



# UNIVERSITY OF CAPE TOWN

## FACULTY OF LAW

### 2021

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

**This handbook is part of a series that consists of**

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

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

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

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

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## Guide to the usage of this Handbook

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

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

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

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

## FACULTY OF LAW STATEMENT OF VALUES AND GOALS

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

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

We recognise that the realisation of these goals requires:

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

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

### Historical Note

Law education in South African was launched with the Act 12 of 1858 - although the first lecture was not delivered until 16th April 1859. The early years are documented by Professor Denis Cowen and Professor Danie Visser in their history of the UCT Law Faculty, *A History, 1858 – 2004*. Lectures were delivered in the Master's Meeting Room in the old Supreme Court at the top of Adderley Street until 1896, after which the College Council sought to ensure that lectures be delivered in the College Buildings on Government Avenue. The year 1916 heralded the beginning of a new chapter in the story of South African legal education, when provision was made for the creation of the Universities of Cape Town and Stellenbosch. Of significance was the decision taken by the University authorities to appoint full-time professors of Law. In 1923 a Chair of Roman Law & Jurisprudence was established; and in 1925 a second Chair of Law was established. By 1939 there were 74 students registered in the Faculty. Current student numbers indicate over 1,000 registered Law students at undergraduate and postgraduate levels - drawn mostly from South Africa, but also from across the continent and elsewhere. Forty-three percent of students are postgraduate, indicating the strength of the UCT research endeavour in law, and the Faculty's growing contribution to knowledge development in the field of law.

# GENERAL INFORMATION

## Officers in the Faculty

Telephone  
(021) 650 +

**Dean of the Faculty:**

Professor D M Chirwa, LLB(Hons) *Malawi* LLM *Pret* PhD *UWC* Practitioner of the High Court of Malawi 2706

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

F Mohamed 2706

**Deputy Dean (Undergraduate Studies):**

Dr K Idensohn, BA LLB *Cape Town* LLM *Cantab* PhD *Cape Town* Advocate of the High Court 5072

**Deputy Dean (Postgraduate Studies):**

Associate Professor J Hattingh, BCom LLB *Stell* LLM *Cape Town* LLM *Leiden* Advocate of the High Court 5883

**Director (Internationalisation and Outreach):**

Associate Professor F Khan, BA HDE LLB LLM PhD *Cape Town* Attorney of the High Court 5632

**Director (Research):**

Professor H Mostert, BA LLB LLM LLD *Stell* (DST/NRF SARChI Research Chair: Mineral Law in Africa) 4122

**Development and Marketing Manager:**

G Ritchie, BA(Hons) MA *Cape Town* 5602

**Professional Development Manager:**

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

**Faculty Finance Staff:**

**Finance Manager:**

V Stemmet, BCom(Hons) *UWC* 5657

**Assistant Finance Manager:**

A Abrahams, BCom *UWC* 7335

**Senior Finance Officer:**

R Ferguson, Dip Acc *Oxbridge Academy* 5653

**Finance Administrator:**

G Strydom 3077

**Finance Administrator:**

N Manana 7258

**Human Resources Management:**

**Senior Human Resources Advisor:**

S L Hill, BA *Unisa* 2940

**Human Resources Practitioner:**

R Savahl, BTech (Human Resource Management) *CPUT* 5210

**Faculty Administrative Staff:**

**Faculty Manager: Academic Administration:**

T Loqo, BSc(Hons) MSc *WSU* 3086

**Undergraduate Manager: Academic Administration:**

K van der Vent, Dip in Business and Office Administration *Montrose Business College* PGDip (Management Practice) *Cape Town* 5786

**Postgraduate Manager: Academic Administration:**

P Phillips, BA *Cape Town* 5409



**Administrative Officer (Undergraduate Studies):**

L M Stemela, National Diploma (Human Resource Management) <i>CPUT</i>	4485
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**Administrative Officer (Postgraduate Studies):**

C S Richfield, BSW BSocSc(Hons) <i>Cape Town</i>	1677
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**Faculty Liaison Officer:**

TBA	5745
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**Senior Secretary:**

M Kerspay	3086
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**Student Advisors****LLB Curriculum:**

F Adams, BA Law LLB LLM <i>UJ</i> Attorney of the High Court	1841
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R Bradstreet, BA LLB PGDip (Dispute Resolution) PGDip (Intellectual Property Law) LLM <i>Cape Town</i> Advocate of the High Court	4501
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Associate Professor A Hutchison, BA LLB LLM PhD <i>Cape Town</i>	5613
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Associate Professor J Yeats, BA LLB LLM <i>Stell</i> PhD <i>Cape Town</i> Attorney of the High Court	3069
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B Zungu, BCom Law <i>UJ</i> LLB PGDip (Taxation) <i>Cape Town</i>	1219
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<b>Commercial Law Service Courses:</b>	
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J Franco, Service Course Director, BA LLB <i>Cape Town</i> Attorney and Notary Public and Conveyancer of the High Court	2084
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<b>Humanities courses:</b>	
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M Baase, BA LLB LLM <i>NWU</i>	7039
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<b>Exchange students:</b>	
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T Thabane, BA Law LLB <i>Lesotho</i> LLM <i>Pret</i>	5299
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<b>SALS Postgraduate Programmes (LLM and PGDip):</b>	
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TBA	
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Professor E van der Spuy, BA(Hons) MA <i>Stell</i> PhD <i>Cape Town</i>	2988
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**Students registered in the Commerce Faculty (BCom and BBusSc Law and Commerce Programme):** Enquiries should be referred to the Student Advisors in the Commerce Faculty. See details in the Commerce Faculty handbook.

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Environmental Law	Professor A Paterson	5644
Intellectual Property Law	Associate Professor L-A Tong	5686
International Law	Associate Professor C Powell	5103
International Trade Law	Professor A Ordor	5687
Labour Law	Dr E Fergus	5617
Marine and Environmental Law	Professor A Paterson	5644
Law of Mineral and Petroleum Extraction and Use	Professor H Mostert	4122
Private Law and Human Rights ( <i>not offered in 2021</i> )	TBA	5612
Public Law	Professor P de Vos	3079
Shipping Law	Associate Professor G Bradfield	2676
Tax Law	Associate Professor A Titus (PGDip) & Associate Professor T Gutuza (LLM)	2617
International Taxation	Associate Professor J Hattingh	5900 5883

### Law Students' Council

**Telephone: (021) 6504723**

**Fax: (021) 6505662**

**E-mail address:**

President	Kudzaishe Mukunga	<a href="mailto:MKNKUD005@myuct.ac.za">MKNKUD005@myuct.ac.za</a>
Vice-President External	Praise Adejimi	<a href="mailto:adejimipraise@gmail.com">adejimipraise@gmail.com</a>
Vice-President Internal	Joy Magagula	<a href="mailto:MGGJOY002@myuct.ac.za">MGGJOY002@myuct.ac.za</a>
Treasurer	Kaylee Marshall	<a href="mailto:MRSKAY004@myuct.ac.za">MRSKAY004@myuct.ac.za</a>
Secretary-General	Robbie Puglia	<a href="mailto:PGLROB001@myuct.ac.za">PGLROB001@myuct.ac.za</a>
Transformation Officer	Vacant	
Academic Officer	Nephtalie Sithole	<a href="mailto:STHNEP001@myuct.ac.za">STHNEP001@myuct.ac.za</a>
Media & Communications	Taniesha Vaswani	<a href="mailto:tanieshavaswani@gmail.com">tanieshavaswani@gmail.com</a>
Student Life	Emily Nkomo	<a href="mailto:NKMEMI001@myuct.ac.za">NKMEMI001@myuct.ac.za</a>

### Postgraduate Law Students' Council

		<b>E-mail address:</b>
Chairperson	Elkanah Babatunde	<a href="mailto:BBTELK001@myuct.ac.za">BBTELK001@myuct.ac.za</a>
Vice Chairperson	Ghati Nychita	<a href="mailto:NYHSUZ001@myuct.ac.za">NYHSUZ001@myuct.ac.za</a>
Secretary General	Adetutu Oluwaseyi	<a href="mailto:OLWADE005@myuct.ac.za">OLWADE005@myuct.ac.za</a>
Deputy Secretary General	Kennedy Chege	<a href="mailto:CHGKEN001@myuct.ac.za">CHGKEN001@myuct.ac.za</a>
Treasurer	Tendai Mbanje	<a href="mailto:MBNTEN001@myuct.ac.za">MBNTEN001@myuct.ac.za</a>
Research Coordinator	Yakubu Nagu	<a href="mailto:NGXYAK001@myuct.ac.za">NGXYAK001@myuct.ac.za</a>
Events Coordinator	Evidence James	<a href="mailto:JMSEVI001@myuct.ac.za">JMSEVI001@myuct.ac.za</a>
Transformation Committee Rep	Tatenda Gundani	<a href="mailto:GNDTAT001@myuct.ac.za">GNDTAT001@myuct.ac.za</a>
Postgraduate Student Affairs / SRC Representative	Emmanuel Okonkwo	<a href="mailto:OKNIFE002@myuct.ac.za">OKNIFE002@myuct.ac.za</a>
Publicist	William Sammy	<a href="mailto:SMMWIL002@myuct.ac.za">SMMWIL002@myuct.ac.za</a>

### Professional Qualification

The Legal Practice Act 28 of 2014 provides that the LLB is the universal legal qualification for admission and enrolment as an advocate or attorney. Normally those who wish to enter private practice as advocates are required to become members of a Bar Association by undergoing a period of training in pupillage with a practising member of the Bar and by sitting an admission

examination. Before admission as an attorney, an LLB graduate must serve as a candidate attorney with a practising attorney. Attendance at a practical legal training course or performance of community service may reduce the period required to serve articles. Thereafter candidates write a professional examination set by the relevant provincial Law Society. Obtaining the LLB does not entitle non-citizens of South Africa to be admitted to practise in this country.

### Language proficiency in the legal profession

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

### Degrees and Diplomas offered in the Faculty

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

Qualification	Abbreviation	Minimum Duration	SAQA ID
Bachelor of Laws #	LLB	4 years	10695
Postgraduate Diploma in Law ##	PGDip	1 year	4393
Master of Laws ###	LLM	1 year	10701
Master of Laws in Commercial Law	LLM (Commercial Law)	1 year	93690
Master of Laws in Dispute Resolution	LLM (Dispute Resolution)	1 year	93815
Master of Laws in Environmental Law	LLM (Environmental Law)	1 year	116427
Master of Laws in Intellectual Property Law	LLM (Intellectual Property Law)	1 year	93688
Master of Laws in International Trade Law	LLM (International Trade Law)	1 year	93689
Master of Laws in Labour Law	LLM (Labour Law)	1 year	93671
Master of Laws in the Law of Mineral and Petroleum Extraction and Use	LLM (Mineral & Petr Ext and Use)	1 year	112525
Master of Laws in Marine and Environmental Law	LLM (Marine & Environmental Law)	1 year	116426
Master of Laws in Private Law and Human Rights ( <i>not offered in 2021</i> )	LLM (Private Law & Human Rights)	1 year	97261
Master of Laws in Shipping Law	LLM (Shipping Law)	1 year	93670
Master of Laws in Tax Law	LLM (Tax Law)	2 years	93669
Master of Philosophy ###	MPhil	1 year	104782
Doctor of Laws (by published work)	LLD	1 year	TBA
Doctor of Philosophy (by thesis)	PhD	2 years	TBA

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

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

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

### Term Dates for 2021

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

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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 research degrees in Law (leading to the LLM degree or a Doctor of Philosophy).

### Basic Legal Education programme

The LLB degree provides students with a sound knowledge of the general principles of the South African legal system, and an ability to use legal materials effectively. Graduates should be able 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, Constitutional Law, Corporation Law, Criminal Law, Criminal Procedure, Evidence, Foundations of South African Law, International Law, Jurisprudence, Labour Law, Law of Contract, Law of Delict, Law of Persons and Marriage, Law of Property, Law of Succession, South African Private Law: System and Context, Quantitative Literacy for Law and optional and research components.

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

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

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

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

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

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

**Graduate LLB stream**

Students enter this stream after having completed at least a bachelor’s degree without law subjects. Students who have done a full degree in another discipline will have had an opportunity to develop their critical and analytical skills in a non-legal environment, and therefore will be equipped to benefit from legal studies.

**Four-year undergraduate LLB stream**

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

**Advanced Legal Education programme**

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

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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 each of these departments.

