and will be chosen from the following, among others:

Comparative method and labour law;

International Labour Standards and other sources of international labour law;

Prospects for regional integration and labour law harmonisation in Southern Africa Discrimination and equity in employment;

Freedom of Association;

Workers' participation;

The public sector;

Social Security

**DP requirements:** Satisfactory attendance and presentation at seminars, and completion of written assignments.

**Assessment:** Seminar presentations, written assignments and long paper (externalised) count for 100%.

### **CML5616W** MASTERS IN SHIPPING LAW DISSERTATION PART

(was CML6016W)

NQF credits: 120 at HEQSF level 9

Higher postgraduate course, whole year.

**Course convener(s):** Associate Professor G Bradfield

**Entrance 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

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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.

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### **CML5617W POSTGRADUATE DIPLOMA IN LAW (SHIPPING LAW) RESEARCH PAPER (was CML6017W)**

NQF credits: 60 at HEQSF level 9

Higher postgraduate course, whole year.

**Course convener(s):** Associate Professor G Bradfield

**Entrance requirements:** See Rules for Postgraduate Diplomas.

**Course outline:**

A Postgraduate Diploma in Law student must write a research paper on a subject of legal interest related to one of their courses. The subject of the research paper must also satisfy the rules applicable to the particular programme. The research paper may not exceed 12 500 words. Although an original contribution to knowledge is always desirable in a research paper, it is not an essential requirement. However, candidates must show that they have:

- knowledge of the subject chosen;
- mastered techniques required for 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.

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### **CML5620W POSTGRADUATE DIPLOMA IN LAW (COMMERCIAL LAW) RESEARCH PAPER (was CML6020W)**

NQF credits: 60 at HEQSF level 9

**Course convener(s):** Ms J Yeats

**Entrance requirements:** See Rules for Postgraduate Diplomas.

**Course outline:**

A Postgraduate Diploma in Law student must write a research paper on a subject of legal interest related to one of their courses. The subject of the research paper must also satisfy the rules applicable to the particular programme. The research paper may not exceed 12 500 words. Although an original contribution to knowledge is always desirable in a research paper, it is not an essential requirement. However, candidates must show that they have:

- knowledge of the subject chosen;
- mastered techniques required for 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.

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**CML5622S PENSIONS AND SOCIAL SECURITY LAW** (was CML6022S) (*not offered in 2014*)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester.

**Course convener(s):** Professor A Rycroft

**Guest Lecturers:** Mr N Jeram, Associate Professor V Taylor and Ms K Malherbe (UWC).

**Entrance requirements:** See Rules for LLM and MPhil Degrees and 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 at an advanced level an introduction to the theory and practice of social security in South Africa and selected jurisdictions. The course focuses on a number of topics, including, among others, the following:

1. Historical development;
2. Definition and scope;
3. Social security in South Africa: current situation and prospects;
4. International and comparative dimensions (with emphasis on ILO and World Bank approaches and trends in developing countries);
5. Issues of rationalisation in South Africa and Southern Africa.

**DP requirements:** Satisfactory attendance, presentation and completion of written assignments.

**Assessment:**

Seminar presentations, written assignments and a long paper	50%
Examination	50%

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**CML5624F ADMIRALTY JURISDICTION AND PRACTICE** (was CML6024S)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester, two double lectures per week. Part of the specialised Master's or Postgraduate Diploma in Shipping Law.

**Course convener(s):** Associate Professor G Bradfield

**Entrance requirements:**

Students wishing to register for this course are required to have an LLB or equivalent degree.

The Faculty reserves the right to limit classes to 20 students, with preference given to those who are registered for the specialist programme in Shipping Law.

**Course outline:**

Part I: Admiralty Jurisdiction:

A full introduction to the jurisprudence of admiralty in South Africa traces the history of the development of Admiralty in the civilian and common law systems; the development and prohibition of Admiralty causes in England, the reception of 19th century English Admiralty law into the Cape and Natal; The maritime lien as the cornerstone of English Admiralty law, and the statutory right in rem; The changes brought about by the Admiralty Jurisdiction Regulation Act, 1983; the law presently applicable to Admiralty disputes in SA; and the SA court structure.

Part II: Admiralty Practice:

A full examination of statutory Admiralty practice in SA today; the 'maritime claim' of the Admiralty Jurisdiction Regulation Act, and the manner in which it may be enforced; Arrest and attachment law and procedure; associated ship arrests, and the arrest and attachment of property other than a ship; security for claims and for costs; declining jurisdiction, stays and joinders; pre-trial evidence, inspection and discovery procedures; judicial sale ranking against funds in court; and an analysis of the Admiralty Court Rules.

A brief overview of the English and American systems is undertaken. Depending on the nationalities of participating students, other countries are compared.

**DP requirements:** Satisfactory attendance at and participation in lectures and seminar sessions. Satisfactory completion of two written assignments during the semester.

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**Assessment:** Coursework – 50% (comprising two written assignments each counting 25%)  
June examination – 50%

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### **CML5626S CARRIAGE OF GOODS BY SEA (was CML6026S)**

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester. Part of the specialised Master's or Postgraduate Diploma in Shipping Law.

**Course convener(s):** Associate Professor G Bradfield

#### **Entrance requirements:**

The Faculty reserves the right to limit classes to 20 students, with preference given to those who are registered for the specialist programme in Shipping Law.

#### **Course outline:**

Although the course focuses on South African law, comparisons are made with the laws of other jurisdictions, particularly those represented by foreign students on the course. The focus is on:

- (i) The business of carriage of goods by sea, including: shipping and international trade; carriage documents and their interaction; INCO Terms; other international attempts at standardisation in carriage; electronic commerce in shipping;
- (ii) General principles of carriage of goods by sea, including: applicable law; the common carrier; international carriage regimes: the Hague, Hague-Visby, Hamburg and Rotterdam Rules; the SA Carriage of Goods by Sea Act; Title to Sue and the Sea Transport Documents Act; limitation of liability for cargo claims; Bills of lading; Charterparties. Cargo claims and charter party seminars will be conducted, where possible in the presence of practising attorneys specialising in the field. These may take the form of moots.

**DP requirements:** Satisfactory attendance at and participation in lectures and seminar sessions. Satisfactory completion of two written assignments during the semester. Attendance at both full-time (day) sessions is compulsory (if applicable).

**Assessment:** Coursework – 50% (comprising two written assignments each counting 25%)  
November examination – 50%

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### **CML5631S MEDIATION**

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester.

**Course convener(s):** Professor A Rycroft

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:** The aim of the course is to develop academic and professional proficiency in labour law, conflict management, negotiation, arbitration, conciliation, dispute prevention and resolution, and relevant aspects of labour economics and human resource development. The course is principally targeted at persons who are either already practising as conciliators and arbitrators (and wish to further develop their academic and professional skills) or those who wish to gain proficiency in this area.

The course comprises the following modules:

Module 1: Conflict Management

Conflict definition; conflict sources; conflict management (dispute prevention, dispute settlement); approaches to conflict management; conflict path.

Module 2: Negotiation

Different forms of negotiations (interest based, competitive based, position based); developing negotiation skills (skills in problem solving, listening, paraphrasing, dealing with threats and anger); case studies and role-plays.

Module 3: Conciliation

Definition (issues coming to conciliation, what is mediation, what is fact-finding, what is an advisory award); case studies/role play; conciliation procedures.



Module 4: Arbitration

Definition; issues coming before arbitration; dismissal (issues of right: operational requirements, misconduct, incapacity); interest issues (wages, job grading); interpretation issues; arbitration procedures (opening arguments, narrowing the issues, examination in chief, evidence, re-examination, interventions by the arbitrator, cross-examination, closing arguments, the award); special focus on admissibility of evidence, assessment of evidence, dealing with representation, dealing with preliminary points, conciliating in arbitration.

Module 5: Dispute Prevention

Definition; codes of conduct; guidelines; ministerial/State's role; collective agreements; relationship building.

Module 6: Drafting

Awards; agreements; opinions

**DP requirements:** Satisfactory attendance of lectures, presentations and practicals, and completion of written assignments.

**Assessment:**

Prescribed assignments and written examination	50%
Performance in mediation	50%

**CML5640F** INTERNATIONAL ECONOMIC LAW (was CML6040F)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Ms K Lehmann

**Entrance requirements:** See Rules for LL.M and MPhil Degrees and Postgraduate Diplomas.

**Course outline:** International Economic Law complements the first semester International Commercial Transaction Law course. International Economic Law examines the public law aspects of international trade, the international regulatory framework within which private traders operate. In the course we will examine the principles and practices of the 'big three' international economic organisations, the World Bank, the International Monetary Fund and the World Trade Organisation, and the link between each of the three and the promotion of international trade. We will consider the World Bank's role in facilitating development, the IMF's role in maintaining global economic stability, and the WTO's role as a forum for trade negotiations. We will consider, specifically, why it is that these organisations have become the target of considerable criticism amongst so-called "anti-globalisers". The perspective from which we will look at these issues is that of a sub-Saharan developing country.

**DP requirements:** None.

**Assessment:** Coursework - 30%

June examination - 70%

**CML5641S** COMMERCIAL ARBITRATION (was CML6041S)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester. Three hours of lectures or tutorials per week, with a two-week full-time block teaching period.

**Course convener(s):** Professor A Rycroft

**Entrance requirements:** See Rules for LL.M and MPhil Degrees and Postgraduate Diplomas.

**Course outline:** The historical development, law and practice of commercial arbitration, domestic and international. Arbitral institutions and their rules. Practical exercises in the conduct of arbitrations.

**DP requirements:** Satisfactory attendance at lectures and tutorials, completion of written assignments.

**Assessment:** Coursework - 30%

November examination - 70%

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**CML5651F** INDIVIDUAL EMPLOYMENT LAW (was CML6051F)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Professor R le Roux

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. Non-law graduation 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:**

Optional written assignments	30% to 45%
Examination	55% to 75% (depending on number of essays submitted)

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**CML5654S** COMPETITION LAW (was CML6054S)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester, two double lectures per week.

**Course convener(s):** Judge D M Davis

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**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;
- 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%

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**CML5655S** ADVANCED COMPANY LAW: CORPORATE GOVERNANCE  
(was CML6055S)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester.

**Course convener(s):** Ms J Yeats

**Entrance requirements:** Competent academic and/or practical knowledge of the general principles of South African company law.

**Lectures:** Two double lectures per week, one week in July or August and October (to be confirmed at registration).

**Course outline:**

To promote academic and practical expertise in the area of company law generally and to stimulate academic debate, critical thinking and possible advocacy around certain of the more complex and controversial areas, as well as areas which may be affected by the corporate law reform initiative currently underway.

This course will be presented through a series of lectures. The areas which will be addressed are corporate governance and selected topical aspects of company law which may include corporate law reform, the corporate purpose and corporate stakeholders, auditors' liability, voting rights, shareholders' remedies, piercing the corporate veil, directors' duties and liability, statutory restrictions on directors and BEE.

**DP requirements:** Satisfactory attendance at and participation in lectures.

**Assessment:**

Coursework - 40%

November examination - 60%

**CML5657S ELECTRONIC INTELLECTUAL PROPERTY LAW (was CML6057S)**

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, fifty contact hours, second semester, two double lectures per week or two intense weeks of teaching.

**Course convener(s):** Associate Professor C Ncube

**Entrance 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.

1. Relevant international, regional and domestic sources of the law
2. Copyright (digital rights management, enforcement, file sharing, limitations and exceptions, user generated content)
3. Database protection
4. Trade marks and domain names
5. Patents (protection of computer programs and business methods)

**DP requirements:** None.

**Assessment:**

Coursework - 40%

November examination - 60%

**CML5658S ELECTRONIC TRANSACTIONS LAW (was CML6058S)**

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, fifty contact hours, second semester, two double lectures per week or two intense weeks of teaching.

**Course convener(s):** Associate Professor C Ncube

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**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

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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%

November Examination – 60%

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### **CML5660F** LEGAL COMPLIANCE MANAGEMENT (was CML6060F) (*not offered in 2014*)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester. Two one-week sessions (25 lectures per week) during the semester.

**Course convener(s):** Professor A Rycroft

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. Diploma Certificate course in Legal Compliance Management offered by UCT.

**Course outline:**

The main objectives of this course are to provide the student with:

- an appreciation of the relationship between good corporate governance, compliance and risk management
- an appreciation of the importance of the compliance function in a financial institution
- a knowledge of the operation of reliable and effective systems to manage and minimise the risk of material compliance failures
- the opportunity to acquaint yourself with the regulatory framework that governs financial institutions in South Africa.

Topics covered in the course include:

- Selected aspects of Interpretations of statute
- Selected aspects of corporate governance
- Overview of selected new legislation
- The South African regulatory framework
- Enterprise-wide risk management
- Compliance policy
- Compliance strategy
- Compliance governance structures
- The compliance framework
- Compliance risk management.

**DP requirements:** Attendance at and participation in lectures. Completion of written assignment(s).

**Assessment:**

Coursework 40%

June examination 60%

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### **CML5661W** TAX LAW (was CML6061W)

NQF credits: 60 at HEQSF level 9

Higher postgraduate double course, taught throughout the year.

**Course convener(s):** Associate Professor T S Emslie

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

The objective of the 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 accent is on the practical application of tax legislation as interpreted by the courts. The aim is to produce commercial lawyers who will be able to achieve tax efficiency when drafting agreements, negotiating contracts and advising their clients, and to foster a similar awareness of tax issues in other professionals.

This is a one-year course that focuses on income tax law as pronounced upon by the courts. Its compass is necessarily restricted by the amount of lecturing time available, but also - deliberately - by the content of areas of dispute within which South African jurisprudence has been developed by the courts.

Tax law as an area of both practice and academic study is characterised by regular, frequent and, in recent years, substantial change. The chosen teaching method accordingly recognises that much information in the form of legislation, and the interpretation thereof by the courts, is likely to change significantly in the short term and possibly substantially in the medium to long term.

The objective of the course is to impart a way of thinking about tax issues and problems; and in order to achieve this extensive use is made of court pronouncements in areas which are likely to remain fundamental to our system of taxation - despite continuous reinterpretation by the courts and a shifting legislative context. Students who engage actively in this process obtain thereby a principled foundation and grasp that equips them to master the inevitable changes that characterise this branch of the law. This is an ability that is required of all tax professionals, whether academic or in practice, and the aim of this course is to foster and nurture the necessary skills.

The emphasis of the course is accordingly on knowledge rather than information, knowledge that will stand the test of time and enable graduates to integrate future tax changes into their methodology of resolving difficult tax problems in accordance with South African tax jurisprudence.

**Lectures:** Two lectures per week throughout the year, on Tuesday and Thursday evenings.

**DP requirements:** Candidates are required to pass (a minimum result of 50%) both the following: a two-hour written test in June which counts for 30%, and one three-hour final written examination in November which counts for 70%. Further tests maybe scheduled at the discretion of the convener.

*NOTE: The Convener of the course may, at his/her discretion, limit the size of the class for didactic reasons. CML5661W Tax Law is the approved course for the award of the Postgraduate Diploma in Tax Law: it is also a double-course for the award of the LL.M degree in Commercial Law or Tax Law.*

**CML5663W ADVANCED TAX LAW (was CML6063W)**

NQF credits: 60 at HEQSF level 9

Higher postgraduate double course, taught throughout the year.

**Course convener(s):** Judge D M Davis and Dr T L Gutuza

**Entrance requirements:** A candidate is not permitted to register for this course unless he or she has either completed Tax Law (CML5661W) or, in the opinion of the Course convener(s), otherwise has a sufficiently sound academic background.

**Objective:** The objective of this course is to develop academic and professional proficiency in:

- South African capital transfer taxes, particularly value added tax law, donations tax and estate duty. This will be done by considering the tax legislation, its interpretation by the courts and its practical application in commerce.
- International tax law. This will be done by considering the unilateral and bilateral measures to prevent double taxation and international tax avoidance.

**Course outline:**

Part 1 of the course deals with Value added Tax, Donations tax and Estate Duty tax as levied in South Africa. The relevant legislation as interpreted by the courts, its practical application, both domestically and internationally will be examined.

Part 2 deals with international taxation. The course will cover, inter alia, trading into and out of

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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 Convention on Income and on Capital, the United Nations Model 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.

Candidates are required to present papers, disseminated in advance to the class as a whole, on approved topics. Active participation is required in all seminars at which papers are presented. The number of papers to be presented will depend on the size of the class but will not be less than two. Prior to the presentation of seminars, a set of lectures will be presented.

**Lectures:** One two hour seminar per week save in the case of lectures (two double lectures per week).

**DP requirements:** Satisfactory attendance and presentation of seminar papers.

**Assessment:** The papers presented by the candidates, which are to be written up following criticism and comment during the presentation, will count for 50% and a further four hour examination counts for the remaining 50%. Both the papers and the examination must be passed.

**NOTE:** *The Convener of the course may, at his/her discretion, limit the size of the class for didactic reasons. CML5663W Advanced Tax Law is also a double-course for the award of the LLM degree in Commercial Law or Tax Law.*

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### **CML5664F LAW AND REGIONAL INTEGRATION IN AFRICA: COMPARATIVE PERSPECTIVE (was CML6064F)**

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Dr A Tshivhase

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

The aim of the course is to provide a forum for students at an advanced level to critically study and analyse developments related to law and regional integration in Africa and other regions of the world. Production of research is also expected of the students.

The course will focus on both commercial and public law aspects in relation to regional integration in Africa and elsewhere. It will therefore examine in a comparative context legal aspects of economic and political integration in various regions with Africa as the starting point. The classes will consist of a combination of lectures by conveners and guest lecturers and seminar presentations on selected topics by students. All lectures and seminars will be on the basis of extensive background reading of relevant materials.

Lecturers and seminars will mainly focus on historical developments of regionalism in Africa and elsewhere, theories of regional integration, legal aspects of institutional and normative framework of African and other regional integration experiences. In terms of Africa, the focus will be on the normative and institutional framework of the African Union (AU) and debate on the Unites States of Africa; the role of 'soft' mechanisms of the African Union such as NEPAD and the African Peer Review Mechanism (APRM) in the facilitation of regional economic and political integration; the relationship between the AU and sub-regional organizations such as ECOWAS, SADC, EAC to the African Union; challenges of harmonisation of laws and the domestication of African economic agreements, prospects and challenges of regional integration.

There will be a similar focus on other regional integration experiences such as those of Europe and North America. The Course presentation will be a mix of lectures and student seminars and discussions.

**DP requirements:** None.

**Assessment:** Coursework - 45%

June examination - 55%

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**CML5670F** ADVANCED INSURANCE LAW (was CML6070F) (*not offered in 2014*)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Associate Professor G Bradfield

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. Students enrolling for this course are required to have an LLB or equivalent degree.

The Faculty reserves the right to limit classes to 20 students, with preference given to those who are registered for the specialist programme in Shipping Law.

**Course outline:**

Advanced Insurance Law commences with an outline of the history of insurance law, from its origins in the marine insurance practices of Italian city states, and its reception through Europe and eastwards to England where much of today's insurance law was distilled. The first part of the course concentrates on general principles of insurance law, including the notion of an insurable interest, good faith in insurance contracts, warranties and exceptions; risk and causation and claims procedures. Both short term and long term insurances are dealt in illustrating these general principles.

The second part of the course focuses on marine insurance and on one of life insurance, accident insurance, pension insurance or professional indemnity insurance. A specialist in the field(s) chosen will be invited to present sessions dealing with that area of insurance law.

Where possible, students will be given a practical insight into the workings of the insurance market, and the demands that the industry places on the law to regulate its business. Areas where insurance law could benefit from reform will be discussed.

While the course will cover the South African law of insurance, a comparative multi-jurisdictional approach will be taken – both because insurance law has international roots and common threads, and because comparison (especially to jurisdictions represented by foreign students attending the course) gives greater insight to where insurance law has come from, and where it is likely to go.

**DP requirements:** Satisfactory attendance at, and participation in lectures and seminar sessions. Satisfactory completion of both assignments during the semester.

**Assessment:** Coursework – 50% (comprising two assignments each counting 25%)

June examination – 50%

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**CML5671F** NEGOTIATION (was CML6071F)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Professor A Rycroft

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

Negotiation is a fundamental method of resolving disputes in the labour field and a discrete course in this area will enhance the study of mediation and arbitration.

The course is designed to provide a theoretical understanding of why and how people negotiate, coupled with insights into the foundations of effective and ethical negotiation and the dynamics of the negotiation process. The course will involve simulated negotiations and students are expected to participate fully in this process.

**DP requirements:** None.

**Assessment:**

Coursework – 25%

June examination - 75%

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**CML5672S** THE LEGAL ASPECTS OF CORPORATE FINANCING STRUCTURES (was CML6072S)

NQF credits: 30 at HEQSF level 9

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Higher postgraduate course, second semester.

**Course convener(s):** Dr T L Gutuza

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**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, including:
  - 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
- Specific types of structured financing deals such as BEE and private equity structures.

**DP requirements:** None.

**Assessment:**

Coursework - 40%

November examination - 60%

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### CML5673S INTERNATIONAL COMMERCIAL TRANSACTIONS LAW

(was CML6073S)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester, offered in block format at the start of the second semester.

**Course convener(s):** Associate Professor G Bradfield

**Entrance requirements:** See Rules for LLM Degrees.

**Course outline:**

The contractual aspects of international commercial transactions, but not the regulatory and policy aspects that are covered in International Economic Law (CML6040F) in the first semester.

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 – 50% (comprising two assignments each counting 25%)

November examination - 50%



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**CML5674W MASTERS IN INTERNATIONAL TRADE LAW DISSERTATION**  
 PART (was CML6074W)

NQF credits: 120 at HEQSF level 9

**Course convener(s):** Associate Professor G Bradfield

**Entrance requirements:** See Rules for LLM Degrees.

**Course outline:**

A Master of Laws (LLM) 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.

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**CML5676S WORKPLACE DISCRIMINATION AND EQUALITY LAW**

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester.

**Course convener(s):** Associate Professor D Collier

**Entrance requirements:** See Rules for LLM and MPhil Degrees and 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%

November examination - 50%

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**CML5677F ISLAMIC LAW AND FINANCE** *(not offered in 2014)*

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Dr W Amien

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**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

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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.

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### **CML5678F** PRINCIPLES OF INTELLECTUAL PROPERTY LAW (was RDL 5614F)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Associate Professor C Ncube

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

This course aims to provide a sound understanding of the key intellectual property laws in South Africa. The topics include:

- International sources of intellectual property law
- Copyright
- Trade Marks
- Unlawful Competition
- Patents

**DP requirements:** None.

**Assessment:**

Coursework (opinions and assignments)	40%
Examination	60%

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### **CML5680S** ADVANCED INTELLECTUAL PROPERTY LAW (*not offered in 2014*)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester. One double lecture (3 hours) per week or two intense weeks training, or a combination of weekly lectures and intense training.

**Course convener(s):** Ms L-A Tong

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. 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. This will be done by examining the existing legislation and common law of South Africa and its interpretation. The course will be presented through seminars and lectures. The topics to be covered will be prescribed from year to year and may be chosen from the following, amongst others:

- Sources and principles of international intellectual property law – WTO, WIPO, regional institutions
- Aspects of Copyright – such as fair use/dealing, alternative licensing models, databases
- Aspects of Trade Marks – such as dilution, the ASA, domain names
- Aspects of Patents – such as biotechnology, business method patents

- Infringement issues – such as Counterfeiting and Piracy, parallel importation
- Performers' rights
- Personality rights
- Publicly financed intellectual property

**DP requirements:** None.

**Assessment:**

Coursework (opinions and assignments)	40%
Examination	60%

**CML5681W MASTERS IN INTELLECTUAL PROPERTY LAW DISSERTATION**  
PART (was RDL5622W)

NQF credits: 120 at HEQSF level 9

**Course convener(s):** Ms L-A Tong

**Entrance 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.

**CML5682W POSTGRADUATE DIPLOMA IN LAW (INTELLECTUAL PROPERTY LAW) RESEARCH PAPER** (was RDL5621W)

NQF credits: 60 at HEQSF level 9

**Course co-ordinator(s):** Ms L-A Tong

**Prerequisites:** See Rules for Postgraduate Diplomas.

**Course outline:**

A Postgraduate Diploma in Law student must write a research paper on a subject of legal interest related to one of their courses. The subject of the research paper must also satisfy the rules applicable to the particular programme. The research paper may not exceed 12 500 words. Although an original contribution to knowledge is always desirable in a research paper, it is not an essential requirement. However, candidates must show that they have:

- knowledge of the subject chosen;
- mastered techniques required for 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.