\* *Denotes on leave for part or all of the 2021 academic year.*

**Professor Ad Hominem in the Faculty:**

D P Visser, B Juris LLB LLD *Pret 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

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## DEPARTMENT OF COMMERCIAL LAW

**Associate Professor and Head of Department:**

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

**Professors:**

R le Roux, BJuris LLB *UPE* LLM *Stell* PGDip (Employment Law and Social Security Law)

*Cape Town* LLM *Anglia Polytechnic* PhD *Cape Town* Attorney and Conveyancer of the High Court

C Ncube, LLB *Zimbabwe* LLM *Cantab* PhD *Cape Town* Legal Practitioner, Notary Public &

Conveyancer of the High Court of Zimbabwe

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

**Emeritus Professors:**

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

J E Hare, BCom LLB *Cape Town* LLM *London* LLD *Cape Town* Dip (Navigation) *City of London*

*Polytechnic* Attorney and Notary Public of the High Court

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

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

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

**Adjunct Professors:**

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

N G Jeram, BA LLB LLM *Cape Town*

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

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

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

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

**Associate Professors:**

\*G Bradfield, BCom LLB *Natal* LLM *Cape Town* 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

\*J Hattingsh, BCom LLB *Stell* LLM *Cape Town* LLM *Leiden* Advocate of the High Court

A Hutchison, BA LLB LLM PhD *Cape Town*

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

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

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

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

**Emeritus Associate Professors:**

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

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

**Adjunct Associate Professors:**

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

E Swanepoel, BA LLB LLM *Cape Town*

**Senior Lecturers:**

R Bradstreet, BA LLB PGDip (Dispute Resolution) PGDip (Intellectual Property Law) 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

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

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

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

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

T Thabane, BA Law LLB *Lesotho* LLM *Pret*

**Lecturers:**

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

\*K Bassuday LLB *UKZN* LLM *Cape Town* Attorney of the High Court

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

M Carels LLB LLM *UWC* LLM *Missouri*

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

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

**Honorary Research Associate:**

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

**Administrative Officer:**

TBA

**Administrative Assistant: Law Service Courses**

PC Murphy

**Centre for Comparative Law in Africa**

The Centre for Comparative Law in Africa (CCLA) was established in 2011 to promote the study of comparative law and draw on the strengths of comparative methodology to research into the multifaceted field of law in Africa. The Centre presents an opportunity to develop a discipline that lends itself to optimal application in the pluralistic legal frameworks within which life is lived in Africa. In its mission to contribute to the development of comparative law in Africa, the strategy of the CCLA is to establish the field at UCT, build capacity in it across the continent through academic programmes, apply comparative law expertise in consultancies and disseminate new knowledge in comparative law in Africa through conferences, publications and professional networks. Its location within the Department of Commercial Law recognises the centrality of comparative law to ongoing

## 16 DEPARTMENTS IN THE FACULTY

efforts at economic integration on the African continent. The CCLA offers an LLM/MPhil specialising in Comparative Business Law in Africa and conducts research on a variety of themes that apply the comparative methodology. The CCLA also provides support for Africa-focused doctoral research and undertakes capacity-building programmes in various issues of law in development in Africa that require comparative methods.

### **Director**

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

### **Affiliate Professor:**

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

### **Research Associates:**

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

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

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

### **Postdoctoral Research Fellow:**

V Amadi, LLB LLM PhD *UWC*

### **Administrator:**

P Dhlamini, BA(Hons) *Rhodes*

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

The Institute, which is relaunching as the Labour, Development and Governance Research Unit, 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. Its objectives are to promote research into the law relating to development, governance and labour in Southern Africa, foster links and provide a reference point for scholarship and policy. It convenes conferences, seminars and workshops. It also produces, either independently or as part of joint projects, scholarly publications. The Institute participates in postgraduate teaching in Employment Law and Dispute Resolution as part of the School of Advanced Legal Studies programme.

### **Founding Directors:**

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

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

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

### **Labour, Development and Governance Research Unit Director:**

S Godfrey, MA PhD *Cape Town*

### **Research Associates:**

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

A Breetzke, BA LLB *Stell* PGDip (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 *UJ*



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

**Finance Administrator:**

A Thornton

**Intellectual Property Unit**

The Intellectual Property Unit (IP Unit) was set up in 2007 as a centre for policy research and teaching in intellectual property law. The IP Research Unit believes that it is important that developing countries participate in the evolution of the Intellectual Property policy and law systems to ensure that any changes take full account of the needs of emerging economies and therefore can benefit them.

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

**Founding Director:**

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

**Director:**

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

**Unit Staff:**

N Warner, MEd *UWC*

**Shipping Law Unit**

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

**Associate Professor and Head:**

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

## 18 DEPARTMENTS IN THE FACULTY

### Tax Unit for Fiscal Research

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

#### Director:

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

#### Unit Members:

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

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

T Johnson, BBusSc MCom *Cape Town*

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

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

C West, MCom PhD *Cape Town* CA(SA) CA(ANZ)

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

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## DEPARTMENT OF PRIVATE LAW

#### Professor and Head of Department:

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

#### Distinguished Professor in Rhetoric and Humane Letters:

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

#### Professors:

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

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

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

#### Emeritus Professors:

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

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

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

#### Associate Professors:

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

**Emeritus Associate Professors:**

L Greenbaum, BA LLB *Natal* MEd(HE) PhD *UKZN*  
A Pope, LDipLib *Stell* BA LLB *Rhodes* PGDip (Int Res Ethics) *Cape Town*

**Adjunct Associate Professor:**

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

**Visiting Emeritus Professor:**

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

**Senior Lecturer:**

\*F Osman, BBusSc LLB LLM PhD *Cape Town*

**Lecturers:**

M Baase, BA LLB LLM *NWU*  
L Boonzaier, BSocSc LLB *Cape Town* BCL *Oxon*  
R Cupido, BA LLB LLM *Stell*  
\*K Moshikaro, LLB *Pret* BCL MSc *Oxon*

**Honorary Research Associates:**

E J M Descheemaeker, Maîtrise DEA *Sorb* LLM *London* DPhil *Oxon*  
P Garufu, LLB *Fort Hare* LLM *UKZN* PhD *Witwatersrand*  
B Luhende, LLB LLM *Dar es Salaam* PhD *Cape Town* PGDip (Legal Practice) *Tanzania*  
H J Scott, BA(Hons) LLB *Cape Town* BCL MPhil DPhil *Oxon*  
C L Young, LLB PhD *Cape Town* Attorney of the High Court

**Administrative Officer:**

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

**Administrative Assistant:**

S Esterhuizen

**UCT Law Clinic**

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

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

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

**Director:**

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

**Attorneys:**

M Le Roux, BSocSc LLB *Cape Town* Attorney of the High Court  
L Soupen, BA UHDE *UDW FDE RAU* LLB *Unisa* Attorney of the High Court

## 20 DEPARTMENTS IN THE FACULTY

### **Candidate Attorneys:**

L Kriel, LLB *Cape Town*

S Zivelisile, BSocSc LLB *Cape Town*

### **Legal Assistant:**

A Zantsi, Paralegal Certificate *SALC*

### **Administrative Assistant:**

S Abrahams, Executive Secretarial Diploma *Montrose Secretarial College*

## **Centre for Rhetoric Studies**

The Centre for Rhetoric Studies is located in the Kramer Law Building, Cross Campus Road, Middle Campus. The Centre can be contacted by email: [philippe.salazar@uct.ac.za](mailto:philippe.salazar@uct.ac.za) or website: <http://rhetoricafrika.uct.ac.za>. The Centre was founded in 1995 and remains unique on the African continent where it has pioneered the emergence of rhetoric studies (as mentioned in Blackwell's *International Encyclopaedia of Communication*). It concerns itself with multidisciplinary research in public rhetoric, deliberative democracy and argumentative culture. The Centre engages in three main activities: hosting research fellows, organising academic conferences and registering postgraduate students (M and PhD). It publishes its findings through the open access journal *African Yearbook of Rhetoric* (<http://africanrhetoric.org/>). The Centre offers the Masters in Rhetoric Studies and the PhD in Rhetoric Studies (currently ten postgraduates are under supervision)

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

### **Director:**

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

### **Honorary Research Affiliates:**

K Kotzé, BA(Hons) *Cape Town*, MPhil *Leipzig*, PhD *Cape Town*

J Snell, BArch *Cape Town* MPhil PhD *Cantab*

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

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

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

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

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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 for Criminology, the Centre for Law and Society, the Democratic Governance and Rights Unit, the Land and Accountability Research Centre, the Institute of Marine and Environment Law and the Refugee Rights Unit and Southern African Legal Information Institute is housed within the Department.

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

The letter code for the Department is PBL.

The Department can be contacted by email at [Rene.Francke@uct.ac.za](mailto:Rene.Francke@uct.ac.za).

### Professor and Head of Department:

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

### Professors:

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

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

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

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

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

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

### Emeritus Professors:

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

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

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

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

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

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

I Leeman, BA LLB *Stell*

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

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

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

### Honorary Professors:

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

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

### Adjunct Professors:

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

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

S Mnisi Weeks, BA LLB *Cape Town* MSt DPhil *Oxon*

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

## 22 DEPARTMENTS IN THE FACULTY

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

### Associate Professors:

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

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

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

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

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

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

### Senior Lecturers:

L Kohn, BBusSc LLB LLM *Cape Town* Attorney of the High Court

S Lutchman, LLB *UKZN* LLM *New York*

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

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

### Adjunct Senior Lecturer:

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

### Lecturers:

N Ally, BA LLB *Witwatersrand* LLM *Edinburg* LLM *Oxon*

A Z Mkhonza, LLB *UFS* LLM *Witwatersrand* Attorney of the High Court

T Mosaka, LLB *Witwatersrand* LLM *Cape Town*

N Ramalekana LLB *Pret* BCL MPhil *Oxon*

### Adjunct Lecturer:

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

### Honorary Research Associates:

C Darch, BA *Oxon* ALA (Library and Information Science) *Northwestern Polytechnic* PhD *Bradford*

B E Morgan (TBC)

T Masengu, LLB *Rhodes* LLM *LSE* PhD *Cape Town/Ghent*

### Research Associate:

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

### Administrative Officer:

D Mwambala

### Administrative Assistant:

R Francke

## Centre of Criminology

The Centre of Criminology is a research and teaching unit committed to advancing policy-relevant research and analysis on key issues of public safety, criminal justice and responses to crime. An enduring concern of the Centre has been a critical engagement with the conceptual and political boundaries of criminological enquiry, including South Africa's contribution to the discussion of Southern Criminology. Research topics have ranged from the local to the global. Recent years have seen detailed qualitative work conducted on criminal justice reforms and alternative forms of policing in South Africa; illicit trafficking and organised crime in Africa; criminal networks; the illicit substance market in Cape Town; challenges confronting urban security and environmental risk; and violence against women. The Centre is actively involved in the teaching of courses at

undergraduate and postgraduate levels, and in postgraduate supervision. The Centre supports a large cohort of doctoral students researching a wide range of topical issues.

**Director and Professor:**

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

**Associate Professor:**

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

**Emeritus Professor:**

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

**Researcher (part-time):**

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

**Research Associates:**

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

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

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

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

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

**Research Assistant:**

A Kok, MPhil *Cape Town*

**Centre for Law and Society**

The Centre for Law and Society is an innovative multi-disciplinary hub which strives to be a place where scholars, students and activists engage critically with, and work together on, the challenges facing Africa at the intersection of law and society. Through socio-legal research, teaching and critical exchange, CLS aims to shape a new generation of lawyers, scholars, practitioners and activists working at the law and society interface, and to build the field of responsive and relevant legal theory, scholarship and practice. CLS is committed to social justice, constitutionalism and transformation, and aims to provide an interactive space to collaborate on solutions to pressing social injustices, and to incubate ideas and projects to promote justice. CLS hosts a vibrant mix of young and established researchers, working across a range of disciplines, including development studies, law, anthropology and history, and we actively support the work of public intellectuals.

CLS's co-convenes the LL.M and MPhil Programme on Criminology, Law and Society, where we teach a core course on Law and Society in Africa.

**Co-Directors:**

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

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

**Research Affiliates:**

G Chikaonda, BA LLB LL.M *Cape Town* JSM *Stanford*

O Kolawole, LLB *University of Lagos* LL.M *Cape Town*

J Omar, LLB LL.M *Cape Town* Attorney of the High Court

**Adjunct Professor:**

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

## 24 DEPARTMENTS IN THE FACULTY

### **Finance Officer/Administrator:**

J Thomas

### **Democratic Governance and Rights Unit (DGRU)**

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

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

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

### **Director:**

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

### **Senior Researcher:**

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

### **Researchers:**

M Benjamin, LLB *Witwatersrand*

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

Z Ndlebe, LLB *UWC* Attorney of the High Court

### **Professional Staff:**

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

S Campbell, BA(Hons) PGDip (Library and Information Studies) *Cape Town*

N du Toit, BSc (Mathematics) *Cape Town* LLB *Stell*

A Tilley, LLB *Cape Town*

### **Institute of Marine and Environmental Law (IMEL)**

The Institute of Marine and Environmental Law offers courses and research supervision for postgraduate students in Environmental Law and aspects of the Law of the Sea. It monitors developments in Environmental Law and Law of the Sea and at both the international level and in the Southern African context. Its functions include keeping interested parties, in both the public and private sectors, informed of these developments; publishing substantial articles of an academic nature as monographs or occasional papers; providing opinions and undertaking research projects on a fee-paying basis when commissioned to do so; and providing such incidental lectures on these subjects as may be required by the University or outside interests.

### **Director and Professor:**

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

### **Emeritus Professors:**

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

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



**Adjunct Senior Lecturer:**

O Rumble, LLB LLB *Cape Town LPPE Stell*

**Lecturer:**

A Z Mkhonza, LLB *UFS LLM Witwatersrand* Attorney of the High Court

**Land and Accountability Research Centre (LARC)**

LARC is a research and advocacy centre that forms part of a collaborative network, constituted as the Alliance for Rural Democracy, to provide strategic support to struggles for the recognition and protection of rights and living customary law in the former homeland areas of South Africa. LARC is particularly interested by the ways in which laws and policies on land, traditional governance and mining frame power relations within these areas and threaten ongoing initiatives for democratic change and accountability at the local level.