**CML5683F COMPARATIVE LEGAL SYSTEMS**

NQF credits: 30 at HEQSF level 9

**Course convener(s):** Professor S Mancuso

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

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### Course outline:

The course is aimed at equipping law graduates, legal professionals and practitioners with the comparative knowledge of various legal systems and families of law, particularly those operating in Africa. This course will cover:

- The discipline, its history and uses
- Comparative law methodology
- The object of comparison; macro and micro-comparison
- Legal formants
- Legal transplants; reasons for legal transplants; feasibility of legal transplants
- Legal traditions of the world; identification; classification and problems of comparison; short presentations – civil law, common law, socialist law, Islamic law, Hindu law, Chinese law, Jewish law
- Mixed legal systems
- Legal pluralism
- Legal Hybridity

**DP requirements:** None.

### Assessment:

Assignment/research paper	40%
Examination	60%

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### CML5684F AFRICAN LAW

NQF credits: 30 at HEQSF level 9

**Course convener(s):** Professor S Mancuso

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

### Course outline:

The course aims to provide law graduates, legal professionals and practitioners with the necessary knowledge about the way law functions in Africa. In particular, the course aims at illustrating the dynamics of the interaction among the different normative orders present in the African legal systems. The goal is to show how those dynamics are absolutely peculiar to the African legal systems to contribute to identify African Law as a separate legal family despite the different opinions on this issue. This course will cover:

- Law in Africa; the African concept of law; methodology for studying African law; stratigraphic method
- African indigenous law; characteristics and peculiarities; the institutions of African indigenous law; the political power
- The religious layer; Islamic law and its relations with African indigenous law; other religious legal influences
- Colonial law
- The law of independence; the birth of the new African states; European pattern after the independence; African indigenous law and the independence; religious law and the independence comparison; short presentations
- Law in Africa in the '90s; the fall of the socialist influence in Africa; the patterns imposed by the international financial institutions: aid, development and law in Africa; the resistance of African indigenous law
- Law in the 21<sup>st</sup> century: legal integration, economic development and the law.

**DP requirements:** None.

### Assessment:

Assignment/research paper	40%
Examination	60%

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**CML5685S COMMON LAW** (*not offered in 2014*)

NQF credits: 30 at HEQSF level 9

**Course convener(s):** Professor S Mancuso

**Entrance requirements:** See Rules for LL.M. and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

This course is designed to familiarise Comparative Law students who are not trained in the common law system with various aspects of:

- English common law including the origins and sources of common law.
- Principles of common law jurisprudence in various subjects such as contracts, torts and criminal law.
- The circulation of the common law pattern around the world.
- The common law approach to business law with reference to law and development.

**DP requirements:** None.

**Assessment:**

Assignment/research paper	40%
Examination	60%

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**CML5686S CIVIL LAW**

NQF credits: 30 at HEQSF level 9

**Course convener(s):** Professor S Mancuso

**Entrance requirements:** See Rules for LL.M. and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

This course is designed to familiarise Comparative Law students who are not trained in the civil law system with various aspects of:

- The origins and sources of civil law.
- Principles of civil law jurisprudence in various subjects such as contracts, torts and criminal law.
- The civil law approach to business law with reference to law and development.

**DP requirements:** None.

**Assessment:**

Assignment/research paper	40%
Examination	60%

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**CML5687S CHINESE LAW AND INVESTMENTS IN AFRICA**

NQF credits: 30 at HEQSF level 9

**Course convener(s):** Professor S Mancuso

**Entrance requirements:** See Rules for LL.M. and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

This course is designed to familiarise students with various aspects of Chinese Law and investments including:

- Historical overview of Chinese law and institutions; Chinese law in the early XX century (1912 – 1948); Mainland China and Taiwan
- The People's Republic of China, its political and institutional organisation
- Chinese Socialist law: the early years of the RPC, the cultural revolution, the reforms started in 1987
- Chinese judiciary; law and politics
- Law in present day China: rule of men, rule by law, rule of law, socialist rule of law, rule of law with Chinese characteristic; Chinese law and the economy; contracts, property, antitrust, banking and insurance

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- Chinese institutional complexity; the two SARs of Hong Kong and Macau
- Litigation and ADR in China
- Chinese investments in Africa; political approach and orientations for Chinese investments in Africa;
- The economic approach: the Chinese model of cooperation towards Africa vs the Western one; the legal aspects of Chinese investments in Africa and China-Africa legal cooperation

**DP requirements:** None.

**Assessment:**

Assignment/research paper	40%
Examination	60%

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### CML5688W MASTERS IN COMPARATIVE LAW IN AFRICA DISSERTATION PART

NQF credits: 120 at HEQSF level 9

**Course convener(s):** Professor S Mancuso

**Entrance 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.

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### CML5689W POSTGRADUATE DIPLOMA IN LAW (COMPARATIVE LAW IN AFRICA) RESEARCH PAPER

NQF credits: 60 at HEQSF level 9

**Course convener(s):** Professor S Mancuso

**Entrance requirements:** See Rules for Postgraduate Diplomas.

**Course outline:**

A Postgraduate Diploma in Law student must write a research paper on a subject of legal interest related to one of their courses. The subject of the research paper must also satisfy the rules applicable to the particular programme. The research paper may not exceed 12 500 words. Although an original contribution to knowledge is always desirable in a research paper, it is not an essential requirement. However, candidates must show that they have:

- knowledge of the subject chosen;
- mastered techniques required for 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.

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### CML5690F MARITIME LAW AND MARINE INSURANCE (was CML5625F and CML5670F)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester. Part of the specialised Master's or Postgraduate Diploma in Shipping Law.

**Course convener(s):** Associate Professor G Bradfield

**Entrance requirements:**

The Faculty reserves the right to limit classes to 20 students, with preference given to those who are registered for the specialist programme in Shipping Law.

**Course outline:**

Although the course focuses on South African law, comparisons are made with the laws of other jurisdictions.

The course covers acquisition, ownership and registration of ships; ship's mortgages; historical and modern wreck; master and crew; the operation of ships, including statutory requirements, SOLAS and the ISM Code, Port State Control and the sub-standard ship; Navigation & collisions; Salvage; Towing; Pilotage; Oil pollution liability; and the limitation of a ship owner's liability.

**DP requirements:** Satisfactory attendance at and participation in lectures.

**Assessment:**

Coursework – 50% (comprising two written assignments each counting 25%)

June examination – 50%

**CML5691S INTELLECTUAL PROPERTY LAW, DEVELOPMENT AND INNOVATION** (was CML5679F)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester. One double lecture (3 hours) per week or two intense weeks of lectures, or a combination of these.

**Course convener(s):** Ms L-A Tong

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. Students who have not studied Intellectual Property law at tertiary level or who do not have adequate work experience in Intellectual Property may be required to complete an introductory workshop course (6-8 hours over two Saturdays).

**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. It is of a multi-disciplinary nature and cuts across issues such as health, education, food security, technology transfer, traditional knowledge and cultural expressions.

The topics will be prescribed from year to year and will 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:** Attendance at and participation in lectures. Completion of assignment(s).

**Assessment:**

Coursework

50%

November examination

50%

**CML5700W RESEARCH PROJECT (COMMERCIAL LAW)**

NQF credits: 60 at HEQSF level 9

Higher postgraduate course, whole year.

**Course convener(s):** Associate Professor G Bradfield

**Entrance requirements:** See Rules for LLM Degrees.

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### **Course outline:**

A Master of Laws in Commercial Law (LLM (Commercial Law)) student must complete a research project comprising four research tasks (or equivalent) related to the courses taken for the degree and which demonstrate innovation or professional expertise.

**DP requirements:** None.

**Assessment:** Four research tasks of a professional nature are required.

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### **CML5701W RESEARCH PROJECT (DISPUTE RESOLUTION)**

NQF credits: 60 at HEQSF level 9

Higher postgraduate course, whole year.

**Course convener(s):** Professor A Rycroft

**Entrance requirements:** See Rules for LLM Degrees.

### **Course outline:**

A Master of Laws in Dispute Resolution (LLM (Dispute Resolution)) student must complete a research project comprising four research tasks (or equivalent) related to the courses taken for the degree and which demonstrate innovation or professional expertise.

**DP requirements:** None.

**Assessment:** Four research tasks of a professional nature are required.

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### **CML5702W RESEARCH PROJECT (INTELLECTUAL PROPERTY LAW)**

NQF credits: 60 at HEQSF level 9

Higher postgraduate course, whole year.

**Course convener(s):** Ms L-A Tong

**Entrance requirements:** See Rules for LLM Degrees.

### **Course outline:**

A Master of Laws in Intellectual Property Law (LLM (Intellectual Property Law)) student must complete a research project comprising four research tasks (or equivalent) related to the courses taken for the degree and which demonstrate innovation or professional expertise.

**DP requirements:** None.

**Assessment:** Four research tasks of a professional nature are required.

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### **CML5703W RESEARCH PROJECT (INTERNATIONAL TRADE LAW)**

NQF credits: 60 at HEQSF level 9

Higher postgraduate course, whole year.

**Course convener(s):** Associate Professor G Bradfield

**Entrance requirements:** See Rules for LLM Degrees.

### **Course outline:**

A Master of Laws in International Trade Law (LLM (International Trade Law)) student must complete a research project comprising four research tasks (or equivalent) related to the courses taken for the degree and which demonstrate innovation or professional expertise.

**DP requirements:** None.

**Assessment:** Four research tasks of a professional nature are required.

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### **CML5704W RESEARCH PROJECT (LABOUR LAW)**

NQF credits: 60 at HEQSF level 9

Higher postgraduate course, whole year.

**Course convener(s):** Professor R le Roux

**Entrance requirements:** See Rules for LLM Degrees.



**Course outline:**

A Master of Laws in Labour Law (LLM (Labour Law)) student must complete a research project comprising four research tasks (or equivalent) related to the courses taken for the degree and which demonstrate innovation or professional expertise.

**DP requirements:** None.

**Assessment:** Four research tasks of a professional nature are required.

**CML5705W RESEARCH PROJECT (SHIPPING LAW)**

NQF credits: 60 at HEQSF level 9

Higher postgraduate course, whole year.

**Course convener(s):** Associate Professor G Bradfield

**Entrance requirements:** See Rules for LLM Degrees.

**Course outline:**

A Master of Laws in Shipping Law (LLM (Shipping Law)) student must complete a research project comprising four research tasks (or equivalent) related to the courses taken for the degree and which demonstrate innovation or professional expertise.

**DP requirements:** None.

**Assessment:** Four research tasks of a professional nature are required.

**CML5706W RESEARCH PROJECT (TAX LAW)**

NQF credits: 60 at HEQSF level 9

Higher postgraduate course, whole year.

**Course convener(s):** Dr T L Gutuza

**Entrance requirements:** See Rules for LLM Degrees.

**Course outline:**

A Master of Laws in Tax Law (LLM (Tax Law)) student must complete a research project comprising two research tasks (or equivalent) related to the courses taken for the degree and which demonstrate innovation or professional expertise.

**DP requirements:** None.

**Assessment:** Two research tasks of a professional nature are required.

**CML6700W PhD IN COMMERCIAL LAW (was CML7000W)**

NQF credits: 360 at HEQSF level 10

Sixth year status, whole year.

**Course convener:** A supervisor appointed by Senate

**Entrance 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.

**DOL5600F/S/Z LEGAL PRACTICE (was DOL6000F/S/Z)**

NQF credits: 30 at HEQSF level 9

Higher postgraduate, first OR second semester, full time course extending over five-and-a-half months, or evening classes (course for LLM).

**Course convener(s):** Ms G Y Kemp

**Entrance requirements:** See Rules for LLM and MPhil Degrees.

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### **Course outline:**

This course is designed to train law graduates in the practice and procedure required for the practice of law and will concentrate on the following areas:

Module 1 (five weeks):

- Structure of the Profession
- Criminal Court Practice

Constitutional Law Practice - Assignment

Module 2 (ten weeks)

Module 2.1:

- Magistrate's Court Practice
- High Court Practice
- Legal Costs

One three hour paper.

Module 2.2:

- Formative test
- Personal Injury Claims
- Insolvency Procedures
- Matrimonial Matters and Divorce

One-and-a-half hour test.

Module 3 (five weeks)

Module 3.1

- Wills, Estates and Trusts

One-and-a-half hour examination.

Module 3.2

- Commercial Contracts
- Forms of Business Enterprise
- Commercial Litigation
- Elective: Labour Dispute Resolution
- Elective: Introduction to Conveyancing
- Customary Law (Online) – Assignment/s

One three -and-a-half hour paper.

Module 4 (three weeks)

- Attorneys' Bookkeeping
- Professional Conduct
- Introduction to Practice Management (Assignment)

Final Assessment:

Broad-based skills test

One four -and-a-half hours open book assessment at the end of the course

**Lectures:** Each weekday from 08h30 to 15h15 and on occasional Saturdays.

**DP requirements:** 100% attendance in all modules.

**Assessment:** A pass of 50% in all assignments, tests and examinations.

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### **PBL5600W MASTERS IN PUBLIC LAW (was PBL6000W)**

NQF credits: 240 at HEQSF level 9

Fifth year status, whole year.

**Course convener:** A supervisor appointed by Senate

**Entrance 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 (was PBL6001W)**

NQF credits: 120 at HEQSF level 9

**Course convener(s):** Professor D M Chirwa

**Entrance 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.

### **PBL5602S INTERNATIONAL LAW OF THE SEA**

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester. Offered in any year at the discretion of the Institute of Marine and Environmental Law.

**Course convener(s):** Ms M Young

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

The course examines the concepts and legal principles governing international law of the sea, including the following specific areas of international law: (1) The law governing jurisdictional zones; (2) marine pollution law; and (3) marine resources law. The course is presented in three parts as follows: (1) *international law of the sea*: the law governing jurisdictional zones of the sea; determination of baselines; settlement of dispute regarding jurisdictional zones; (2) *the law governing protection and exploitation of marine resources*: protection of marine living resources; offshore oil and gas regulation; and miscellaneous resources; and (3) *marine pollution law*: sources of marine pollution and overview of the international legal framework; pollution from ships; dumping; pollution from seabed activities; pollution from land-based sources and atmospheric pollution.

**DP requirements:** Satisfactory attendance at and participation in class discussions.

**Assessment:** One or more written assignments (50%) and a written examination (50%).

### **PBL5605W POSTGRADUATE DIPLOMA IN LAW (HUMAN RIGHTS LAW) RESEARCH PAPER (was PBL6005W)**

NQF credits: 60 at HEQSF level 9

**Course convener(s):** Professor D M Chirwa

**Entrance requirements:** See Rules for Postgraduate Diplomas.

**Course outline:**

A Postgraduate Diploma in Law student must write a research paper on a subject of legal interest

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related to one of their courses. The subject of the research paper must also satisfy the rules applicable to the particular programme. The research paper may not exceed 12 500 words. Although an original contribution to knowledge is always desirable in a research paper, it is not an essential requirement. However, candidates must show that they have:

- knowledge of the subject chosen;
- mastered techniques required for 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.

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### **PBL5611W** POSTGRADUATE DIPLOMA IN LAW (PUBLIC LAW) RESEARCH PAPER (was PBL6011W)

NQF credits: 60 at HEQSF level 9

**Course convener(s):** Professor D M Chirwa

**Entrance requirements:** See Rules for Postgraduate Diplomas.

**Course outline:**

A Postgraduate Diploma in Law student must write a research paper on a subject of legal interest related to one of their courses. The subject of the research paper must also satisfy the rules applicable to the particular programme. The research paper may not exceed 12 500 words. Although an original contribution to knowledge is always desirable in a research paper, it is not an essential requirement. However, candidates must show that they have:

- knowledge of the subject chosen;
- mastered techniques required for 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.

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### **PBL5615F** PRINCIPLES OF PUBLIC INTERNATIONAL LAW (was PBL6015F)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Professor T W Bennett

**Entrance requirements:** This course is especially offered to students who do not already have a suitable undergraduate or LLB qualification in Public International Law.

**Course outline:**

As an introduction to International law and a foundation for other courses in the master's programme, this course covers general principles and institutions in broad outline. The emphasis is on seminars and class discussion. The purpose of the course is to enable students to reflect critically upon legal concepts, their relationship to one another and their applicability in international relations.

1. Sources of International Law.
2. Application of International Law in municipal legal systems.
3. Subjects of International Law: the state, sovereignty and jurisdiction.
4. Objects of International Law: territory, land boundaries, air and maritime spaces, human beings and nationality.
5. Treaties.
6. Limitations on jurisdiction: sovereign and diplomatic immunity, treatment of aliens, self-determination, the protection of minorities and (in outline) human rights.
7. Torts and crimes.

8. State succession.

**DP requirements:** Satisfactory attendance at and participation in seminars.

**Assessment:** One three-hour examination in June counting 60% and a written assignment counting 40% of the final grade.

**PBL5618S** INTERNATIONAL LAW ON DISPUTES AND THE USE OF FORCE  
(was PBL6018S)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester.

**Course convener(s):** Professor T W Bennett

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. Although students will find PBL5615F Principles of Public International Law helpful, this preliminary course is not essential. 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.

**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
4. Application of International Humanitarian Law

**Lectures:** By arrangement.

**DP requirements:** None.

**Assessment:** Final written examination counts for 60% and written assignment for 40% of the final grade.

**PBL5619F** INTERNATIONAL ENVIRONMENTAL LAW (was PBL6019F)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester, two double lectures a week.

**Course convener(s):** Ms M Young and Professor J I Glazewski

**Entrance requirements:** See Rules for LLM and MPhil Degrees and 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:

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- 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.
- Conventions on cultural heritage.

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of written assignments.

**Assessment:** One (or more) written assignments account for 50% and the final examination 50% of the final grade.

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### **PBL5622S** LEGAL WRITING (was PBL6022S) (*not offered in 2014*)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester.

**Course convener(s):** Professor M H Cheadle

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Objective:** The object of the course is to improve the writing skills of lawyers. To be effective, law must be understood by its audience. There is always more than one audience – one legal and the other lay. There is a tendency to forget about the lay audience. If you are a private practitioner, that audience is your client. If you are a drafter of laws, that audience is the citizen. If you are a judge or arbitrator, your decision speaks to the litigants. The fundamental assumption underlying this course is that legal documents can be written simply and clearly without loss of certainty. Indeed, the gains in clarity can make the text more legally certain.

#### **Course outline:**

The course will commence with an introduction to the modern developments in the drafting of laws and other legal documents. It will proceed to examine the basic rules for writing simply, accurately and in a gender-free way. It will examine the manner in which legal documents are organised and how they may be better organised in order to improve clarity and accessibility. The course will then concentrate on the drafting of legislation and the drafting of important legal documents such as contracts, constitutions, wills and trusts. The course will also investigate the use of the computer in developing templates and precedents. The main topics are:

- Modern comparative experience in drafting legal documents.
- Rules of interpretation.
- Organising the whole document – the perspective of the most likely reader.
- Organising the section or the paragraph.
- Basic mistakes made by lawyers and how to avoid them.
- Writing in a gender-neutral way.
- Drafting laws – statutes, regulations, bye laws, constitutions and rules.
- Drafting contracts.
- Drafting other types of legal documents.
- The use of the computer in drafting.

**Lectures:** Three hours weekly on a seminar basis, by arrangement.

**DP requirements:** Satisfactory attendance at and participation in lectures and seminar sessions.

**Assessment:** Five drafting exercises counting 10% each, with a drafting exercise and an examination counting 50%.

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### **PBL5623F** GOVERNING UNDER THE CONSTITUTION: LAW AND PRACTICE (was PBL6023F)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester, one seminar per week.

**Course convener(s):** Professor P de Vos

**Entrance requirements:** See Rules for LLM and MPhil Degrees and 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.

**Lectures:** By arrangement.

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of written assignments.

**Assessment:** Written assignments count 30%, written examination counts 70% of the final grade.

**PBL5624W MASTERS IN MARINE AND ENVIROMENTAL LAW DISSERTATION PART** (was PBL6024W)

NQF credits: 120 at HEQSF level 9

**Course convener(s):** Professor A R Paterson

**Entrance 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** (was PBL6025W)

NQF credits: 120 at HEQSF level 9

**Course convener(s):** Professor H M Corder

## 156 POSTGRADUATE COURSE OUTLINES

**Entrance 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.

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### **PBL5626W MASTERS IN HUMAN RIGHTS LAW DISSERTATION PART**

(was PBL6026W)

NQF credits: 120 at HEQSF level 9

**Course convener(s):** Professor D M Chirwa

**Entrance 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.

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### **PBL5627W MASTERS IN INTERNATIONAL PUBLIC LAW DISSERTATION PART**

(was PBL6027W)

NQF credits: 120 at HEQSF level 9

**Course convener(s):** Professor T W Bennett

**Entrance 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.



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**PBL5628F** INTERNATIONAL RIGHTS OF THE CHILD (was PBL6028F)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester, one three-hour seminar per week for 13 weeks.

**Course convener(s):** Professor D M Chirwa

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Objectives:**

- (a) To examine critically the development, content and implementation of international and regional human rights laws on children with a focus on the African region;
- (b) To examine the effectiveness, equity and cultural sensitivity of the laws on children;
- (c) To consider national laws in light of international and regional human rights and to discuss strategies for raising children's rights standards at the national level in the African region.

**Course outline:**

The course covers the following issues:

- (a) theories of children's rights;
- (b) the international, regional and domestic protection of children's rights;
- (c) the relationship between different cultural traditions and the universal and regional values on children's rights;
- (d) the concept of childhood;
- (e) key principles underpinning children's rights;
- (f) child poverty;
- (g) child justice;
- (h) the right to education;
- (i) the right to survival and development;
- (j) the right to protection from abuse, neglect, maltreatment and exploitation;
- (k) legal protections for child soldiers and civilians involved in armed conflicts and
- (l) the right to family care or alternative care.

**Lectures:** 3 hour seminars every week.

**DP requirements:** Attendance at all lectures.

**Assessment:** Written assignments count for 50% and written examination counts for 50% of the final grade.

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**PBL5631S** INTERNATIONAL PROTECTION OF HUMAN RIGHTS

(was PBL6031S)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester, one three hour seminar a week.

**Course convener(s):** Professor D M Chirwa

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

The aim of the course is, on one hand, to provide a solid understanding of the international rules and principles that are aimed at protecting human rights, as well as the structures and methods that have been established to realise this protection. On the other hand, the course aims to encourage inquiry into and discussion of the questions that arise within this context.

The course covers:

- (a) The jurisprudential and philosophical bases of human rights in international law.
- (b) The institutional context of international human rights: this section will cover the various institutions through which human rights are protected in the international community.
- (c) International human rights standards and standard setting.
- (d) The implementation of human rights standards.
- (e) Specific topics in international human rights law.

## 158 POSTGRADUATE COURSE OUTLINES

**Lectures:** To be arranged.

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of written assignment.

**Assessment:** Seminar presentation counts 10%. Written assignment counts 30%. Written examination counts 60% of the final grade.