**Director:**

N Luwaya, BA LLB LLM *Cape Town*

**Deputy Director:**

M de Souza Louw, LLB LLM *Cape Town*

**Chief Researcher:**

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

**Researchers:**

Z Booi, LLB *Cape Town* LLM *Georgetown*

T Duda, BSocSc(Hons) *Cape Town*

R Mahapa, BSocSc(Hons) *Cape Town*

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

A Motala, LLB LLM *UKZN*

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

**Administrative Officer:**

A Wilkinson, BA(Hons) MA *NMMU*

**Finance Administrative Officer:**

N Tom, BBusSc (Finance) *Cape Town*

**Refugee Rights Unit**

The Refugee Rights Unit is a research unit situated in the Law Faculty. The work of the Refugee Rights Unit comprises of the following four components; a legal aid clinic, a research unit, teaching, and advocacy and training. The provision of legal aid for refugees was started as a project within the existing UCT Law Clinic, fulfilling a social responsibility function. The Refugee Rights Project became operationally independent from the Law Clinic in 2006 and has since evolved into a fully-fledged research unit, incorporating a Refugee Rights Clinic. The Refugee Rights Unit is funded by and operates as an implementing partner of the United Nations High Commissioner for Refugees (UNHCR).

The Unit teaches three elective courses in the Law Faculty: Refugee and Immigration Law (PBL4506F), and Public Interest Litigation (PBL4111S) to final year LLB students, and Refugee Law and Human Rights (PBL5653F) to the LLM class. The Unit's teaching components also include supervision of graduate level research work in the field of forced migration (including refugee and immigration law, statelessness and internal displacement). Students engage with current

## 26 DEPARTMENTS IN THE FACULTY

issues facing refugees and asylum seekers in South Africa, including litigation undertaken by the Practice. Students are also encouraged to volunteer at the Refugee Law Clinic in order to gain practical experience and fulfil community service requirements.

The legal practice provides the Unit with a close link to the practical application of refugee law in South Africa and therefore directly informs and supports the Unit's teaching activities and research outputs. As experts and practitioners in the areas of refugee and immigration law, the Unit produced two books; Refugee law in South Africa and Immigration law in South Africa.

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

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

### **Director and Associate Professor:**

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

### **Unit Attorneys and Researchers:**

N Rayner, BSocSc LLB LLM *Cape Town* Attorney of the High Court

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

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

### **Unit Candidate Attorneys:**

S Kraak, BSocSc MPhil LLB *Cape Town*

N Marinus, BSocSc LLB *Cape Town*

O McCarthy, BSocSc LLB *Cape Town*

T Modukanene, LLB *Cape Town*

M Sibanda, BSocSc LLB *Cape Town*

### **Research Assistants:**

C Marais, BA(Hons) MA *Cape Town*

S Mbatani, BSocSc LLB *Cape Town*

C Sackeyfio, BA *Columbia* LLM *Cape Town*

### **Administrator:**

M Kassiem

## **The South African Legal Information Institute**

The Southern African Legal Information Institute (SAFLII) is an online repository of legal information from South Africa that aims to promote the rule of law and judicial accountability by publishing legal material for open access in line with the objectives of the global Free Access to Law Movement. SAFLII also hosts legal materials from other countries in the region which are obtained through partnerships, collaborative efforts and more recently through linking to other Legal Information Institutes established in these regions. Recent SAFLII Projects include the launch of two new databases, the Consolidated Acts; digitisation of Hansards, Law Reports and Constitutional Assembly.

**Project Director:**

C Pillay, Business Management *CUOA Business School (Italy)* Information Technology (CS50)  
*Harvard EdX*

**Content Editors:**

I Papp, BA LLB PGDip (Library and Information Studies) *Cape Town*  
M Ruwitala, LLB *Cape Town*  
J-P Williams, LLB *UWC*

**Legal Content Analyst:**

K Shear, LLB *Unisa* BA(Hons) *Cape Town* HDipLib *Witwatersrand*

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## OTHER UNITS AND FACILITIES

### Brand Van Zyl Law Library

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

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

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

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

**Principal Librarian:**

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

**Librarian:**

A Paulsen, BBibI *UWC* BBibI(Hons) MBibI *Cape Town*

**Junior Librarian:**

C Levendal, BA *UWC* PGDip (Library and Information Studies) *Cape Town*

**Senior Library Assistant:**

Z Jaffer

### 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 Justatst. Many of these resources are listed on the Law Library's homepage at <http://www.law.lib.uct.ac.za/>.

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

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://law.uct.ac.za>.

## COURSES IN THE FACULTY

### COURSE CODES

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

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

The following examples show how this works:

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

### LECTURE PERIODS

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

**Dean of Law**

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

*Lectures and examination electives: Final Level LLB*

DOL4500F/S	Legal Practice
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*Seminars and research paper electives: Final Level LLB*

DOL4501S	Law, Democracy and Social Justice ( <i>not offered in 2021</i> )
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**Department of Commercial Law**

CML3001W	Corporation Law
CML4004S	Labour Law
CML4006W	Commercial Transactions Law

*Lectures and examination electives: Final Level LLB*

CML4501F	Dispute Resolution
CML4502F	Insurance Law ( <i>not offered in 2021</i> )
CML4503F	Copyright & Patents
CML4504S	Trade Marks & Unlawful Competition
CML4505F	International Trade and Maritime Law ( <i>not offered in 2021</i> )
CML4506F	Tax Law A
CML4507S	Tax Law B
CML4508S	Trusts and Estate Planning ( <i>not offered in 2021</i> )
CML4509S	Ways of Doing Business
CML4510F	Cyberlaw

*Seminars and research paper electives: Final Level LLB*

CML4401H	Independent Research Option
CML4601F	Theory and Practice of Commercial Regulation and Governance ( <i>not offered in 2021</i> )
CML4602S	Competition Law
CML4603S	Banking Law ( <i>not offered in 2021</i> )
CML4604F	Current Developments in Company Law ( <i>not offered in 2021</i> )
CML4605F	Law, Development, Labour and Social Policy
CML4606H	Moot Caput
CML4629S	Law and Regional Integration in Africa

*Undergraduate courses (for students from other faculties)*

CML1001F	Business Law I
CML1004S	Business Law I
CML2001F	Company Law
CML2005F	Labour Law
CML2010S	Business Law II
CML4607F	Law for Engineers

*Postgraduate Diploma courses*

CML4613S	Collective Labour Law
CML4624F	Admiralty Jurisdiction and Practice
CML4625F	Maritime Law
CML4626S	Carriage of Goods by Sea
CML4631S	Mediation

## 32 COURSES IN THE FACULTY

CML4641S	Commercial Arbitration
CML4651F	Individual Employment Law
CML4661F	General Tax Law Provisions
CML4661S	Specific Tax Law Provisions ( <i>not offered in 2021</i> )
CML4662F	Tax Treaty Law
CML4662S	Tax Policy in a Developmental Context
CML4671F	Negotiation
CML4673S	International Commercial Transactions Law
CML4676S	Workplace Discrimination and Equality Law
CML4693S	Marine Insurance Law

### *Higher postgraduate courses*

CML5601F	Advanced Company Law
CML5613S	Collective Labour Law
CML5619F	Law of International Trade
CML5624F	Admiralty Jurisdiction and Practice
CML5625F	Maritime Law
CML5626S	Carriage of Goods by Sea
CML5631S	Mediation
CML5641S	Commercial Arbitration
CML5651F	Individual Employment Law
CML5654S	Competition Law
CML5657F	Electronic Intellectual Property Law
CML5658S	Electronic Transactions Law
CML5661F	General Tax Law Provisions
CML5661S	Specific Tax Law Provisions ( <i>not offered in 2021</i> )
CML5663F	Tax Treaty Law
CML5663S	Advanced Tax Law
CML5664F	Law, Regional Integration and Development in Africa
CML5665S	Tax Policy in a Developmental Context
CML5666F	Comparative Law and Business in Africa
CML5667S	Corporate Law and Governance
CML5671F	Negotiation
CML5672S	Corporate Financing
CML5673S	International Commercial Transactions Law
CML5676S	Workplace Discrimination and Equality Law
CML5677F	Islamic Law and Finance ( <i>not offered in 2021</i> )
CML5678F	Principles of Intellectual Property Law
CML5680S	Advanced Intellectual Property Law
CML5687S	Chinese Law and Investments in Africa
CML5691S	Intellectual Property Law, Development and Innovation
CML5692F	Company Law, Corporate Governance and Labour Law
CML5693S	Marine Insurance Law
FTX4036S	Research Methods in Taxation
FTX5034F	International Tax I
FTX5033S	International Tax II

### *Thesis and dissertation codes*

CML5600W	Masters in Commercial Law
CML5606W	Masters in Commercial Law Dissertation Part
CML5611W	Masters in Tax Law Dissertation Part
CML5614W	Masters in Labour Law Dissertation Part
CML5616W	Masters in Shipping Law Dissertation Part
CML5632W	Masters in Dispute Resolution Dissertation Part
CML5674W	Masters in International Trade Law Dissertation Part



CML5681W	Masters in Intellectual Property Law Dissertation Part
CML5688W	Masters in Comparative Law in Africa Dissertation Part
CML5694W	Masters in International Taxation Dissertation Part
CML6700W	PhD in Commercial Law
CML6701W	LLD in Commercial Law (Thesis)
CML6702W	LLD in Commercial Law (Published Work)

*Research project codes for Professional Master's*

CML5000X	Commercial Law – Research Task
CML5601X	Advanced Company Law – Research Task
CML5613X	Collective Labour Law – Research Task
CML5619X	Law of International Trade – Research Task
CML5624X	Admiralty Jurisdiction & Practice – Research Task
CML5625X	Maritime Law – Research Task
CML5626X	Carriage of Goods by Sea – Research Task
CML5631X	Mediation – Research Task
CML5641X	Commercial Arbitration – Research Task
CML5651X	Individual Employment Law – Research Task
CML5654X	Competition Law – Research Task
CML5657X	Electronic Intellectual Property Law – Research Task
CML5658X	Electronic Transactions Law – Research Task
CML5660X	General Tax Law Provisions – Research Task
CML5661X	Specific Tax Law Provisions – Research Task ( <i>not offered in 2021</i> )
CML5662X	Tax Treaty Law – Research Task
CML5663X	Advanced Tax Law – Research Task
CML5664X	Law, Regional Integration and Development in Africa – Research Task
CML5665X	Tax Policy – Research Task
CML5666X	Comparative Law and Business in Africa – Research Task
CML5667X	Corporate Law and Governance – Research Task
CML5671X	Negotiation – Research Task
CML5672X	Corporate Financing – Research Task
CML5673X	International Commercial Transactions Law – Research Task
CML5676X	Workplace Discrimination and Equality Law – Research Task
CML5677X	Islamic Law and Finance – Research Task ( <i>not offered in 2021</i> )
CML5678X	Principles of Intellectual Property Law – Research Task
CML5680X	Advanced Intellectual Property Law – Research Task
CML5687X	Chinese Law and Investments in Africa – Research Task
CML5691X	Intellectual Property Law, Development and Innovation – Research Task
CML5692X	Company Law, Corporate Governance and Labour Law – Research Task
CML5693X	Marine Insurance Law – Research Task

### **Department of Private Law**

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

### 34 COURSES IN THE FACULTY

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

PVL4504S	South African Mineral Law: Theory, Context and Reform
PVL4505F	The Law of Cession ( <i>not offered in 2021</i> )
PVL4507F	Conflict of Laws

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

PVL4401H	Independent Research Option
PVL4601S	Advanced Property Law: Capita Selecta ( <i>not offered in 2021</i> )
PVL4602S	Civil Justice Reform
PVL4603F	Jurisprudence and South African Law ( <i>not offered in 2021</i> )
PVL4604S	Rhetoric, Law and Society
PVL4605F	Legal Pluralism, Religion, Culture and Human Rights
PVL4606F	Spatial Justice, Ubuntu and the Nomos of Apartheid ( <i>not offered in 2021</i> )
PVL4608S	The South African Law of Delict in Theoretical and Comparative Perspective ( <i>not offered in 2021</i> )
PVL4609H	Moot Caput

#### *Exchange programme courses*

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

#### *Postgraduate Diploma Courses*

PVL4624F	Human Rights and Private Law ( <i>not offered in 2021</i> )
PVL4625S	Property Law in a Constitutional Order ( <i>not offered in 2021</i> )
PVL4630F	Comparative Mineral Law in Africa
PVL4631S	Negotiation of Mining Contracts
PVL4632F	Oil and Gas Law in South Africa
PVL4633S	Resource Revenue Law

#### *Higher postgraduate courses*

PVL5620S	Advanced Contract Law ( <i>not offered in 2021</i> )
PVL5624F	Human Rights and Private Law ( <i>not offered in 2021</i> )
PVL5625S	Property Law in a Constitutional Order ( <i>not offered in 2021</i> )
PVL5626S	Human Rights, Gender and Family
PVL5627S	Delict, Unjustified Enrichment, and Human Rights ( <i>not offered in 2021</i> )
PVL5630F	Comparative Mineral Law in Africa
PVL5631S	Negotiation of Mining Contracts
PVL5632F	Oil and Gas Law in South Africa
PVL5633S	Resource Revenue Law

#### *Thesis and dissertation codes*

PVL5606W	Masters in Private Law
PVL5607W	Masters in Rhetoric Studies
PVL5628W	Masters in Private Law and Human Rights Dissertation Part ( <i>not offered in 2021</i> )
PVL5634W	Masters in the Law of Mineral and Petroleum Extraction and Use
PVL6700W	PhD in Private Law
PVL6703W	PhD in Rhetoric Studies
PVL6701W	LLD in Private Law (Thesis)
PVL6702W	LLD in Private Law (Published Work)