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### **PBL5632W** POSTGRADUATE DIPLOMA IN LAW (ENVIRONMENTAL LAW) RESEARCH PAPER (was PBL6032W)

NQF credits: 60 at HEQSF level 9

**Course convener(s):** Professor A R Paterson

**Entrance requirements:** See Rules for Postgraduate Diplomas.

**Course outline:**

A Postgraduate Diploma in Law student must write a research paper on a subject of legal interest related to one of their courses. The subject of the research paper must also satisfy the rules applicable to the particular programme. The research paper may not exceed 12 500 words. Although an original contribution to knowledge is always desirable in a research paper, it is not an essential requirement. However, candidates must show that they have:

- a knowledge of the subject chosen;
- mastered techniques required for 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.

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### **PBL5633S** LITIGATING THE BILL OF RIGHTS (was PBL6033S) (*not offered in 2014*)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester.

**Course convener(s):** Professor M H Cheadle and Judge D M Davis

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:** This course will explore approaches to constitutional litigation by way of disputes based upon the bill of rights (Chapter 2 of the Constitution). In particular the course will examine the way in which the three cornerstones of Chapter 2, the application provision (s8), the limitation clause (s36), and the approach to constitutional interpretation, shape the way in which constitutional cases are pleaded and argued.

The course will be run as a series of seminars in which each student will be expected to present a paper. These seminars will concentrate on three key areas and their implications for litigation. In each of the seminars, the use of comparative authority will be comprehensively examined.

**Lectures:** Three hours weekly, by arrangement.

**DP requirements:** Satisfactory attendance at and participation in lectures and seminar sessions.

**Assessment:** 50% by way of written assignment, and 50% by means of written examination.

The final examination may be conducted by way of a moot court, in which students will be expected to draft heads of argument and argue the case; or alternatively by way of written seminar paper and an oral examination.

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### **PBL5634F** HUMAN RIGHTS LAW (was PBL6034F)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester, two lecture periods per week.

**Course convener(s):** Associate Professor R Calland

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

The South African Bill of Rights expressly declares itself to be the 'cornerstone of democracy' and affirms the democratic ideals to which the post-apartheid society is committed. It represents a decisive break with the past and is a manifestly transformative document. The listed rights range from property rights to justifiable socio-economic rights; there are affirmative state duties to promote and protect rights; class actions and public interest litigation are permitted; and there is provision for 'horizontal' application of some of the rights. The courts have developed a significant body of case-law. The Constitutional Court has, for example, pronounced on issues as varied as the death penalty, housing and the provision of anti-retroviral drugs to HIV-positive pregnant women.

This course will provide students with an understanding of the South African Bill of Rights. It will consider in detail the jurisprudence of the Constitutional Court, and where appropriate, the Supreme Court of Appeal and international and comparative human rights law.

The course will begin with a discussion of judicial review and the success of human rights litigation. A general overview of the operational provisions of the Bill of Rights, including the provisions dealing with application, interpretation and limitation of rights, will follow. The focus here will be the extent to which the courts are developing a theory of deference which balances protection of rights with the principle of separation of powers. This part of the course will also consider the record of the courts in developing the common law in the light of the Bill of Rights.

A critical analysis of the jurisprudence of the courts on selected rights will follow. The focus will depend on the interests of the class, but core rights such as equality, dignity, freedom of expression and religion will be generally be considered. There will also be a discussion of the jurisprudence of the courts on socio-economic rights and the extent to which the inclusion of socio-economic rights in a Bill of Rights has influenced judicial rights discourse.

**DP requirements:** Satisfactory attendance at all lectures and participation in class seminars.

**Assessment:** Participation in seminars and written assignments count for 50% and the final examination counts for 50% of the final grade.

**PBL5635S ADMINISTRATIVE JUSTICE (was PBL6035S)**

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester, one seminar per week.

**Course convener(s):** Professor H M Corder

**Entrance requirements:** Competent academic and/or practical knowledge of South African and/or common-law based administrative law.

**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 alternative forums for achieving administrative justice (such as tribunals, ombuds and ADR) are two aspects which will receive some attention. 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 teaching this subject.

## 160 POSTGRADUATE COURSE OUTLINES

**Lectures:** By arrangement, a three-hour seminar weekly.

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of assignments.

**Assessment:** An essay and an oral examination or second essay count for 40%; long paper or written examination counts for 60% of the final grade.

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### **PBL5640F** PRINCIPLES OF ENVIRONMENTAL LAW (was PBL6040F)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Professor A R Paterson

**Lectures:** Block teaching over 2 weeks and 11 weeks of correspondence study.

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**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:**

One research assignment counts for 40%; one or more written or oral assignments count for 10%; written examination counts for 50% of the final grade.

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### **PBL5641F** LAND USE PLANNING LAW (was PBL6041F)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Professor A R Paterson

**Lectures:** Block teaching over 2 weeks and 11 weeks of correspondence study.

**Entrance requirements:** 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 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:**

One research assignment counts for 40%; one or more written or oral assignments count for 10%; written examination counts for 50% of the final grade.

**PBL5642S NATURAL RESOURCES LAW (was PBL6042S)**

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester.

**Course convener(s):** Professor L A Feris

**Lectures:** Block teaching over 2 weeks and 11 weeks of correspondence study.

**Entrance requirements:** The student must have completed Principles of Environmental Law or have the prior written consent of the course convener.

**Course outline:** Planet earth provides society with a vast array of natural resources including: fresh water; air; marine living resources; soil; minerals; and biological resources. Human society is dependent on these natural resources for its very survival. Global consciousness and consensus is growing that we are depleting these natural resources on an inequitable and unsustainable basis. 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. South Africa has one of world's most contemporary legal regimes regulating natural resources and it will be used as a case study through which to critically explore the nature and application of these tools inherent in natural resource legislation. These tools have significant implications for those seeking to use and conserve natural resources 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 natural resource regime, the course is of key 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 assignment.

**Assessment:** One research assignment counts for 40%; one or more written or oral assignments count for 10%; written examination counts for 50% of the final grade.

**PBL5643S POLLUTION LAW (was PBL6043S)**

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester.

**Course convener(s):** Professor L A Feris

## 162 POSTGRADUATE COURSE OUTLINES

**Lectures:** Block teaching over 2 weeks and 11 weeks of correspondence study.

**Entrance requirements:** The student must have completed Principles of Environmental Law or have the prior written consent of the course convener.

**Course outline:** Development and pollution appear to be inherently linked and the rapid economic growth which has taken place in the past few decades has led to an unprecedented increase in the rate of land, air and water pollution. Land fill sites are full to the brim, alternate sites are in short supply and developing nations have an increasing aversion to being the dumping ground for developed nations' waste. Atmospheric emissions are changing global climate conditions and impacting on the health and well being of the human population. Water pollution is compounding the water scarcity realities of many countries. It is therefore not surprising that many countries have recently reformed, or are currently reforming, their legal regimes governing land, air and water pollution.

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. South Africa has one of world's most contemporary legal regimes regulating pollution and it will be used as a case study through which to critically explore the nature and application of these tools inherent in pollution legislation. These tools have significant implications for those seeking to pollute or curb pollution 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 pollution regime, the course is 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 assignment.

**Assessment:**

One research assignment counts for 40%; one or more written or oral assignments count for 10%; written examination counts for 50% of the final grade.

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### **PBL5644F** SEXUAL OFFENCES AND THE LAW (was PBL6044S) (*not offered in 2014*)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Associate Professor D Smythe

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:** In 2007 a decade-long process of reforming South Africa's sexual offences laws culminated in the passage of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007. At each stage of this process those involved in the law reform effort were forced to make strategic decisions about aspects of the proposed reforms. They asked hard questions about how useful specific reforms would be in achieving envisaged ends. Many of these questions remain: Why, for example, do we need a gender-neutral definition of rape? What difference does it make if consent is a defence or lack of consent an element of the crime? For answers to these difficult questions those involved in the process drew on experiences in the field, on the empirical data that they and others had generated in relation to victims, service providers, and criminal justice agencies, and on the comparative experiences of other jurisdictions with similar reforms enacted over the past 30 years.

Taking a multi-disciplinary approach, this course will track the process of rape law reform in South Africa, looking critically at what was included in the Act and what was omitted. It will move from broad questions about the utility of law in addressing sexual violence to a focused consideration of the interpretation and potential impact of key provisions. Issues to be covered in seminars include:

- Investigating and prosecuting rape
- Defining rape and issues of consent
- Harmful HIV-related sexual conduct
- Medico-legal and psycho-social issues
- Provision of PEP, treatment and counselling
- Special issues relating to the youthfulness of victims and offenders
- Vulnerable witnesses and protective measures
- Evidence and Procedure: caution, corroboration and delays, previous sexual history, character and disclosure of personal records
- Expert evidence
- Sentencing, treatment and supervision of offenders.

**DP requirements:** Satisfactory attendance at, and participation in, seminars and completion of written work.

**Assessment:** Coursework (30%) and a substantial research paper (70%).

**PBL5647F SOCIAL JUSTICE, LAW AND POVERTY** (was PBL6047F) (*not offered in 2014*)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester, one seminar per week.

**Course convener(s):** Ms M von Broembsen

**Entrance requirements:** An LLB or Honours degree in selected Social Science disciplines. The Faculty reserves the right to limit classes to 15 students.

**Course outline:**

This inter-disciplinary course is about law in context, poverty alleviation being the main theme. The course examines and critiques different approaches to poverty alleviation, with particular emphasis on theories that have been translated by governments and global agencies into strategies. The course pays particular attention to how different conceptualisations of development, social justice and poverty lead to an emphasis on different institutional structures, different policies and different outcomes. The course aims to equip students with various analytical lenses and to interrogate the historical and the potential role of law in pursuing social justice.

**DP requirements:** None.

**Assessment:**

Assignments	50%
Examination	50%

**PBL5648S SOCIAL JUSTICE IN PRACTICE** (was PBL6048S) (*not offered in 2014*)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester. There will be weekly seminars or workshops and approximately 10 days of fieldwork, which are spread over the period of the course.

**Course convener(s):** Ms M von Broembsen

**Entrance requirements:** An LLB or Honours degree in selected Social Science disciplines. The Faculty reserves the right to limit classes to 15 students.

**Course outline:**

This course is concerned with social justice in practice. Our touchstone is the transformative vision embodied in the Constitution of South Africa, as we reflect on the interplay between rights, social mobilisation, advocacy and developmental strategies within a participatory democracy.

Using 'Legal Empowerment of the Poor' as a lens, the course reflects on notions of empowerment; how power (including our own) impacts on and shapes the practical outworking of social justice and at times results in unintended consequences.

## 164 POSTGRADUATE COURSE OUTLINES

The main focus of the seminars is on practical strategies intended to facilitate social justice. Students will study the theory in each area and undertake selected site visits to projects that reflect best practice. Students are assigned to work with a civil society organization for the duration of the course. Each student will be required to spend 32 hours with the organisation, spread over the period of the course. The course concludes with the design and implementation of a small-scale development intervention by the student, in conjunction with the civil society partner.

**DP requirements:** None.

**Assessment:**

Participation and class assignments	50%
Practical project instead of written examination	50%

Students are required to pass the practical project in order to pass the course.

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### **PBL5651S** INTERNATIONAL PROTECTION OF WOMEN'S HUMAN RIGHTS (was PBL6051S)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester. There will be one 3-hour seminar per week by arrangement.

**Course convener(s):** Associate Professor R Manjoo

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**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:

1. Theoretical underpinnings of women's human rights
2. International and regional protection of women's human rights
3. Domestication of women's human rights
4. Current concerns and topical issues in women's rights including: violence against women; trafficking; sexual and reproductive rights; impact of culture, religion and tradition on women; the girl child etc.

**DP requirements:** None.

**Assessment:**

Written assignment and seminar presentation	40%
Research paper	60%

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### **PBL5652S** MUSLIM PERSONAL LAW AND HUMAN RIGHTS (was PBL6052S)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester. One 3-hour seminar per week.

**Course convener(s):** Dr W Amien and Professor A Tayob

**Entrance requirements:** For LLM: LLB; for MSocSc: Honours in BSocSc; for MA: Honours in Arts.

**Course outline:**

This course is designed to enable law graduates, post-graduate students in Humanities and legal practitioners to acquire the necessary foundation skills to specialise in Muslim Personal Law and Human Rights for the purpose of practice and/or to pursue doctoral studies in the area of Muslim Personal Law and Human Rights. The course focuses on the following topics:

1. Religious underpinnings of Muslim Personal Law (including sources of Islamic Law and schools of thought relevant to Muslim Personal Law)
2. Human rights and Islamic law implications relating to the following aspects of Muslim Personal Law:  
Marriage, divorce and inheritance
3. Comparative country perspectives
4. Human rights and Islamic law reform of Muslim Personal Law



5. Models of secular recognition of Muslim Personal Law and their human rights implications

**DP requirements:** None.

**Assessment:**

Written assignment	70%
One seminar presentation based on the written assignment	30%

**PBL5653F REFUGEE LAW AND HUMAN RIGHTS (was PBL6053F)**

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Ms F Khan

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**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 2014 will be environmental and refugees and Zimbabwean migrants.

**Lectures:** Three hour weekly seminars, by arrangement.

**DP requirements:** Satisfactory attendance at, and participation in, lectures and seminar sessions.

**Assessment:**

Written assignment	50%
Examination	50%

**PBL5654W MASTERS IN ENVIROMENTAL LAW DISSERTATION PART (was PBL6054W)**

NQF credits: 120 at HEQSF level 9

**Course convener(s):** Professor A R Paterson

**Entrance 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.

**PBL5655W POSTGRADUATE DIPLOMA IN LAW (CONSTITUTIONAL AND ADMINISTRATIVE LAW) RESEARCH PAPER (was PBL6055W)**

NQF credits: 60 at HEQSF level 9

**Course convener(s):** Professor H M Corder

**Entrance requirements:** See Rules for Postgraduate Diplomas.

## 166 POSTGRADUATE COURSE OUTLINES

### **Course outline:**

A Postgraduate Diploma in Law student must write a research paper on a subject of legal interest related to one of their courses. The subject of the research paper must also satisfy the rules applicable to the particular programme. The research paper may not exceed 12 500 words. Although an original contribution to knowledge is always desirable in a research paper, it is not an essential requirement. However, candidates must show that they have:

- knowledge of the subject chosen;
- mastered techniques required for 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.

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### **PBL5656W POSTGRADUATE DIPLOMA IN LAW (INTERNATIONAL LAW) RESEARCH PAPER (was PBL6056W)**

NQF credits: 60 at HEQSF level 9

**Course convener(s):** Professor T W Bennett

**Entrance requirements:** See Rules for Postgraduate Diplomas.

### **Course outline:**

A Postgraduate Diploma in Law student must write a research paper on a subject of legal interest related to one of their courses. The subject of the research paper must also satisfy the rules applicable to the particular programme. The research paper may not exceed 12 500 words. Although an original contribution to knowledge is always desirable in a research paper, it is not an essential requirement. However, candidates must show that they have:

- knowledge of the subject chosen;
- mastered techniques required for 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.

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### **PBL5657W POSTGRADUATE DIPLOMA IN LAW (MARINE AND ENVIRONMENTAL LAW) RESEARCH PAPER (was PBL6057W)**

NQF credits: 60 at HEQSF level 9

**Course convener(s):** Professor A R Paterson

**Entrance requirements:** See Rules for Postgraduate Diplomas.

### **Course outline:**

A Postgraduate Diploma in Law student must write a research paper on a subject of legal interest related to one of their courses. The subject of the research paper must also satisfy the rules applicable to the particular programme. The research paper may not exceed 12 500 words. Although an original contribution to knowledge is always desirable in a research paper, it is not an essential requirement. However, candidates must show that they have:

- knowledge of the subject chosen;
- mastered techniques required for 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.

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**PBL5800W MASTERS IN CRIMINOLOGY (was PBL6800W)**

NQF credits: 240 at HEQSF level 9

Fifth year status, whole year.

**Course convener:** A supervisor appointed by Senate**Entrance 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.

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**PBL5807S INTERNATIONAL CRIMINAL LAW (was PBL6807S)**

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester.

**Course convener(s):** Dr H Woolaver

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. Successful completion of courses in public international law, and substantive criminal law from any legal tradition. The course co-ordinator may make exceptions to this rule for students who demonstrate sufficient understanding of the principles of international law and criminal law.

**Course outline:** This course provides an introduction to specialist studies in international criminal law, that is, the body of law regulating individual criminal responsibility under international law. The course covers the history and development of international criminal law and the establishment, jurisdiction and activities of the International Criminal Court, international and internationalised criminal tribunals. Attention is given to the material, mental and contextual elements of the three 'core crimes' - genocide, crimes against humanity and war crimes - as well as the legal requirements of relevant modes of liability, general principles of international criminal law, procedure, complementarity and cooperation in international criminal matters and selected conceptual and institutional critiques of the international criminal justice 'project'. To benefit from this course, students will require a background in either international or criminal law, and are expected to participate fully in seminars and to read, understand and critically assess intrinsically complex and lengthy source materials.

**DP requirements:** None.**Assessment:** Quizzes and essay(s).

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**PBL5809W MASTERS IN CRIMINAL JUSTICE (was PBL6809W)**

NQF credits: 240 at HEQSF level 9

Fifth year status, whole year.

**Course convener:** A supervisor appointed by Senate**Entrance 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.

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**PBL5815S PUNISHMENT AND HUMAN RIGHTS (was PBL6815S)**

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Ms K Phelps**Entrance requirements:** See Rules for LLM and MPhil Degrees and 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 (prison, community sanctions) and special stakeholders in punishment (minority groups, children) will also be considered.

**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 two research papers. Marks given for the seminars and research papers comprise the entire mark for the course.

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**PBL5820F THEORIES OF CRIME AND SOCIAL ORDER (was PBL6820F)**

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Ms J Berg**Entrance requirements:** See Rules for LLM and MPhil Degrees and 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%
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A final paper of 5000 words	55%
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**PBL5822S VICTIMS AND VICTIMOLOGY: THEORY, POLICY AND PRACTICE**(was PBL6822S) (*not offered in 2014*)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester.

**Course convener(s):** Professor E van der Spuy

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. Honours degree in Humanities or LLB.

**Course outline:**

Over the past four decades victims of crime have become a constituency of considerable importance in criminological debates, in the development of crime policies and in criminal justice practices. Within the scope of this course we:

- Track the development of victimology as an area of criminological enquiry;
- Discuss the theoretical perspectives, the crime policies and criminal justice practices associated with victim studies;
- Consider the methodology tools which assist in developing risk profiles;
- Engage with the controversies to which victim-centered justice systems have given rise, and
- Examine the impact of political processes of truth seeking and reconciliation in the aftermath of conflict on a victim-centred approach to justice.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:**

Written assignments	60%
Take-home examination	40%

**PBL5844S POLICE AND POLICING: EXPLORATIONS IN SECURITY GOVERNANCE** (was PBL6844F)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester.

**Course convener(s):** Ms J Berg

**Entrance requirements:** See Rules for LLM and MPhil Degrees and 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 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**

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester.

**Course convener(s):** Dr K Moulton and Ms K Phelps

**Entrance requirements:** See Rules for LLM and MPhil Degrees and 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

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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 fire investigation and forensic accounting. It equips students to understand basic forensics should they encounter such evidence in legal practice or research.

**DP requirements:** None.

**Assessment:**

Written assignments	20%
Research paper	30%
Examination	50%

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### **PBL5848F LAW AND SOCIETY IN AFRICA**

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Associate Professor D Smythe

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**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:** None.

**Assessment:**

Weekly response papers	30%
Presentation at a student conference on Law and Society	20%
Research paper of 6000-8000 words	50%

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### **PBL5849F LAW IN ACTION**

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Professor E van der Spuy and Ms J Berg

**Entrance requirements:** See Rules for LLM and MPhil Degrees and 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 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. The class is therefore hands-on, and will provide students the opportunity to learn qualitative techniques by doing, in class meetings and in assignments.

**DP requirements:** None.

**Assessment:**

Course work	50%
A substantial research proposal of 6000-8000 words	50%

**PBL5850W MASTERS IN CRIMINOLOGY, LAW AND SOCIETY DISSERTATION PART**

NQF credits: 120 at HEQSF level 9

**Course convener(s):** Professor E van der Spuy and Associate Professor D Smythe

**Entrance requirements:** See Rules for LL.M and MPhil Degrees.

**Course outline:**

A Master of Laws (LL.M) 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.

**PBL6700W PhD IN PUBLIC LAW (was PBL7000W)**

NQF credits: 360 at HEQSF level 10

Sixth year status, whole year.

**Course convener:** A supervisor appointed by Senate

**Entrance 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 supervision by supervisor appointed by Senate.

**DP requirements:** None.

**Assessment:** 100% written work.

**RDL5606W MASTERS IN PRIVATE LAW (was RDL6006W)**

NQF credit: 240 at HEQSF level 9

Fifth year status, whole year.

**Course convener:** A supervisor appointed by Senate

**Entrance 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.

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### **RDL5616F** LEGAL PLURALISM: WITH SPECIAL REFERENCE TO AFRICA

(was RDL6016S)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Professor T W Bennett

**Entrance requirements:** Competency in written and spoken English together with sound knowledge of the general principles of law.

**Lectures:** Two double lectures per week.

**Objective:** To promote knowledge of legal pluralism and to stimulate academic debate, critical thinking and possible advocacy of certain of the more controversial areas, as well as those that may be affected by reforms in systems of customary law.

**Course outline:**

Through a combination of lectures and seminars, and a detailed analysis of a leading judgment of the South African Constitutional Court (*Bhe v Magistrate of Khayelitsha*), the concept of customary law; conflict of laws; human rights and cultural relativism; modes of dispute resolution; succession and inheritance; the formation, consequences and dissolution of customary marriages; customary concepts of property; history and theory of legal pluralism.

**DP requirements:** Satisfactory attendance at and participation in lectures.

**Assessment:** An assignment counting 40% and an examination in May/June counting 60% of the final grade.

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### **RDL5620S** ADVANCED CONTRACT LAW (was RDL6020S) (*not offered in 2014*)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, second semester.

**Course convener(s):** Professors D B Hutchison and T Naudé

**Entrance requirements:** See Rules for LL.M and MPhil Degrees and Postgraduate Diplomas. Competent academic and/or practical knowledge of South African Contract Law.

**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 and will be chosen from the following, amongst others:

- Pre-contractual liability
- Standard contract terms: requirements for incorporation, including the treatment of the 'battle of the forms'
- Options and rights of pre-emption, including put options and call options
- Mistake
- Good faith 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
- Restraints of trade
- Impact of the Consumer Protection Act on other aspects of Contract Law, including the residual rights of the buyer of goods and services
- Remedies for breach of contract, including termination and the assessment of damages
- Supervening impossibility of performance and hardship
- Change of circumstances or hardship falling short of impossibility
- Aspects of the law of cession (cession of future rights, security cessions).

**DP requirements:** None.

**Assessment:**

One research paper of 10 000 words

100%



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**RDL5623F HUMAN RIGHTS AND AFRICAN CUSTOMARY LAW** (was RDL6023F) (*not offered in 2014*)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Professor C N Himonga

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:** The course will focus on international human and constitutional rights that impact private relations within the family under customary law and reformed aspects of this system of law and against the backdrop of legal pluralism. The private relations concerned cover the areas of succession and inheritance; marriage and divorce and their respective consequences. While much of the course will concentrate on South African law, a significant part of it will be comparative, focusing on selected African legal systems.

**DP requirements:** Satisfactory attendance at and participation in lectures and seminars, and completion of written assignments.

**Assessment:**

Written assignments	40%
Examination	60%

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**RDL5624F HUMAN RIGHTS AND PRIVATE LAW** (*offered as from 2015*)

NQF credits: 30 at HEQSF level 9

Higher postgraduate course, first semester.

**Course convener(s):** Professor A J Barnard-Naudé and Dr A M Price

**Entrance requirements:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

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 is the core, compulsory course in the Private Law and Human Rights postgraduate programme, but it may be taken by any postgraduate law student.