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

PVL5000X	Private Law - Research Task
PVL5620X	Advanced Contract Law – Research Task ( <i>not offered in 2021</i> )
PVL5624X	Human Rights and Private Law – Research Task ( <i>not offered in 2021</i> )
PVL5625X	Property Law in a Constitutional Order – Research Task ( <i>not offered in 2021</i> )
PVL5626X	Human Rights, Gender, and Family – Research Task

PVL5627X	Delict, Unjustified Enrichment, and Human Rights - Research Task ( <i>not offered in 2021</i> )
PVL5630X	Comparative Mineral Law in Africa – Research Task
PVL5631X	Negotiation of Mining Contracts - Research Task
PVL5632X	Oil and Gas Law in South Africa - Research Task
PVL5633X	Resource Revenue Law - Research Task

### Department of Public Law

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

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

PBL4111S	Public Interest Litigation
PBL4501F	Criminology: Selected Issues ( <i>not offered in 2021</i> )
PBL4502F	Environmental Law
PBL4503F	European Union Law
PBL4504F	International Criminal Law and Africa
PBL4505S	International Human Rights Law and the Constitution
PBL4506F	Refugee and Immigration Law
PBL4508F	Local Government Law ( <i>not offered in 2021</i> )

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

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

#### *Exchange programme courses*

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

#### *Undergraduate Criminology course (for Humanities students only)*

PBL2800F	Crime and Deviance in South African Cities
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#### *Postgraduate course for postgraduate students from other faculties such as Science, Humanities, and Engineering and the Built Environment*

PBL5045S	Environmental Law for Non-Lawyers ( <i>not offered in 2021</i> )
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#### *Postgraduate Diploma courses*

PBL4607F	International Law of the Sea
PBL4615F	International Law in Theory and Practice
PBL4618S	International Law on Disputes and Use of Force
PBL4619S	International Environmental Law
PBL4623F	Governing under the Constitution: Law and Practice
PBL4631F	International Protection of Human Rights
PBL4640F	Principles of Environmental Law
PBL4641F	Land Use Planning Law

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PBL4642S	Natural Resources Law
PBL4643S	Pollution Law
PBL4658S	Administrative Justice and Open Government
PBL4659S	Human Rights, Legal Pluralism, Religion and Culture
PBL4808S	International Criminal Law ( <i>not offered in 2021</i> )
PBL4815S	Punishment and Human Rights
PBL4820F	Theories of Crime and Social Order
PBL4822S	Victims and Victimology: Theory, Policy and Practice
PBL4844S	Police and Policing: Explorations in Security Governance
PBL4847S	Forensics and the Law ( <i>not offered in 2021</i> )
PBL4849F	Law in Action – Research Methods

#### *Higher postgraduate courses*

PBL5602F	International Law of the Sea
PBL5615F	International Law in Theory and Practice
PBL5618S	International Law on Disputes and Use of Force
PBL5619S	International Environmental Law
PBL5623F	Governing under the Constitution: Law and Practice
PBL5628S	International Rights of the Child
PBL5631F	International Protection of Human Rights
PBL5640F	Principles of Environmental Law
PBL5641F	Land Use Planning Law
PBL5642S	Natural Resources Law
PBL5643S	Pollution Law
PBL5651S	International Protection of Women's Human Rights
PBL5653F	Refugee Law and Human Rights
PBL5658S	Administrative Justice and Open Government
PBL5659S	Human Rights, Legal Pluralism, Religion and Culture
PBL5661S	Litigating South African Bill of Rights
PBL5663S	Transparency Law & Governance: Global and Local Theory & Practice
PBL5807S	International Criminal Law ( <i>not offered in 2021</i> )
PBL5815S	Punishment and Human Rights
PBL5820F	Theories of Crime and Social Order
PBL5822S	Victims and Victimology
PBL5844S	Police and Policing: Explorations in Security Governance
PBL5847S	Forensics and the Law ( <i>not offered in 2021</i> )
PBL5848F	Law and Society in Africa ( <i>not offered in 2021</i> )
PBL5849F	Law in Action

#### *Thesis and dissertation codes*

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

PBL6704W PhD in Criminology

*Research project codes for Professional Master's*

PBL5000X Public Law - Research Task

PBL5602X International Law of the Sea – Research Task

PBL5619X International Environmental Law – Research Task

PBL5640X Principles of Environmental Law – Research Task

PBL5641X Land Use Planning Law – Research Task

PBL5642X Natural Resources Law – Research Task

PBL5643X Pollution Law – Research Task

### **Courses offered by other departments**

*Elective courses: Final Level LLB*

PTY4008S Medicina Forensis

## RULES FOR LLB DEGREE STREAMS

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

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

### Admission and Curriculum Rules

The Basic Legal Education Programme is offered in three streams:

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

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

### Transferring students

#### Internal

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

#### External

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

### Duration of the streams of the Basic Legal Education programme

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

**Curriculum Requirements:**

**Graduate LLB stream (LP001)**

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

**Graduate LLB Stream**

**[LP001]**

**First Year YEAR 1 (PRELIMINARY LEVEL)**

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

**Second Year YEAR 2 (INTERMEDIATE LEVEL)**

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

**Third Year YEAR 3 (FINAL LEVEL)**

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

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

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

- FP4.5 A candidate may undertake additional elective courses amounting to not more than 18 NQF credits.
- FP4.6 The maximum number of credits for elective courses in the Final Level is 54 credits.
- FP4.7 Intermediate Level students may register for DOL4500F/S Legal Practice (previously Legal Aid and Legal Practice) if
- (i) they have achieved an average of 65% in the Preliminary Level law courses; and
  - (ii) the Director of UCT Law Clinic has admitted them into the course.

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

### Four-year undergraduate LLB stream (LB002)

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

FP5.2

A candidate must

- (a) show in a test prescribed by Senate that he or she has an ability to deal with the numerical problems that arise in law; or
- (b) if he or she fails to obtain at least 66% in this test, complete the course MAM1013F/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 and graduate LLB programme are exempted from this course.

*Candidates are referred to FP5.3.1. A candidate who has passed the numeracy test must complete an additional semester course offered in another faculty.*

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

### Four-year undergraduate LLB stream

#### [LB002]

#### First Year YEAR 1 (PRELIMINARY LEVEL)

Code	Course	NQF Credits	NQF Level
PVL1003W	Foundations of South African Law.....	36	5
PVL1004F	South African Private Law: System and Context.....	18	5
PVL1008H	Law of Persons and Family .....	18	5
	One English (ELL) course OR SLL1002S Word Power.....	18	5
MAM1013F	Law That Counts .....	18	5
or	.....		
MAM1013S	Law That Counts .....	18	5



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Code	Course	NQF Credits	NQF Level
	AND two semester courses in another faculty .....	36	5
	<b>Total credits for first (Preliminary) year .....</b>	<b>144</b>	

**Second Year YEAR 2 (PRELIMINARY LEVEL)**

Code	Course	NQF Credits	NQF Level
<b>PBL2000W</b>	Constitutional Law .....	36	7
<b>PVL2002H</b>	Law of Property .....	18	6
<b>PVL2003H</b>	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
	<b>Total credits for second (Preliminary) year .....</b>	<b>156</b>	

**Third Year YEAR 3 (INTERMEDIATE LEVEL)**

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

**Fourth Year YEAR 4 (FINAL LEVEL)**

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

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

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 Economics must take both ECO1010F Microeconomics and ECO1011S Macroeconomics and 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)

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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 Literature: how and why?, in the first year.

Students are further 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.

### Five-year LLB stream (LB003)

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

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

#### First Year Core Modules

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

#### Second Year Core Modules

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

#### Third Year Core Modules

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

#### Fourth Year Core Modules

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

**Fifth Year Core Modules**

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

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

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

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

FP6.1 All streams of the curriculum for the LLB degree have a skills component which forms part of each level of the degree programme. The skills component is compulsory. Candidates in the respective levels of the degree must comply with the requirements of the skills component tasks. For the purposes of design and co-ordination, the four-year LLB stream pattern is used.

- FP6.2 In each academic year the following are included:
- writing skills (including essay work, opinion work and drafting)
  - computer skills
  - problem solving
  - analysis
  - research (including library skills)
  - oral presentation (including preparation for debates and seminars)

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- FP6.3 In the FIRST year, there should be emphasis on:
- writing skills
  - problem solving
  - reading skills
- FP6.4 In the SECOND year, there should be emphasis on:
- problem solving
  - analysis including critical analysis
  - oral presentation
- FP6.5 In the THIRD year, in addition to fulfilling course-specific requirements such as assignments and tests every student must:
- write one essay and one opinion
  - attend all tutorials (or submit written work at the discretion of the course convener)
- FP6.6 In the FOURTH year, there should be:
- an Integrative Assessment Moot. The Integrative Assessment Moot ('IAM') is an integrative capstone LLB assessment. Its objectives are to assess students' ability to work collaboratively in pairs to identify the legal issues and apply the relevant law to a complex factual scenario or given case that integrates a variety of areas of law taught as separate compulsory courses in the LLB curriculum; prepare written Heads of Argument; present legal argument orally; and respond to oral questioning in simulated court proceedings.

### Progress rules for LLB degree streams

#### Graduate LLB stream

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

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

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

- FP7.2 A candidate who has more than
- (a) one half course outstanding from the Preliminary Level may not register for more than four full courses or the equivalent, which must include the outstanding course(s) from the Preliminary Level; or
  - (b) one course (or two half courses) outstanding from the Intermediate Level

may not register for more than four full courses or the equivalent, which must include the outstanding course(s) from the Intermediate Level.

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

### **Combined undergraduate/graduate stream**

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

### **Four-year undergraduate LLB stream**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### General progress rules for all streams

#### Maximum number of courses in any year

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

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

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

#### Minimum requirements for readmission

- FP11.1 A candidate may be refused permission to renew his/her registration in the Faculty if he/she fails:

- (i) the equivalent of four half courses or more at any level; or
- (ii) to complete all the courses prescribed for the degree within the prescribed time plus two years.

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

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

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

### **Absence from examinations**

FP13.1 A student who fails to write the examination in a course for which he or she is registered will be deemed to have failed the course for the purposes of the minimum requirements for readmission.

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

### **Sub-minimum mark in final examinations**

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

### **Oral examination**

FP15.1 A candidate in his or her final year of study has the right to an oral examination in any course which he or she has failed (because he or she failed to obtain a mark of 50% overall or failed to obtain a mark of 45% in the final examination) if he or she has:  
scored 47% or more overall in that course.

FP15.2 A candidate must be given at least three days' (72 hours) notice of any oral examination.

FP15.3 Where possible, the external examiner will be present at an oral examination. If the external examiner is not able to be present, another examiner external to the course, who may be a member of staff, must be present.

*NOTE: Oral examinations may be held over a weekend.*

### **Supplementary examinations**

FP16.1 Senate may permit a candidate to write supplementary examinations in the equivalent of five half courses in any one year, provided that he or she has

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reached a sufficiently high standard when failing such course(s).

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

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

### Deferred examinations

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

### Distinction

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



he or she had completed the degree at this University.

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

**Concurrent registration**

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

**Deviations from the rules**

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

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

**Revision of the rules**

FP21 Senate may at any time revise any rule.

**Pattern of courses for the LLB degree streams**

**NOTE:** In the absence of compelling circumstances a student may not register for the following optional courses in Intermediate Level:  
*Tax Law A, Tax Law B, Trusts and Estate Planning, Competition Law, Constitutional Litigation, Conflict of Laws, The Law of Cession, Moot Option.*

**Graduate LLB Main Stream (LP001)**

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

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

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

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

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

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

**RULES FOR LLB DEGREE STREAMS 51**

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.

**Five-Year Undergraduate LLB Curriculum Stream (LB003)**

<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Foundations of South African Law (5YP): PVL1006W (No longer on offer after 2019)	South African Private Law: System and Context (5YP): PVL1007F (No longer on offer after 2020)	Criminal Law: PBL3801W	Corporation Law: CML3001W	Labour Law: CML4004S
Law of Persons and Family (5YP): PVL1009S (No longer on offer after 2019)	Constitutional Law (5YP): PBL2002W (No longer on offer after 2020)	Law of Property: PVL2002H	International Law: PBL3001F	Commercial Transactions Law: CML4006W
Word Power (2nd semester)	Non-law option (1st and 2nd semester) *	Law of Succession: PVL2003H	African Customary Law: PVL3003S	Administrative Law: PBL4001W
Law That Counts: MAM1013F		2000-level non-law option (1st and 2nd semester) *	Law of Delict: PVL3003F	Law of Evidence: PBL4801F
		Language option (1st and 2nd semester)	Law of Contract: PVL3005W	Criminal Procedure: PBL4802F
			Jurisprudence: PVL3006S	Civil Procedure: PVL4008H
			Community Service: DOL3001X	Integrative Assessment Moot: DOL4000H
			Intermediate Year Skills Component: DOL3002X	Research Component (36 credits)

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

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

## 52 RULES FOR LLB DEGREE STREAMS

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

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

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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 LITERATURE: HOW AND WHY?