**DP requirements:** None.

**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).

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**RDL5625S PROPERTY LAW IN A CONSTITUTIONAL ORDER: COMPARATIVE PERSPECTIVES** (*offered as from 2015*)

NQF credits: 30 at HEQSF level 9

**Course convener(s):** Professor H Mostert and Associate Professor A Pope

**Entrance requirements:** See rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

In evaluating the foundations and context of property law critically, this course takes a legal

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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:** Satisfactory attendance at all lectures, participation on class seminars and submission of course assignment.

**Assessment:**

Projects (research paper)	30%
Seminars (oral presentation)	20%
Examination	50%

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### **RDL5626S HUMAN RIGHTS, GENDER, AND FAMILY** (*offered as from 2015*)

NQF credits: 30 at HEQSF level 9

**Course convener(s):** Dr A Barratt and Professor A J Barnard-Naudé

**Entrance requirements:** See rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**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
- Reproductive rights

**DP requirements:** Satisfactory attendance at all lectures, participation on class seminars and submission of course assignment.

**Assessment:**

Written assignment and seminar presentation	30%
Examination	70%

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### **RDL5627F DELICT, UNJUSTIFIED ENRICHMENT, AND HUMAN RIGHTS**

(*offered as from 2015*)

NQF credits: 30 at HEQSF level 9

**Course convener(s):** Professors A G Fagan and H Scott

**Entrance requirements:** See rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**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:** Satisfactory attendance at all lectures and submission of course assignment.

**Assessment:**

Essay	30%
Examination	70%

**RDL5628W MASTERS IN PRIVATE LAW AND HUMAN RIGHTS**

DISSERTATION PART (*offered as as from 2015*)

NQF credits: 120 at HEQSF level 9

**Course convener(s):** Dr A M Price

**Entrance requirements:** See rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**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.

**RDL6700W PhD IN PRIVATE LAW (was RDL7003W)**

NQF credits: 360 at HEQSF level 10

Sixth year status, whole year.

**Course convener:** A supervisor appointed by Senate

**Entrance 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 supervision by supervisor appointed by Senate.

**DP requirements:** None.

**Assessment:** 100% written work.

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# EXCHANGE, INTERNATIONAL AND SEMESTER STUDY ABROAD STUDENTS

Exchange adviser: Ms M Young

## Definitions

### Exchange Student:

A student from an overseas tertiary institution with which UCT has entered into an Exchange Agreement (either a university wide agreement which may be administered by the International Academic Programmes Office (IAPO) or a Faculty wide agreement concluded with the Faculty of Law and which is administered by the Faculty Office) in terms of which one or more students from the overseas institution register at UCT for one or more semesters (depending on the terms of the exchange agreement) usually subject to a fee waiver arrangement. 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 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. Contact your university Exchange Co-ordinator for more information on whether or not your institution has an exchange agreement with UCT and for the nomination procedures of your institution. Also see the website <http://www.uct.ac.za/about/iapo/overview/welcome/> or email [int-iapo@uct.ac.za](mailto:int-iapo@uct.ac.za) for more information on the orientation programme offered by IAPO, for information on accommodation and for general information pertaining to studying at UCT.

### Semester Study Abroad (SSA) Student:

A student from an overseas tertiary institution who registers at UCT for one or more semesters, paying full tuition fees. See website <http://www.uct.ac.za/about/iapo/overview/welcome/> or email [int-iapo@uct.ac.za](mailto:int-iapo@uct.ac.za) for more information on application and other procedures for studying at UCT. See further information below on the courses which semester study abroad students are eligible to take.

### Semester:

This refers to the study periods at UCT, which comprise a first term (usually from mid-February to mid-June) and a second term (usually from end July to mid-December). UCT also has Summer and Winter Terms respectively which fall over the university student vacation. Each term (or semester) can be divided into two quarters. For more information visit the website <http://www.uct.ac.za> - select Calendars and Events and then Terms.

### Undergraduate Student:

A student who does not yet hold a law degree (or a non-law general degree) from a tertiary institution. Students who are already in possession of a degree from a tertiary institution, and who are attending law school, but yet have to be awarded a law degree are still regarded as undergraduate students for the purpose of study at UCT.

### Postgraduate Student:

A student who is already in possession of a law (or non-law) degree from a tertiary institution.

### IAPO:

The International Academic Programmes Office through whom semester study abroad students must apply for admission to UCT. IAPO arranges an orientation programme for semester study abroad and exchange students and also provides further information on accommodation and general information pertaining to study at UCT. See the website <http://world.uct.ac.za> or email [iapo@world.uct.ac.za](mailto:iapo@world.uct.ac.za) for more information.

**Faculty of Law:**

The Faculty of Law is one of 6 faculties into which UCT is divided and these 6 faculties in turn consist of approximately 60 departments. The Faculty of Law offers a Bachelor of Laws (graduate stream or undergraduate stream), Master of Laws (by coursework and dissertation or research project, or by research dissertation only), the Postgraduate Diploma in Law and the PhD (Doctor of Philosophy or Doctor of Laws). The Dean is the Head of the Faculty and is assisted by the Faculty Office which is headed by the Faculty Manager for Academic Administration. For more information see the website <http://www.law.uct.ac.za/>. The Faculty of Law is physically situated in the Wilfred and Jules Kramer Building, Middle Campus.

**Faculty Office:**

The office for the academic administration of the Faculty of Law. This office may be contacted on +27 21 650 3086.

**Academic and general information**

**Undergraduate Exchange and Semester Study Abroad Students** may do no more than four courses per semester (unless they obtain permission from the Exchange Adviser to do so).

- These four courses can comprise 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 Administrative Assistant of 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.
- Students do not need to do an LLM course and may limit their course selections to LLB courses only.
- We cannot advise you on how many credits you will receive from your home institution per course. All we can advise is that a full semester load for our undergraduate students is the equivalent of 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 ([www.uct.ac.za/students/undergraduates/handbooks/](http://www.uct.ac.za/students/undergraduates/handbooks/)).
- Much of the information regarding courses (both LLB and LLM) is also available online on the Law Faculty's website (<http://www.law.uct.ac.za>, select Courses).

**Other General Requirements:**

- Exchange students who have 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 do wish to do courses offered by other faculties at UCT, they need to register as occasional students in respect of those additional courses with IAPO, for which they will need to pay the appropriate fees.
- Exchange and semester study abroad students who register for a course are expected 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 regularly.
- 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.

## Course outlines

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### **PBL3801F CRIMINAL LAW (PART A) (was CRJ3001F)**

NQF credits: 18 at HEQSF level 7

First semester, three lectures per week, three tutorials during the semester.

**Course convener(s):** Professor J Burchell

**Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.**

**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

- (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.

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:**

Optional essay	50%
Compulsory test	50%

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### **PBL2000F CONSTITUTIONAL LAW (PART A)**

NQF credits: 18 at HEQSF level 7

First semester course, four lectures per week, tutorials.

**Course convener(s):** Professor P de Vos

**Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.**

**Course outline:**

The first part of 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. 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 aspects of the Bill of Rights such as freedom of speech and equality, and affirmative action.

**DP requirements:** None.

**Assessment:**

Two assignments	20%
One written examination (2 hours)	80%

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**PBL2001F INTERNATIONAL LAW (PART A)**

NQF credits: 9 at HEQSF level 7

First semester, two or three lectures per week, tutorials.

**Course convener(s):** Ms C Powell**Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.****Course outline:**

History and sources; sovereignty/jurisdiction; relationship between international and municipal law; international legal personality; objects; treaties; state responsibility.

**DP requirements:** None.**Assessment:**

One assignment	20%
One written examination (1 hour)	80%

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**RDL1003F FOUNDATIONS OF SA LAW (PART A)**

NQF credits: 18 at HEQSF level 5

First semester, four lectures per week. Occasional tutorials, at the convener's discretion, will be held as well.

**Course convener(s):** Dr L Greenbaum**Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.****Course outline:**

- The history of law in South Africa; the sources of South African Law
- The Structure of the courts
- The branches of South African Law
- The legal profession
- The development of legal reasoning through the doctrine of precedent.

**DP requirements:** None.**Assessment:**

One 3 hour written examination	100%
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**RDL1003S FOUNDATIONS OF SA LAW (PART B)**

NQF credits: 18 at HEQSF level 5

Second semester, four lectures per week. Occasional tutorials, at the convener's discretion, will be held as well.

**Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.****Course convener(s):** Professor A J Barnard-Naudé**Course outline:**

Selected topics which may vary from year to year, such as a review of the development of the culture of public law, through the fluctuating fortunes of the rule of law; and an introduction to critical jurisprudence and transformative constitutionalism.

**DP requirements:** None.**Assessment:**

One 3 hour written examination	100%
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## SCHOLARSHIPS AND PRIZES

### Bursaries from external agencies for LLB study

#### The Attorneys Fidelity Fund

Merit bursaries for study for a maximum period of 2 years for the LLB degree are offered by the Fund. The amount of such bursaries 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 and with specific reference to the "Bursary for LLB study fund", from the General Manager, The Attorneys Fidelity Fund, P O Box 3062, Cape Town 8000.

#### The Educational Opportunities Council Scholarship Programme for Black South Africans

Merit bursaries for study for the LLB degree are offered by the Educational Opportunities Council in co-operation with certain US law firms and other institutions. The amount of the bursaries is determined by the Bursary Committee of the Council. Black South African candidates with a BA, BProc or BLuris degree intending to proceed to the LLB degree are invited to apply for these awards. The closing date for bursary applications is 30 November. Application forms are available from: - The Secretary, Educational Opportunities Council, P O Box 332, Johannesburg, 2000.

#### Professional Examination Bursaries

Four bursaries per annum are offered to students whose matriculation examination results are outstanding and who are in need of financial assistance. A candidate should be registered for the Public Service Law Examination, the Attorney's Admission Examination or a University examination in Law (other than for the degree of Bachelor of Laws).

Application forms, available from the Secretary, South African Universities' Vice-Chancellors' Association, P O Box 27392, Sunnyside, Pretoria 0132, should be submitted to that body by 31 January.

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.

### Scholarships for LLB study

#### Scholarships awarded by the Faculty based on academic merit at the end of each year:

#### Scholarships awarded without application:

##### Ionann Scholarship for Criminal Justice

In 2005, Dianna Yach and Peter Stephens donated the proceeds from their book to establish a scholarship of R5 000 for the top black female student in Intermediate Level Criminal Justice courses; their hope is that the scholarship will encourage black women from Southern Africa (including the SADC region) to make a career in criminal justice.



**Law Society Charity Bursary (United Kingdom)**

In 2004, bursaries were established to be awarded annually to historically disadvantaged South African students who are studying for an LLB degree. Candidates will be selected on the basis of academic merit and financial need.

Value: Variable

Tenure: One year (possibly renewable).

**Mike Larkin Award**

This award is an initiative of the LSC with contributions from all law students of the Faculty. The initial capital was donated in 2006, and will be supplemented from time to time, from student activities in the future. In 2008 the LSC scholarship was renamed the Mike Larkin Scholarship in honour of the much-loved Head of Commercial Law who was slain in Rondebosch in late 2007. In line with the goals and mission of the LSC, as stated in its constitution, and as a body representative of all law students, the award will be made annually to a final-year LLB student.

Value: Variable

Tenure: One 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: R5 600 (approximately)

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: R5 600 (approximately)

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.

This scholarship is awarded 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: R940 (approximately)

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 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, RDL2002H Law of Property and RDL2003H Law of Succession.

Value: R2 000

Tenure: One year.

## **Scholarships awarded on application:**

Application forms are obtainable from the Law Faculty Office. These scholarships are paid to the University and credited to the fee account of the successful student.

### **International Bar Association Bursaries**

The International Bar Association has established bursaries to be awarded to black disadvantaged students who come from outside South Africa and who are studying for their first Law degree. Applicants will be considered on the basis of academic merit and financial need.

Closing date: 31 March

Value: Variable

Tenure: One year (possibly renewable).