18 NQF credits at NQF level 5

**Convener:** Dr P Anderson

**Course entry requirements:** None

**Course outline:**

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

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

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

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

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#### ELL1016S IMAGE, VOICE, WORD

18 NQF credits at NQF level 5

**Convener:** Dr K Highman

**Course entry requirements:** None

**Course outline:**

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

## 54 COURSE OUTLINES (LLB)

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

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

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

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### SLL1002F/S WORD POWER

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

18 NQF credits at NQF level 5

**Convener:** Dr M Shelton and Dr J Murray

**Course entry requirements:** None

**Course outline:**

The course consists of two components:

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

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

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

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

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### MAM1013F LAW THAT COUNTS

18 NQF credits at NQF level 5

**Convener:** Dr S Rughubar-Reddy

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

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

**Course outline:**

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

**Lecture times:** Monday - Friday, 4th period

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

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

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### MAM1013S LAW THAT COUNTS

18 NQF credits at NQF level 5

**Convener:** TBA

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

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

**Course outline:**

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

**Lecture times:** Monday – Friday, 4th period

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

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

## Law Courses

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### PBL2000W CONSTITUTIONAL LAW

*Preliminary Level, whole year course*

36 NQF credits at NQF level 7

**Convener:** Associate Professor C Powell

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

**Course outline:**

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

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

**DP requirements:** None

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

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### PVL1003W FOUNDATIONS OF SOUTH AFRICAN LAW

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

36 NQF credits at NQF level 5

**Convener:** TBA

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

**Course outline:**

The theme of the course is 'the fluctuating fortunes of the rule of law'. An introduction to the South African legal system is covered in the first section of the course. This is followed by an outline of the development of public law culture, viewed through the lens of the rule of law. Thereafter, the transition to democracy and transformative constitutionalism is studied. Finally, a section on the rules of interpretation of law and the practical application of those rules is included.

**DP requirements:** None

**Assessment:** Coursework 50%, final examination 50%.

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**PVL1004F SOUTH AFRICAN PRIVATE LAW: SYSTEM AND CONTEXT**

*Preliminary Level, first semester, three lectures per week.*

18 NQF credits at NQF level 5

**Convener:** M Baase

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

**Course outline:**

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

**DP requirements:** None

**Assessment:** Coursework 50% Final Examination 50%.

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**PVL1008H LAW OF PERSONS AND FAMILY**

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

18 NQF credits at NQF level 5

**Convener:** Associate Professor A Barratt

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

**Course outline:**

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

**DP requirements:** None

**Assessment:** Coursework 50%; Final Examination 50%

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**PVL2002H LAW OF PROPERTY**

*Preliminary Level, half course, 36 lectures.*

18 NQF credits at NQF level 6

**Convener:** Associate Professor A Barratt

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

**Course outline:**

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

**Assessment:** Coursework: 50% Final Examination 50%.

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**PVL2003H LAW OF SUCCESSION**

*Preliminary Level, half course, 36 lectures.*

18 NQF credits at NQF level 7



**Convener:** TBA

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

**Course outline:**

Aims and objectives

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

Course content

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

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

**Assessment:** Coursework: 50%, Final examination: 50%.

## Intermediate Level LLB

### **CML3001W CORPORATION LAW**

*Intermediate Level, whole course, 72 lectures and tutorials.*

36 NQF credits at NQF level 7

**Convener:** Dr K Idensohn, Dr H Stoop & F Adams

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

**Course outline:**

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

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

**Assessment:** Optional essay/opinion 20%, mid-year test (compulsory) 30%. Examination 50% (if essay/opinion) or 70% (if no essay/opinion)

### **DOL3000X MOOT COMPETITION**

9 NQF credits at NQF level 7

**Course outline:**

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 under the supervision of a Faculty academic member of staff. Students may be credited with 9 NQF credits and may be exempted from a seminars-and-research-paper elective (Moot Caput option) in the Final Level of the LLB.

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

### **DOL3001X COMMUNITY SERVICE**

0 NQF credits at NQF level 7

**Convener:** J Omar

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

**Course outline:**

## 58 COURSE OUTLINES (LLB)

It is a compulsory requirement for the LLB degree that, during the course of the degree, all law students must complete a certain number of hours of community service work. The clinical and/or field work must be legally orientated, must be offered through an approved service provider, and must provide a direct service or benefit to an underprivileged or disadvantaged or vulnerable group or person. An approved service provider is one that has been approved by the Law Faculty's Community Service Committee and may include: a) organisations that are directly affiliated to the Law Faculty; b) organisations that are directly affiliated to Law Faculty-based approved service providers; c) external organisations or projects that have been specifically approved by the Law Faculty's Community Service Committee. Programmes/projects of approved service providers and organisations that are linked to Law Faculty-based approved service providers and through which services are offered must also have been approved by the Law Faculty's Community Service Committee. This course does not attract a fee. Details of approved service providers are available from the Community Service Vula site. Administrative queries should be directed to N Campbell (Servicing Officer), Room 4.38.1, Kramer Law Building, email: [nikki.campbell@uct.ac.za](mailto:nikki.campbell@uct.ac.za) and substantive queries may be directed to J Omar, email: [jameelah.omar@uct.ac.za](mailto:jameelah.omar@uct.ac.za). Students must regularly complete and submit their official timesheets to the servicing officer via Vula for verification, signature and uploading.

### **For students who first registered for the course prior to 2020:**

Students who first registered for the course prior to 2020 must complete a total of 30 hours of unremunerated community service during the course of their degree. Students who have successfully completed Legal Practice DOL4500F/S will receive a credit for this course without having to complete any community service work apart from that completed for the purposes of Legal Practice. Students must be registered for community service in the year that it is performed in order for those hours to qualify as part of their community service. The usual practice is for students to register for the first time in Intermediate Year. However, the total of 30 hours may be performed in whole or in part in any year of the LLB by any student who has successfully completed all the Prelim A courses (LLB) and has registered for the community service course. Note that the Law Faculty's Community Service Committee may prescribe specific conditions for the performance of community service by students who have successfully completed all Prelim A courses but are not yet in their Intermediate or Final Year, and these will be published on the Vula course site at the beginning of each year. Students who have not completed all 30 hours of community service will not be permitted to graduate.

### **For students who first register for the course in or after 2020:**

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

**Assessment:** Coursework 100%

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## **DOL3002X INTERMEDIATE YEAR SKILLS COMPONENT**

0 NQF credits at NQF level 7

**Convener:** TBA

### **Course outline:**

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

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

### **PBL3001F** INTERNATIONAL LAW

*Intermediate Level, half course, first semester*

18 NQF credits at NQF level 7

**Convener:** Associate Professor H Woolaver

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

**Course outline:**

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

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

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

### **PBL3801W** CRIMINAL LAW

*Intermediate Level, whole year course.*

36 NQF credits at NQF level 7

**Convener:** K Phelps

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

**Course outline:**

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

**Analysis of principles:** The course focuses on an analysis of the case law and legal principles governing the elements of (i) voluntariness of conduct (including the defence of automatism); (ii) causation; (iii) defences excluding unlawfulness (private defence, necessity, impossibility, obedience to orders, public authority and consent); (iv) capacity (including the defences of youth, insanity, intoxication, provocation and emotional stress); (v) fault in the forms of intention and negligence; (vi) common purpose, accomplice and accessory-after the-fact liability; (vii) attempt, incitement and conspiracy

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

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

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

### **PVL3003F** LAW OF DELICT

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

18 NQF credits at NQF level 7

**Convener:** Professor A G Fagan

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

**Course outline:**

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

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

**Assessment:** Coursework 30%, Examination 70%.

**PVL3003S AFRICAN CUSTOMARY LAW**

*Intermediate Level, second semester, 36 lectures and tutorials.*

18 NQF credits at NQF level 7

**Convener:** Dr F Osman

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

**Course outline:**

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

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

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

**Assessment:** Coursework 50% Final Examination 50%.

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**PVL3005W LAW OF CONTRACT**

*Intermediate Level, whole course, 72 lectures and tutorials.*

36 NQF credits at NQF level 7

**Convener:** Professor T Naudé

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

**Course outline:**

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

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

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

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**PVL3006S JURISPRUDENCE**

*Intermediate Level, half course, second semester, two lectures per week.*

18 NQF credits at NQF level 7

**Convener:** Professors A G Fagan

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

**Course outline:**

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

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

**Assessment:** Coursework 30%, November examination 70%.

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**Final Level LLB**

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**CML4004S LABOUR LAW**

*Final Level course, half course, second semester*

18 NQF credits at NQF level 8

**Convener:** Professor R Le Roux

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

**Course outline:**

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

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

**Assessment:** Coursework 40% November examination 60%

### **CML4006W** COMMERCIAL TRANSACTIONS LAW

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

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

**Convener:** Associate Professor A Hutchison

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

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

**Course outline:**

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

**DP requirements:** None

**Assessment:** Coursework 30%/50% Final Examination 70%/50%

### **DOL4000H** INTEGRATIVE ASSESSMENT MOOT

0 NQF credits at NQF level 8

**Convener:** TBA

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

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

**Course outline:**

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

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questioning from the judges. Students will be graded on a Pass/Fail basis by the panel of judges who adjudicated the moot concerned. Each year, at the end of the IAM, there will be a 'Moot-Off' between the four students identified as the best mooters in that year's IAM. The Moot-Off will be a public event presided over by a judge and/or senior legal practitioner. The best-performing student in the Moot-Off will be awarded the Faculty Moot Prize.

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

**Assessment:** Examination 100%

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### **PBL401W ADMINISTRATIVE LAW**

*Final level, whole year course.*

36 NQF credits at NQF level 8

**Convener:** L Kohn

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

**Course outline:**

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

**DP requirements:** None

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

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### **PBL4801F LAW OF EVIDENCE**

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

18 NQF credits at NQF level 8

**Convener:** S Lutchman and Professor PJ Schwikkard

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

**Course outline:**

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

**DP requirements:** None

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

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### **PBL4802F CRIMINAL PROCEDURE**

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

18 NQF credits at NQF level 8

**Convener:** J Omar

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

**Course outline:**

Criminal Procedure deals with the practice and procedure of the criminal process, from the police to the courts. Students are given concrete and topical examples in class, tutorials and assignments and

are expected to apply their knowledge of general principles in a critical way, having regard to criminal justice and contemporary social justice imperatives. Students are challenged with legal and ethical dilemmas that they would confront in practical situations and are required to provide justiciable answers in conformity with ethics norms often informed by constitutional values. The course draws heavily on principles of criminal law, constitutional law as well as the law of evidence, to illustrate the interaction between adjectival and substantive law.

**DP requirements:** None

**Assessment:** Coursework 40%, June examination 60%.

## **PVL4008H CIVIL PROCEDURE**

*Final Level, half course, two lectures per week.*

18 NQF credits at NQF level 8

**Convener:** Professor M Paleker

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

### **Course outline:**

Aims and objectives:

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

Course content:

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

**DP requirements:** None

**Assessment:** Coursework: 50% Examination: 50%

## **Elective courses: Final Level**

### **(All 9 NQF credits)**

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

## **Dean's Office, Law**

### **LECTURES AND EXAMINATION ELECTIVES**

DOL4500F/S      Legal Practice

### **SEMINARS AND RESEARCH PAPER ELECTIVES**

DOL4501S      Law, Democracy and Social Justice (*not offered in 2021*)

## **Department of Commercial Law**

### **LECTURES AND EXAMINATION ELECTIVES**

CML4501F      Dispute Resolution

CML4502F      Insurance Law (*not offered in 2021*)

CML4503F      Copyright & Patents

CML4504S      Trade Marks & Unlawful Competition

CML4505F      International Trade and Maritime Law (*not offered in 2021*)

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CML4506F	Tax Law A
CML4507S	Tax Law B
CML4508S	Trusts and Estate Planning ( <i>not offered in 2021</i> )
CML4509S	Ways of Doing Business
CML4510F	Cyberlaw

### SEMINARS AND RESEARCH PAPER ELECTIVES

CML4601F	Theory and Practice of Commercial Regulation and Governance ( <i>not offered in 2021</i> )
CML4602S	Competition Law
CML4603S	Banking Law ( <i>not offered in 2021</i> )
CML4604F	Current Developments in Company Law ( <i>not offered in 2021</i> )
CML4605F	Law, Development, Labour and Social Policy
CML4606H	Moot Caput
CML4629S	Law and Regional Integration in Africa

## Department of Private Law

### LECTURES AND EXAMINATION ELECTIVES

PVL4504S	South African Mineral Law: Theory, Context and Reform
PVL4505F	The Law of Cession ( <i>not offered in 2021</i> )
PVL4507F	Conflict of Laws

### SEMINARS AND RESEARCH PAPER ELECTIVES

PVL4601S	Advanced Property Law: Capita Selecta ( <i>not offered in 2021</i> )
PVL4602S	Civil Justice Reform
PVL4603F	Jurisprudence and South African Law ( <i>not offered in 2021</i> )
PVL4604S	Rhetoric, Law and Society
PVL4605F	Legal Pluralism, Religion, Culture and Human Rights
PVL4606F	Spatial Justice, Ubuntu and the Nomos of Apartheid ( <i>not offered in 2021</i> )
PVL4608S	The South African Law of Delict in Theoretical and Comparative Perspective ( <i>not offered in 2021</i> )
PVL4609H	Moot Caput

## Department of Public Law

### LECTURES AND EXAMINATION ELECTIVES

PBL4111S	Public Interest Litigation
PBL4501F	Criminology: Selected Issues ( <i>not offered in 2021</i> )
PBL4502F	Environmental Law
PBL4503F	European Union Law
PBL4504F	International Criminal Law and Africa
PBL4505S	International Human Rights Law and the Constitution
PBL4506F	Refugee and Immigration Law
PBL4508F	Local Government Law ( <i>not offered in 2021</i> )

### SEMINARS AND RESEARCH PAPER ELECTIVES

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

### INDEPENDENT RESEARCH PAPER ELECTIVES

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

### COURSES OFFERED BY DEPARTMENTS IN OTHER FACULTIES

PTY4008S      Medicina Forensis

## Course Outlines:

### CML4501F DISPUTE RESOLUTION

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

9 NQF credits at NQF level 8

**Convener:** M Carels

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

**Course outline:**

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

**DP requirements:** None

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

### CML4502F INSURANCE LAW

*(Not offered in 2021) Final Level, half course, first semester, two lectures per week.*

9 NQF credits at NQF level 8

**Convener:** Dr H Stoop

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

**Course outline:**

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

**DP requirements:** Satisfactory attendance at and participation in lectures.

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

### CML4503F COPYRIGHT & PATENTS

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

9 NQF credits at NQF level 8

**Convener:** Associate Professor L-A Tong

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

**Course outline:**

This course provides an introduction to two of the main intellectual property rights, namely copyright and patents. This is done primarily from a South African perspective. In addition to covering the principles of copyright and patent law, the course provides an opportunity for students to explore topical issues related to these intellectual property rights. The effect of intellectual property rights on access to medicines and educational materials, and the protection of traditional

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knowledge, are examples of such issues. Students are encouraged to also register for CML4504S Trade Marks & Unlawful Competition in order to gain a more comprehensive exposure to intellectual property law.

**DP requirements:** None

**Assessment:** Coursework: 20% optional, Exam: 80% or 100%

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### **CML4504S TRADE MARKS & UNLAWFUL COMPETITION**

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

9 NQF credits at NQF level 8

**Convener:** Associate Professor L-A Tong

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

**Course outline:**

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

**DP requirements:** None

**Assessment:** Coursework: 20% optional, Exam: 80% or 100%

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

*(Not offered in 2021) Final Level, half course, first semester, two lectures per week.*

9 NQF credits at NQF level 8

**Convener:** TBA

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

**Course outline:**

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

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

**DP requirements:** None

**Assessment:** Coursework 40%, June examination 60%

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### **CML4506F TAX LAW A**

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

9 NQF credits at NQF level 8

**Convener:** Associate Professor A Titus

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

**Course outline:**

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

This course introduces the subject of tax law. It seeks to illustrate the interrelation of tax law with other fields of law by focussing on primary themes and structural challenges faced by a tax system. In much of the coursework, the emphasis will be on the South African income tax. A selection of fundamental features of the South African income tax will be considered, mainly through critical evaluation of case law. Key jurisdictional concepts comprising the source and residence basis of

income taxation will be considered. The course will analyse the statutory and jurisprudential frameworks for the determination of taxable income, including the notion of income, the distinction between capital and revenue receipts and the deductibility of expenditure and losses.

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

**DP requirements:** None

**Assessment:** Coursework: 30% (optional), Examination: 70%/100%

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### **CML4507S TAX LAW B**

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

9 NQF credits at NQF level 8

**Convener:** Associate Professor A Titus

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

**Course outline:**

This course builds on Tax Law A as a further introductory course for law undergraduates on the subject of tax law. The focus of the course is on legislation as the primary source of tax law. In much of the coursework, the emphasis will be on the South African income tax legislation. Because the focus is on legislation, the course is introduced by a recapitulation of the legal framework for statutory construction. Throughout the course, the emphasis will be on development of the competencies required to use revenue legislation in a responsible manner. A selection of features of the South African Income Tax Act, 58 of 1962, will be considered. The relevant provisions are categorised into those dealing with the main tenants of the taxation of individuals, companies and other vehicles such as trusts and partnerships. Selected issues affecting the taxation of corporate income will be considered. In addition, the legislation imposing tax on capital gains will be dealt with, in overview. The course is concluded by a consideration of the various common law and statutory measures that address tax evasion and tax avoidance. Brief consideration will be given to common legitimate tax planning techniques.

**DP requirements:** None

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

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### **CML4508S TRUSTS AND ESTATE PLANNING**

*(Not offered in 2021) Final Level, half course, second semester, two lectures per week.*

9 NQF credits at NQF level 8

**Convener:** K Lehmann

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

**Course outline:**

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

**DP requirements:** None

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

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### **CML4509S WAYS OF DOING BUSINESS**

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

9 NQF credits at NQF level 8

**Convener:** Dr K Idensohn

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

**Course outline:**

This course provides a comparative and critical overview of the legal nature, regulation, relative advantages and disadvantages, and ideological and theoretical bases of a number of different legal

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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%

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### **CML4510F** CYBERLAW

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

9 NQF credits at NQF level 8

**Convener:** Associate Professor T Schönwetter

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

**Course outline:**

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

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

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

**DP requirements:** None

**Assessment:** Coursework 20%, Examination 80%.

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

*(Not offered in 2021) Final Level, half course, first semester, two lectures per week.*

9 NQF credits at NQF level 8

**Convener:** Associate Professor D Collier and Dr K Idensohn

**Course outline:**

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

**DP requirements:** None

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

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**CML4602S COMPETITION LAW**

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

9 NQF credits at NQF level 8

**Convener:** Judge D M Davis

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

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

**Course outline:**

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

**DP requirements:** None

**Assessment:** Research paper (5000 words) 100%

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**CML4603S BANKING LAW**

*(Not offered in 2021) Final level, half course, second semester.*

9 NQF credits at NQF level 8

**Convener:** TBA

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

**Course outline:**

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

**DP requirements:** None

**Assessment:** Research Paper (5000 words) 100%

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**CML4604F CURRENT DEVELOPMENTS IN COMPANY LAW**

*(Not offered in 2021) Final Level, half course, first semester, two lectures per week.*

9 NQF credits at NQF level 8

**Convener:** TBA

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

**Course outline:**

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

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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

*Final Level, half course, first semester, two lectures per week. This course is limited to 15 students.*

9 NQF credits at NQF level 8

**Convener:** Associate Professor D Collier and Dr K Idensohn

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

**Course outline:**

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

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### **CML4629S** LAW AND REGIONAL INTEGRATION IN AFRICA

9 NQF credits at NQF level 8

**Convener:** Dr G Mukundi and Dr V Amadi

**Course entry requirements:** None

**Co-requisites:** None

**Course outline:**

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

**DP requirements:** None

**Assessment:** Coursework 20%; final research paper 80%

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**DOL4500F/S LEGAL PRACTICE**

*This course is capped at 40 students per semester.*

9 NQF credits at NQF level 8

**Convener:** Y Moodley

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

**Course outline:**

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

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

**Assessment:** Assignment 1: 30%; Mock trial: 20% and final assessment of files: 50%

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**DOL4501S LAW, DEMOCRACY AND SOCIAL JUSTICE**

*(Not offered in 2021) Final Level, half course, first semester, two lectures per week. This course is limited to 20 students, application to do the course must be directed to the Course Convener before 31 October.*

9 NQF credits at NQF level 8

**Convener:** TBA

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

**Course outline:**

This will vary from semester to semester dependent on the expertise of visiting lecturers but will broadly be in jurisprudential rights discourse. The course will include methodological instruction in the development of a research proposal, the first and final drafts of the research paper

**DP requirements:** None

**Assessment:** Research Project Paper proposal 10%, First Draft 20%, Final Paper 60%, Class Participation 10%

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**PBL4111S PUBLIC INTEREST LITIGATION**

*Final Level, half course, second semester.*

9 NQF credits at NQF level 8

**Convener:** Associate Professor F Khan and P Mfobu

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

**Course outline:**

This course is designed to examine strategic and legal issues related to litigating in the public's interest and social justice cases that advance the constitutional and civil rights of vulnerable groups or communities. The course will draw from the Refugee Rights and the Land and Accountability Research Centre's experience as part of teams engaged in strategic impact litigation about land rights over several years. We will explore public interest litigation and approaches by examining the legal framework, through a variety of case studies, pending litigation and guest lecturers. The course is based on a participatory, active learning approach, with an emphasis on practical learning. Participants will do the required readings, prepare individual and group assignments and participate actively in group discussions.

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**DP requirements:** None

**Assessment:** One written assignment which will contribute 20%, a presentation which will contribute to 20%, class attendance and participation which will contribute 10% and an exam which will contribute 50% to the final mark.

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

*(Not offered in 2021) Final Level, half course, first semester, two lectures per week.*

9 NQF credits at NQF level 8

**Convener:** Professor E van der Spuy

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

**Course outline:**

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

**DP requirements:** Satisfactory attendance at weekly seminars.

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

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### **PBL4502F** ENVIRONMENTAL LAW

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

9 NQF credits at NQF level 8

**Convener:** A Mkhonza

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

**Course outline:**

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

**DP requirements:** None

**Assessment:** Class tests 20%; Short research assignment 20%; Examination 60%.

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### **PBL4503F** EUROPEAN UNION LAW

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

9 NQF credits at NQF level 8

**Convener:** Emeritus Professor D J Devine

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

**Course outline:**

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

**DP requirements:** None

**Assessment:** Coursework: 20%, Exam 80%



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**PBL4504F** INTERNATIONAL CRIMINAL LAW AND AFRICA

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

9 NQF credits at NQF level 8

**Convener:** Associate Professor H Woolaver

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

**Course outline:**

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

**DP requirements:** Satisfactory attendance at weekly seminars.

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

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**PBL4505S** INTERNATIONAL HUMAN RIGHTS LAW AND THE CONSTITUTION

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

9 NQF credits at NQF level 8

**Convener:** S Lutchman

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

**Course outline:**

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

**DP requirements:** Satisfactory attendance at weekly seminars.

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

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**PBL4506F** REFUGEE AND IMMIGRATION LAW

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

9 NQF credits at NQF level 8

**Convener:** Associate Professor F Khan

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

**Course outline:**

The course will focus primarily on the basic criteria for the attainment, denial, and withdrawal of refugee status and the rights and treatment of refugees in accordance with the South African

## 74 COURSE OUTLINES (LLB)

Refugees Act (130 of 1998) and other relevant legislation and international instruments. A comprehensive analysis of the South African Refugees Act as well as the relevant sections of the Immigration Act (13 of 2002), will be undertaken. Furthermore, a review of the case-law of international, regional, and national courts will provide an understanding of how refugee law is interpreted and implemented in South Africa as well as in other jurisdictions.

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

**DP requirements:** None

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

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### **PBL4508F** LOCAL GOVERNMENT LAW

*(Not offered in 2021) Final Level, half course, first semester, two lectures per week.*

9 NQF credits at NQF level 8

**Convener:** TBA

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

**Course outline:**

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

**DP requirements:** Satisfactory attendance at weekly seminars

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

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### **PBL4601S** CONSTITUTIONAL LITIGATION

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

9 NQF credits at NQF level 8

**Convener:** Judge D M Davis

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

**Course outline:**

The object of this course is to gain greater insight into constitutional law by means of learning about litigation. The course focuses on one key area (for example in 1997 abortion was the chosen topic). The course examines key constitutional issues (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

*Final level, first semester half course, two lectures per week. The course is limited to 25 students*

9 NQF credits at NQF level 8

**Convener:** J Omar

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

**Course outline:**

This course provides students with the opportunity to explore selected advanced issues in criminal justice, punishment and the manner in which the Constitution impacts the criminal justice system in the context of South Africa's socio, politico and economic history and the transition to democracy. Students will use the group discussions to develop research skills, including critical thinking and produce research papers. The course draws on principles of criminal law, constitutional law, the law of evidence and interacts with criminology.

**DP requirements:** Satisfactory attendance at weekly seminars.

**Assessment:** Coursework - 20%; Research Paper 80%

**PBL4604F SOCIAL JUSTICE AND THE CONSTITUTION**

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

9 NQF credits at NQF level 8

**Convener:** Professor P de Vos

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

**Course outline:**

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

**DP requirements:** None

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

**PBL4605F WOMEN AND LAW**

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

9 NQF credits at NQF level 8

**Convener:** N Luwaya

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

**Course outline:**

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

**DP requirements:** None

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

**PTY4008S MEDICINA FORENSIS**

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

9 NQF credits at NQF level 8; 15 lectures.

**Convener:** Dr Y van der Heyde

**Course entry requirements:** None

**Course outline:**

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

**Lecture times:** Monday double lecture from 15h00 to 16h45.

**DP requirements:** None.

**Assessment:** One two-hour written examination in October/November (100%) and a 20-minute oral examination for a pass/fail result.

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**PVL4504S SOUTH AFRICAN MINERAL LAW: THEORY, CONTEXT AND REFORM**

*Final Level, second semester, two lectures per week.*

9 NQF credits at NQF level 8

**Convener:** Professor H Mostert

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

**Co-requisites:** PBL4001W (Administrative Law)

**Course outline:**

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

**DP requirements:** None

**Assessment:** 100% continuous assessment.

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**PVL4505F THE LAW OF CESSION**

*(Not offered in 2021) Final Level, half course, first semester, two lectures per week*

9 NQF credits at NQF level 8

**Convener:** Professor T Naude

**Course outline:**

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

**DP requirements:** None

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

### **PVL4507F CONFLICT OF LAWS**

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

9 NQF credits at NQF level 8

**Convener:** Associate Professor A Barratt

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

**Course outline:**

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

**DP requirements:** None

**Assessment:** Coursework 30%, Final examination 70%

### **PVL4601S ADVANCED PROPERTY LAW: CAPITA SELECTA**

*(Not offered in 2021) Final Level, half course, second semester, two lectures per week.*

9 NQF credits at NQF level 8

**Convener:** Professor H Mostert

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

**Course outline:**

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

**DP requirements:** None

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

### **PVL4602S CIVIL JUSTICE REFORM**

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

9 NQF credits at NQF level 8

**Convener:** Professor M Paleker

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

## 78 COURSE OUTLINES (LLB)

### **Course outline:**

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

### **Course outline:**

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

**DP requirements:** None

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

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### **PVL4603F JURISPRUDENCE AND SOUTH AFRICAN LAW**

*(Not offered in 2021) Final Level, half course, first semester, two lectures per week*

9 NQF credits at NQF level 8

**Convener:** Professor A G Fagan

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

### **Course outline:**

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

**DP requirements:** None

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

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### **PVL4604S RHETORIC, LAW AND SOCIETY**

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

9 NQF credits at NQF level 8

**Convener:** Distinguished Professor Ph-J Salazar

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

### **Course outline:**

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

**DP requirements:** None

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

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### **PVL4605F LEGAL PLURALISM, RELIGION, CULTURE AND HUMAN RIGHTS**

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

9 NQF credits at NQF level 8

**Convener:** Associate Professor W Amien

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

**Course outline:**

This course aims to provide an understanding of how pluralities of laws operate in South Africa at official and unofficial levels. By drawing on 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 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. The course comprises:

- (1) Theoretical foundations of legal pluralism
- (2) Selected religious, cultural and customary laws including (but not limited to) Islamic law, Hindu law, Judaic law and 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 and succession
- (4) Models of recognition of religious, cultural and customary laws
- (5) Human rights implications of official and unofficial application of religious, cultural and customary laws.