### **Law Diversity Scholarships**

The Law Faculty has raised funds from law firms and alumni for the purpose of assisting current academically meritorious and financially needy Black South African law students to complete their studies. This initiative seeks to promote and increase the equity profile of the legal profession.

Closing date: 15 December

Value: Variable

Tenure: One year (renewable subject to conditions).

### **Law 150 Endowment Scholarships: for top Black South African learners**

To mark 150 years of the teaching of law in South Africa, the Faculty of Law launched a fund-raising campaign in 2008 under the umbrella 'Towards Sustainable Justice.' Some of the funds raised are being used to attract talented black South Africans learners to study law. There are several scholarships of R40 000 p.a. on offer.

Closing date: 31 August. Forms available from the Faculty Office and from the Dean's office.

Tenure: One year (renewable subject to conditions).

## **Higher Postgraduate Scholarships** **Scholarships awarded without application:**

### **Ephraim Kluk Scholarship**

In 1988, a scholarship was established in terms of the wishes of the late Ephraim Kluk. The scholarship is awarded 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 candidate is selected by the Head of the Department of Public Law in consultation with members of staff in the Department of Public Law.

Value: Variable

Tenure: One year.

### **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 awarded on application:****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 of no award or insufficient awards of the Basil and Con Corder Scholarship for 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.

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, an organisation of women during the apartheid era who used peaceful protest and a network of legal advice centres to confront the racist laws directed against black South Africans. They operated at great personal risk and identified themselves by wearing black sashes in memory of the constitution that they believed the government had destroyed.

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: 31 January

Value: R10 000

Tenure: One year.

**Faculty International Student Bursaries**

The Faculty awards bursaries for Postgraduate Diploma and coursework Master's students 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.

Value: Variable

Closing dates: 15 June and 15 December

**Law Endowment Postgraduate Scholarship**

To mark 150 years of the teaching of law in South Africa, the Faculty of Law launched a fund-raising campaign in 2008 under the umbrella 'Towards Sustainable Justice'. Some of the funds raised are being used to support postgraduate students taking Master's or Doctoral degrees in law at the University of Cape Town. Scholarships are awarded to LLM, MPhil or PhD students primarily on the basis of academic merit, but financial need may also be a consideration.

## 184 SCHOLARSHIPS AND PRIZES

Closing date: 31 January

Value: R20 000 for LLM or MPhil students and R40 000 for PhD students

Tenure: One year (but may be renewed for a second or third year for PhD students).

### **Law Faculty Master's and Doctoral Scholarships**

To encourage postgraduate research, every year the Law Faculty will make available four awards to suitable candidates for master's or doctoral degrees by thesis at UCT. This funding is to be regarded as a form of bridging finance to give students contemplating higher degrees the security of knowing that their financial needs will be met for the first year of their studies, which is a critical period in their progress. Successful candidates must also make application to the University Scholarships Committee and other appropriate sources for scholarship funding. Any award from external sources that takes financial support beyond the level of R170 000 per annum for a master's student or R220 000 per annum for a doctoral student will then be deducted from the scholarship granted by the Faculty.

Closing dates: 31 January and 15 June

Value: R84 000

Tenure: One year (renewable once only).

### **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 dates: 31 January and 15 June

Value: Variable

Tenure: 1 year (renewable).

### **Wilfred Kramer Law Grants and Scholarships**

Wilfred Kramer Law Grants are available for graduates in Law who enrol for approved higher post-graduate study in the Faculty of Law at the University of Cape Town. In addition limited funds are available for students who wish to partake in an approved exchange programme at an overseas university; the students do part of the LLM course work at an approved overseas university and the balance of course work as well as the minor dissertation at UCT Law Faculty. Further information is available from the Law Faculty Office. Wilfred Kramer Law Scholarships are available to enable graduates in law of the University of Cape Town to pursue postgraduate studies in law at Cambridge University, England preferably (Trinity Hall) or elsewhere overseas.

Closing dates: 31 January and 15 June

Value: Variable

Tenure: 1 year (renewable).

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](mailto:pgfunding@uct.ac.za).

## **Prizes and Awards**

### **Final Level LLB Students**

#### **Bowman Gilfillan Prize**

In 1992, Bowman Gilfillan Hayman Godfrey Inc, firm of attorneys, established an annual prize of R5 000. The prize is awarded to the Final Level student, if of sufficient merit, with the highest marks in the courses CML4506F Tax Law A and CML4507S Tax Law B.

**D B Molteno Memorial Prize**

A prize of R1 000 in memory of the late Professor DB Molteno QC, first Professor of Public Law in 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.

**Gering Prize for Commercial Transactions Law**

In 2005 an annual prize in honour of his late wife Nina, a UCT BA graduate, was established by Professor Leonard Gering, an alumnus and academic. Professor Gering passed away in 2007 and the family has now established the Leonard and Nina Gering Prize (R2 500) 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 necessary funds for this purpose have been made available by friends and colleagues of Ms Ackermann.

**Judge Schock Prize**

In 1989 a prize, variable from R10 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 – Best Final Level**

Juta & Co Limited established a prize of R1 000 in the form of books 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 R750 to be used for the purchase of books which it publishes. The prize is awarded annually to a student of sufficient merit obtaining the highest overall marks in the course RDL4008H Civil Procedure.

**South African Society for Labour Law Prize**

In 2000 the South African Society for Labour Law established a prize of R2 000, to be awarded annually to the best Final Level student, if of sufficient merit, with the highest marks in the course CML4004H Labour Law.

**Spoor and Fisher Prize for Intellectual Property Law**

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 Intellectual Property Law A and Intellectual Property Law B (CML4503F and CML4504S). The value of the award is R500.

**Intermediate Level LLB Students****LexisNexis Butterworths Prize – Best Intermediate Level**

LexisNexis Butterworths (Pty) Limited has established an annual prize of R5 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 Company 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* authored by the late Mike Blackman together with Richard Jooste and Geoff Everingham, assisted by Michael Larkin, Conrad Rademeyer and Jacqui Yeats, all of UCT.

### **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: Variable

### **Werksmans Attorneys Prize**

In 2013 the firm Werksmans Attorneys established a prize of R5 000 to be awarded annually to the best Intermediate Level student, if of sufficient merit, in RDL3005W Law of Contract.

## **Preliminary LLB Level and Undergraduate Students**

(Year 1 Graduate LLB, Year 3 and 4 Combined Law Stream and Year 1 and 2 Undergraduate LLB)

### **Adams and Adams Prize**

In 1988 Adams and Adams, patent attorneys, trade mark agents, attorneys, notaries and conveyancers, established an annual prize of R3 500. This prize is awarded to the best second year extended curriculum stream student.

### **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 RDL1004H Comparative Legal History and RDL1003W Foundations of South African Law. The prize is a set of all available issues of *Acta Juridica*.

### **Cliffe Dekker Hofmeyr Prize – Best Preliminary Level**

Cliffe Dekker Hofmeyr have established a prize of R5 000 for 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.

### **Eversheds Prize for Property Law**

Established in 2007 by Routledge Modise Attorneys, a prize of R2 000 is awarded to the best student in the Law of Property.

### **Sir Franklin Berman Prize for International Law**

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.

### **Soraya Donnelly Technology Award for International Law**

The Soraya Donnelly Technology Award is awarded annually (at the discretion of the Faculty of Law) to a deserving student of International Law (PBL2001H/PBL3001H). The award is funded by Shihnam Donnelly in honour of her mother Soraya Donnelly who constantly motivated and supported her throughout her academic career. The award will consist of various electronic devices.

### **Yash Ghai Prize for Constitutional Law**

In 2006, the leading Public Law academic and honorary professor in the Faculty, Professor Yash Ghai, established a prize of at least R1 000 to be awarded to the top student in Constitutional Law.

## **Other Prizes**

### **Bar Council Moot Prize**

A prize of book vouchers to the value of R1 000 to be awarded annually to the best students 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 for service to student community**

In 2007 alumnus Henry Blumberg established the Henry & Marcia Blumberg Prize of R2 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.

**Captain Bob Deacon Prize**

The Captain Bob Deacon Prize 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 (CML5624F, CML5625F, CML5626S). The prize is 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, and a person who enthusiastically supported the education of maritime lawyers.

**David Potts Prize for the best essay on Delict/Torts in cyberspace**

The David Potts Prize in the amount of \$1,000 may be awarded annually for the best essay on a topic concerning Delict/Torts in cyberspace, which could be in any course at LLB or LLM/PG Diploma level. David Potts is an alumnus of the University of Cape Town, graduating in 1971. He practices primarily as a Barrister in Ontario and specialises in defamation law including cyberlibel.

**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. They carry no purse.

**Engen Petroleum Prize in Marine Law**

A prize to be awarded to the student whose combined results are the best in any one year in the Marine Law courses, provided that a satisfactory standard is obtained.

**ENSAfrica Essay Prize**

ENSAfrica essay prize of R4 000 to be divided annually among all the students whose essays have been accepted for publication in *Responsa Meridiana*.

**Lawrence Miller Memorial Award for Service**

This award from members of *Legalink* in memory of their colleagues and UCT alumnus Lawrence Miller (1964) is to be given annually to a financially needy student who is studying Law and is going either into their Intermediate or Final year. The student's CV should reflect community involvement and demonstrate how they have tried to empower or uplift others in their community.

**Rodman Ward Prize**

Mr and Mrs Rodman Ward Jr have established an annual prize of R3 000 for the best essay written on an aspect of Corporate Governance.

**Solly Kessler Memorial Essay Prize**

A book prize of R1 000 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 won five class medals and obtained his LLB in 1951. He had a particular interest in constitutional law and practised law until he passed away in June 2005; he was awarded the Cape Law Society President's Discretionary Award in 2005 in recognition of "outstanding service to the profession".

**Spoor and Fisher Prize for Student Legal Writing**

In commemoration of their 75th anniversary in 1995, Spoor and Fisher, attorneys, established a prize of R500, to be awarded annually for the best article submitted by a UCT law student and accepted for publication in *Responsa Meridiana*. The prize winner is determined by the Dean in consultation with the Editorial Board of *Responsa Meridiana*.

## 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 list will be posted on notice boards. 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 65% 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'. Marks for the course Understanding Financial Statements (ACC1014S) or its equivalent, Law that Counts (MAM1013F/S) and Moot Competition (DOL3000X) are 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 Academic Development Programme

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

Old curriculum (students who registered for the LLB for the first time up to and including 2011)

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 11 to get the average percentage.

New curriculum (students who registered for the LLB for the first time in 2012 or thereafter)

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

Old curriculum (students who registered for the LLB for the first time up to and including 2011)

Add the weighted percentages calculated according to the above formula. Divide the total by 18 to get the average percentage.

New curriculum (students who registered for the LLB for the first time in 2012 or thereafter)

Add the weighted percentages calculated according to the above formula. Divide the total by 20 to get the average percentage.



## LLB Class Medals

### A. Courses for which medals may be awarded:

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
CML4004H	Labour Law - LLB
CML4006W	Commercial Transactions Law
PBL2000W	Constitutional Law
PBL3000F	Interpretation of Statutes
PBL3001H	International Law
PBL3801W	Criminal Law
PBL3802H/PBL4802H	Criminal Procedure
PBL4001W	Administrative Law
PBL4801H	Evidence
RDL1003W	Foundations of South African Law
RDL1004H	Comparative Legal History
RDL1008H	Law of Persons and Family
RDL2002H	Law of Property
RDL2003H/RDL3001H	Law of Succession
RDL3002H/RDL4005H	African Customary Law
RDL3003H	Law of Delict
RDL3005W	Law of Contract
RDL3006H/RDL4006H	Jurisprudence
RDL3008H/RDL4008H	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, Comparative Legal History 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
Ms EJS Steyn (Criminal Justice)	2001
Associate Professor W Schärf (Criminal Justice)	2002
Associate Professor M Paleker (Private Law)	2005

### 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 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
Professors M S Blackman, G K Everingham, R D Jooste	<i>Companies Act: Commentary</i>	2004

### 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 Ms K Lehmann.

#### 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.

## 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.

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