**DP requirements:** None

**Assessment:** Coursework 30%, Research Paper 70%.

**PVL4606F SPATIAL JUSTICE, UBUNTU AND THE NOMOS OF APARTHEID**

*(Not offered in 2021) Final Level, half course, first semester, two lectures per week.*

9 NQF credits at NQF level 8

**Convener:** TBA

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

**Course outline:**

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

**DP requirements:** None

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

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

*(Not offered in 2021) Final Level, half course, second semester, two lectures per week.*

9 NQF credits at NQF level 8

**Convener:** Professor A G Fagan

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

## 80 COURSE OUTLINES (LLB)

### Course outline:

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

**DP requirements:** None

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

### Moot options

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

### Course outline:

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

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

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

### Independent Research Paper electives

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

### Course outline:

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



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## RULES FOR POSTGRADUATE PROGRAMMES

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

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

### Support for Postgraduate Students

#### *The Postgraduate Centre*

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

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

### General rules and requirements for the completion of degrees and diplomas

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

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

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

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

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

## RULES FOR POSTGRADUATE QUALIFICATIONS

### Postgraduate Diploma in Law

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

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

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

### Specialist areas

FG2

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

Specialisation	Academic Programme Code	Academic Plan Code
Criminology, Law and Society	LG002	PBL11
Dispute Resolution	LG002	CML11
Environmental Law	LG002	PBL04
General	LG002	PVL03
Labour Law	LG002	CML07
Marine and Environmental Law	LG002	PBL07
Shipping Law	LG002	CML09
Tax Law	LG002	CML10

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

### Admission

FG3

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

1. he or she has a law degree of the University, or an equivalent degree of another university or institution recognised by Senate for this purpose;
2. he or she is a graduate of this University, or of any other university or institution recognised by Senate for this purpose, who has completed such course or courses as in the opinion of Senate on the recommendation of the Faculty of Law, qualify him/her for admission to the Diploma;
3. he or she is an enrolled advocate or attorney of the High Court of South Africa;
4. in the case of the Postgraduate Diploma in Law in Tax Law, a person who has passed the final professional chartered accountancy examination of the Public Accountants and Auditors Board of South Africa, or an examination which, in the opinion of the Board and of Senate, is of equivalent standard, or a Bachelor of Commerce graduate of the University who has completed a course in taxation;
5. With regard to the Postgraduate Diploma in Law in Shipping Law, and with reference to Rule FG3 above,
  - a. In principle, a Master's certificate together with sufficient appropriate experience in the Shipping field, may serve as a

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

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

### Obtaining the diploma

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

### Examination

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

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

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

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

### Credit and exemption

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

## 84 RULES FOR POSTGRADUATE PROGRAMMES

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

### Exclusion from a course

#### Minimum requirements for readmission to the diploma

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

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

### Exclusion from the diploma

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

### Duration

FG9 Except with the permission of Senate:

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

### Distinction

FG10.1 The Diploma may be awarded with distinction.

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

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

### Exemption from or modification of rules

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

### Conversion to LLM degree

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

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

FG12.3 Students wishing to convert their registration must notify the Faculty Office of their intention to convert their registration by the first day of lectures in the semester

following that in which they completed their first two courses. (See Note 4 below.)

**Note 1**

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

**Note 2**

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

**Note 3**

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

**Note 4**

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

**Master's degrees**

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

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

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

<b>Qualification</b>	<b>Academic Programme Code</b>
Master of Laws in Commercial Law	LM020
Master of Laws in Dispute Resolution	LM021
Master of Laws in Environmental Law	LM028
Master of Laws in Intellectual Property Law	LM022
Master of Laws in International Trade Law	LM023
Master of Laws in Labour Law	LM024
Master of Laws in the Law of Mineral and Petroleum Extraction and Use	LM030
Master of Laws in Marine and Environmental Law	LM029

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Master of Laws in Private Law and Human Rights ( <i>not offered in 2021</i> )	LM027
Master of Laws in Shipping Law	LM025
Master of Laws in Tax Law	LM026

### Admission

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

### Obtaining the degree

- FPM3.1 A candidate must undertake advanced study in four approved courses (or the equivalent) and complete four independent research tasks demonstrating innovation or professional expertise, each linked to one of the four approved courses undertaken.  
The research tasks comprise a third of the total credits for the degree. The mark for the courses is the average of the marks obtained for the individual courses. To be awarded the degree a candidate must obtain a mark of at least 50% for each course and a mark of at least 50% for each research task.
- FPM3.2 A candidate may be required to submit prepared assignments, participate in debates or moots, and undergo a written and/or oral examination in all or any of his/her approved courses.
- FPM3.3 A candidate who has failed any approved course with 47% or more has the right to an oral examination in that course.
- FPM3.4 Any such oral examination shall be convened upon a minimum of three days' notice given by the Faculty to the candidate, and shall be held at the Faculty in the presence of two examiners, one of whom shall be external to the course concerned, but who may be a member of the Faculty staff.
- FPM3.5 Supplementary examinations are not set for any of the approved courses.
- FPM3.6 Should a candidate fail a course he or she may only continue by taking another

course, unless Senate gives permission to repeat the course failed.

- FPM3.7 Each research task must be submitted for assessment by no later than the day on which examinations begin in the semester in which the course from which the research task is drawn runs.
- FPM3.8 Supplementary research tasks are not set for any of the approved research tasks.
- FPM3.9 Should a candidate fail an approved research task linked to an approved course that he or she has passed in a particular year, he or she may only repeat the task by registering for it in a subsequent year.

### **Credit and exemption**

- FPM4.1 For the purpose of granting credit for and exempting a candidate from a maximum of two of the courses prescribed under FPM3, Senate may accept examinations in an appropriate course of equivalent weight passed at this or another university or institution recognised for this purpose; provided that Senate may, in advance, approve a course or courses, which, if completed successfully, will allow credit for and exemption from a course or courses prescribed for the degree. Such approval will be valid for one year but may be renewed on the recommendation of the Faculty of Law.
- FPM4.2 Where a candidate is granted credit for a course, or courses, the candidate will nevertheless have to complete a research task, or tasks, in an approved course, or approved courses, other than the courses for which the candidate is registered.
- FPM4.3 Notwithstanding Rule FPM4.1, a candidate will not be admitted to the degree in terms of Rule FPM3 unless he or she has completed at least the majority of the prescribed courses and the research tasks at this University.
- FPM4.4 Except with the permission of Senate, a student may not be granted credit towards the LL.M degree for courses successfully completed towards the Postgraduate Diploma in Law after the Diploma has been conferred on that student.

### **Minimum requirements for readmission**

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

### **Duration of programme**

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

**Distinction**

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

**Exemption from or modification of rules**

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

**Note:**

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

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

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

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

**Specialist areas**

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

Specialisation	Academic Plan Code	Academic Programme Code	
		LLM	MPhil
Commercial Law	CML01	LM003	LM002
Comparative Business Law in Africa	CML15	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	PVL03	LM003	LM002
Human Rights Law	PBL05	LM003	LM002
Intellectual Property Law	CML13	LM003	LM002



International Law	PBL06	LM003	LM002
International Taxation	CML14	LM003	–
International Trade Law	CML06	LM003	–
Labour Law	CML07	LM003	LM002
Marine and Environmental Law	PBL07	LM003	LM002
Law of Mineral and Petroleum Extraction and Use	PVL11	LM003	LM002
Private Law and Human Rights ( <i>not offered in 2021</i> )	PVL09	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

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

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

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

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### 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 Where a candidate intends to submit his or her dissertation or research project for examination in the hope of the award of the degree at either March/April or December graduation ceremonies, he or she must inform the Faculty Office in writing of his or her intention to do so six weeks before submitting the dissertation for examination. It is recommended that the dissertation be submitted for

examination five months before the graduation ceremony to allow time for the examination process to run its course. (See rule FMC11)

**Exclusion from a course**

**Minimum requirements for readmission to the degree**

- FMC8.1 A candidate must pass three of the four courses in order to qualify for readmission.
- FMC8.2 Should a candidate fail a course he or she may only continue by taking another course, unless Senate gives permission to repeat the course failed or study for a longer period.
- FMC8.3 A candidate who fails the minor dissertation may be permitted by Senate on one occasion only to submit another minor dissertation, which must be on a different topic.

**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 neither the Degree nor any further postgraduate study, except with the permission of Senate.

**Duration of programme**

- FMC10 Except with the permission of Senate:
  - 10.1 a full-time candidate must complete the approved coursework required for the degree in one academic year (two courses per semester) and the dissertation in accordance with Rule FMC7; and
  - 10.2 a part-time candidate must complete the approved coursework required for the degree within two academic years (one course per semester) and the dissertation in accordance with Rule FMC7.

**Minor dissertation**

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

**Publication of minor dissertation**

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

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### Distinction

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

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

- 13.2.1 complete the coursework in one year if full-time or in two years if part-time;
- 13.2.2 submit the minor dissertation no later than the Friday before the first term of the year following the completion of the coursework for students who have completed their coursework in December and 15 September of the same year for students who have completed their coursework in June;
- 13.2.3 not be permitted to count work for which he or she may have been granted credit towards the degree in respect of work completed towards another degree or diploma; and
- 13.2.4 obtain an average mark of at least 75%, the minor dissertation counting for 50% of the examination.

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

- 13.3.1 complete degree in compliance with FMC13.2.1;
- 13.3.2 submit the minor dissertation in compliance with FMC13.2.2;
- 13.3.3 obtain a mark of at least 75% or higher for the dissertation.

### Exemption from or modification of rules

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

Note:

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

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

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

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

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

law as well as in inter-Faculty cognate topics or entirely in law.

**Specialist areas**

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

**Admission**

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

In the case of an applicant whose primary language is not English, he or she must submit evidence of proficiency in English of a sufficiently high standard to undertake postgraduate studies in Law. Evidence of proficiency may include one of the following:

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

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

**Further rules:**

Rules FMC4 to FMC14 for the LL.M 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>Academic Programme Code</b>	<b>Academic Plan Code</b>
Commercial Law	LM001	CML01
Criminal Justice	LM001	PBL02
Private Law	LM001	PVL08
Public Law	LM001	PBL09
Rhetoric Studies	LM001	PVL10

**Admission**

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

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

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

### **Obtaining the degree**

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

### **Examination**

FMD3 The examination consists of –

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

### **Dates for submission**

FMD4 Where a candidate intends to submit his or her dissertation for examination in the hope of the award of the degree at either March/April or December graduation ceremonies, he or she must inform the Faculty Office in writing of his or her intention to do so six weeks before submitting the dissertation for examination. It is recommended that the dissertation be submitted for examination five months before the graduation ceremony to allow time for the examination process to run its course.

### **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. Candidates are required to submit the final .pdf version for examination on PeopleSoft.

### **Publication**

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

### **Distinction**

FMD9 The degree may be awarded with distinction.

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

## Master of Philosophy (MPhil) by dissertation

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

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

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

### Admission

FMP1 A person may be considered as a candidate for the degree of Master of Philosophy if:

- (i) S/he has at least a law degree or an Honours degree from the University, or an equivalent degree from another University recognised by Senate for this purpose; or
- (ii) S/he has in any other manner attained a level of competence which, in the opinion of Senate, on recommendation by the Faculty of Law, is adequate for purposes of admission as a candidate for the degree.

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

### Obtaining the degree

FMP2 Under the guidance of the supervisor appointed by Senate a candidate must undertake research at an advanced level for the purpose of writing a dissertation.

### Examination

FMP3 The examination consists of a dissertation or a series of short dissertations on cognate topics, on a subject of inter-faculty interest.

### The topic

FMP4 Although the dissertation must have a law component, it also must be on a subject of inter-faculty interest.

Rules FMD4 to FMD9 apply also to candidates for the MPhil degree.

## Doctoral degrees

### Doctor of Laws (LLD)

*NOTE: Until 2004 different rules applied to the award of this doctorate.*

FD1 The Degree of Doctor of Laws may be obtained for a substantial body of work that has already been published. Such work must constitute an original contribution to, or an important advance on, knowledge in the subject. This degree is the senior doctorate in the Faculty of Law. It is awarded rarely, as a mark of respect, normally only for work undertaken over a period of many years which has established the candidate as the leading authority in his or her field, **and where the candidate has had a substantial and long association with the University.**

FD2 The rules for the degree of Doctor of Philosophy, other than the admission rules, and the rule regulating the standing required prior to admission, apply mutatis mutandis.

### Application for admission

FD3 Application for the LLD degree is governed by procedures set out by the Doctoral Degrees Board of the University.

Note:

*A copy of these procedures is obtainable from the Faculty Office. They include the following rules:*

- (i) the candidate must provide copies of the body of work, as specified by the Higher Degrees Committee,
- (ii) a preliminary screening procedure must be undertaken by a Committee of Assessors, appointed by the Doctoral Degrees Board, to consider whether the work is of the standard and maturity required for this senior Doctorate, and
- (iii) registration and examination will take place only when the Doctoral Degrees Board has accepted the application, and only after receiving the opinion of the Committee of Assessors.

### Requirements for award of the degree

FD4.1 A candidate must submit published work in an area of law which must constitute a substantial, original and important contribution to the current body of scholarship. The candidate may submit other published and unpublished work as collateral testimony of fitness for the degree.

FD4.2 No work will be accepted which has been accepted by this or any other University for the purpose of obtaining a degree.

FD4.3 The examination will consist primarily of an assessment of the published work, but, if required by Senate, candidates must present themselves for an additional written or oral examination on the subject of the work presented.

### Doctor of Philosophy (PhD)

The Faculty offers a Doctor of Philosophy (PhD) degree which is examined by a thesis. The degree may be conferred in any of the following specialist areas:



<b>Specialisation</b>	<b>Academic Programme Code</b>	<b>Academic Plan Code</b>
Commercial Law	LD001	CML01
Criminal Justice	LD001	PBL02
Criminology	LD001	PBL03
Private Law	LD001	PVL08
Public Law	LD001	PBL09
Rhetoric Studies	LD001	PVL10

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

# POSTGRADUATE STUDY PROGRAMMES

## Postgraduate Diploma in Law Study Programmes

The Faculty offers a Postgraduate Diploma in Law which is examined by coursework. The Postgraduate Diplomas are described:

Criminology, Law and Society  
 Dispute Resolution  
 Environmental Law  
 General  
 Labour Law  
 Marine and Environmental Law  
 Shipping Law  
 Tax Law

### Postgraduate Diploma in Law specialising in Criminology, Law and Society [LG002PBL11]

#### Programme Convener:

Professor E van der Spuy

The curriculum comprises one compulsory methods course, one compulsory theories course and two electives from the available list of courses on offer for the second semester. The curriculum consists of 120 credits.

#### Compulsory (core) course

Code	Course	NQF Credits	NQF Level
<b>PBL4849F</b>	Law in Action - Research Methods .....	30	8

#### One of following compulsory (core) courses

Code	Course	NQF Credits	NQF Level
<b>PBL4820F</b>	Theories of Crime and Social Order .....	30	8
<b>PBL4844S</b>	Police and Policing: Explorations in Security Governance .....	30	8

#### Two of the following elective courses [to the value of 60 credits]

Code	Course	NQF Credits	NQF Level
<b>PBL4808S</b>	International Criminal Law (not offered in 2021) .....	30	8
<b>PBL4815S</b>	Punishment and Human Rights .....	30	8
<b>PBL4822S</b>	Victims and Victimology: Theory, Policy and Practice .....	30	8
<b>PBL4847S</b>	Forensics and the Law (not offered in 2021) .....	30	8
	<b>Total Credits</b> .....	<b>120</b>	

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

**Programme Convener:**  
M Carels

The curriculum comprises three compulsory courses and one elective course. The curriculum consists of 120 credits.

### Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
CML4631S	Mediation .....	30	8
CML4641S	Commercial Arbitration .....	30	8
CML4671F	Negotiation .....	30	8

### One elective course [to the value of 30 credits]

Code	Course	NQF Credits	NQF Level
	One elective course in Commercial Law.....	30	8
	<b>Total Credits .....</b>	<b>120</b>	

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

**Programme Convener:**  
Professor A Paterson

The curriculum comprises one compulsory course and three elective courses. The curriculum consists of 120 credits.

### Compulsory (core) course

Code	Course	NQF Credits	NQF Level
PBL4640F	Principles of Environmental Law .....	30	8

### Three of the following elective courses [to the value of 90 credits]

Code	Course	NQF Credits	NQF Level
PBL4619S	International Environmental Law .....	30	8
PBL4641F	Land Use Planning Law .....	30	8
PBL4642S	Natural Resources Law .....	30	8
PBL4643S	Pollution Law .....	30	8
	<b>Total Credits .....</b>	<b>120</b>	

## Postgraduate Diploma in Law specialising in Labour Law [LG002CML07]

**Programme Convener:**  
Dr E Fergus

The curriculum comprises four compulsory courses. The curriculum consists of 120 credits.

## 100 POSTGRADUATE STUDY PROGRAMMES

### Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
<b>CML4613S</b>	Collective Labour Law .....	30	8
<b>CML4651F</b>	Individual Employment Law .....	30	8
<b>CML4676S</b>	Workplace Discrimination and Equality Law .....	30	8
<b>CML4671F</b>	Negotiation .....	30	8
	<b>Total Credits</b> .....	<b>120</b>	

## Postgraduate Diploma in Law specialising in Marine and Environmental Law [LG002PBL07]

### Programme Convener:

Professor A Paterson

The curriculum comprises two core courses and two elective courses. The curriculum consists of 120 credits.

### Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
<b>PBL4607F</b>	International Law of the Sea .....	30	8
<b>PBL4619S</b>	International Environmental Law .....	30	8

### Two of the following elective courses [to the value of 60 credits]

Code	Course	NQF Credits	NQF Level
<b>PBL4640F</b>	Principles of Environmental Law .....	30	8
<b>PBL4641F</b>	Land Use Planning Law .....	30	8
<b>PBL4642S</b>	Natural Resources Law .....	30	8
<b>PBL4643S</b>	Pollution Law .....	30	8
	<b>Total Credits</b> .....	<b>120</b>	

## Postgraduate Diploma in Law specialising in Shipping Law [LG002CML09]

### Programme Convener:

Associate Professor G Bradfield

The curriculum comprises three compulsory courses and one of the two designated elective courses. The curriculum consists of 120 credits.

### Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
<b>CML4625F</b>	Maritime Law .....	30	8
<b>CML4626S</b>	Carriage of Goods by Sea .....	30	8
<b>CML4693S</b>	Marine Insurance Law .....	30	8

### One of the following elective courses

Code	Course	NQF Credits	NQF Level
<b>CML4624F</b>	Admiralty Jurisdiction and Practice.....	30	8
<b>PBL4607F</b>	International Law of the Sea.....	30	8
	<b>Total Credits</b> .....	<b>120</b>	

**Postgraduate Diploma in Law specialising in Tax Law  
[LG002CML10]**

*Postgraduate Diploma in Law (Tax Law) students may – for 2021 only – select a course from the list of Commercial Law Postgraduate Diploma courses so as to replace the CML4661S Specific Tax Law Provisions course, which is not on offer in 2021.*

**Programme Convener:**  
Associate Professor A Titus

The curriculum comprises four compulsory courses. The curriculum consists of 120 credits.

**Compulsory (core) courses**

Code	Course	NQF Credits	NQF Level
<b>CML4661F</b>	General Tax Law Provisions .....	30	8
<b>CML4661S</b>	Specific Tax Law Provisions (not offered in 2021) .....	30	8
<b>CML4662F</b>	Tax Treaty Law .....	30	8
<b>CML4662S</b>	Tax Policy in a Developmental Context.....	30	8
	<b>Total Credits</b> .....	<b>120</b>	

**Professional Master's Study Programmes**

The Faculty offers a Master of Laws (LLM) degree which is examined by coursework and a research project. The named Professional Master’s degrees are:

- Master of Laws in Commercial Law
- Master of Laws in Dispute Resolution
- Master of Laws in Environmental Law
- Master of Laws in Intellectual Property Law
- Master of Laws in International Trade Law
- Master of Laws in Labour Law
- Master of Laws in the Law of Mineral and Petroleum Extraction and Use
- Master of Laws in Marine and Environmental Law
- Master of Laws in Private Law and Human Rights (*not offered in 2021*)
- Master of Laws in Shipping Law
- Master of Laws in Tax Law

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

**Programme Convener:**  
Associate Professor J Yeats

The curriculum comprises four elective courses and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits.

## 102 POSTGRADUATE STUDY PROGRAMMES

### Elective courses [to the value of 120 credits] - four of the following courses (30 credits each)

Code	Course	NQF Credits	NQF Level
CML5601F	Advanced Company Law .....	30	9
CML5613S	Collective Labour Law .....	30	9
CML5619F	Law of International Trade .....	30	9
CML5624F	Admiralty Jurisdiction and Practice.....	30	9
CML5625F	Maritime Law .....	30	9
CML5626S	Carriage of Goods by Sea .....	30	9
CML5641S	Commercial Arbitration.....	30	9
CML5651F	Individual Employment Law .....	30	9
CML5654S	Competition Law .....	30	9
CML5658S	Electronic Transactions Law .....	30	9
CML5661F	General Tax Law Provisions .....	30	9
CML5664F	Law, Regional Integration and Development in Africa.....	30	9
CML5665S	Tax Policy in a Developmental Context.....	30	9
CML5666F	Comparative Law and Business in Africa .....	30	9
CML5667S	Corporate Law and Governance .....	30	9
CML5672S	Corporate Financing .....	30	9
CML5673S	International Commercial Transactions Law.....	30	9
CML5676S	Workplace Discrimination and Equality Law .....	30	9
CML5677F	Islamic Law and Finance (not offered in 2021).....	30	9
CML5687S	Chinese Law and Investments in Africa .....	30	9
CML5692F	Company Law, Corporate Governance and Labour Law .....	30	9
CML5693S	Marine Insurance Law .....	30	9
PBL5602F	International Law of the Sea .....	30	9
PVL5620S	Advanced Contract Law (not offered in 2021).....	30	9
PVL5633S	Resource Revenue Law .....	30	9

### Research tasks [to the value of 60 credits] - four of the following courses (15 credits each)

Code	Course	NQF Credits	NQF Level
CML5601X	Advanced Company Law - Research Task.....	15	9
CML5613X	Collective Labour Law - Research Task.....	15	9
CML5619X	Law of International Trade - Research Task .....	15	9
CML5624X	Admiralty Jurisdiction and Practice - Research Task.....	15	9
CML5625X	Maritime Law - Research Task.....	15	9
CML5626X	Carriage of Goods by Sea - Research Task .....	15	9
CML5641X	Commercial Arbitration - Research Task .....	15	9
CML5651X	Individual Employment Law - Research Task .....	15	9
CML5654X	Competition Law - Research Task .....	15	9
CML5658X	Electronic Transactions Law - Research Task.....	15	9
CML5660X	General Tax Law Provisions - Research Task.....	15	9
CML5664X	Law, Regional Integration and Development in Africa - Research Task .....	15	9
CML5665X	Tax Policy - Research Task.....	15	9
CML5666X	Comparative Law and Business in Africa - Research Task.....	15	9
CML5667X	Corporate Law and Governance - Research Task .....	15	9
CML5672X	Corporate Financing - Research Task.....	15	9
CML5673X	International Commercial Transactions Law - Research Task .....	15	9
CML5676X	Workplace Discrimination and Equality Law - Research Task.....	15	9
CML5677X	Islamic Law and Finance - Research Task (not offered in 2021) ..	15	9
CML5687X	Chinese Law and Investments in Africa - Research Task .....	15	9
CML5692X	Company Law, Corporate Governance and Labour Law - Research Task .....	15	9
CML5693X	Marine Insurance Law - Research Task .....	15	9

Code	Course	NQF Credits	NQF Level
<b>PBL5602X</b>	International Law of the Sea - Research Task.....	15	9
<b>PVL5620X</b>	Advanced Contract Law - Research Task (not offered in 2021)...	15	9
<b>PVL5633X</b>	Resource Revenue Law - Research Task .....	15	9
	<b>Total Credits</b> .....	<b>180</b>	

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

### **Programme Convener:**

M Carels

The curriculum comprises three compulsory courses, one elective course and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits

### **Compulsory (core) courses**

Code	Course	NQF Credits	NQF Level
<b>CML5631S</b>	Mediation .....	30	9
<b>CML5641S</b>	Commercial Arbitration .....	30	9
<b>CML5671F</b>	Negotiation.....	30	9

### **Elective course [to the value of 30 credits]**

Code	Course	NQF Credits	NQF Level
	One Master's course .....	30	9

### **Research tasks [to the value of 60 credits]**

Code	Course	NQF Credits	NQF Level
<b>CML5631X</b>	Mediation - Research Task.....	15	9
<b>CML5641X</b>	Commercial Arbitration - Research Task.....	15	9
<b>CML5671X</b>	Negotiation - Research Task .....	15	9
	One Elective Research Task .....	15	9
	<b>Total Credits</b> .....	<b>180</b>	

## **Master of Laws (LLM) in Environmental Law (Professional Master's degree)** **[LM028PBL04]**

### **Programme Convener:**

Professor A Paterson

The curriculum comprises one compulsory course, three elective courses and an independent research component. This may consist of either a single research project or a series of smaller projects, related to one or more of the four courses and demonstrating professional expertise. The curriculum consists of 180 credits.

### **Compulsory (core) course**

Code	Course	NQF Credits	NQF Level
<b>PBL5640F</b>	Principles of Environmental Law .....	30	9

### **Elective courses [three of the following courses to the value of 90 credits]**

Code	Course	NQF Credits	NQF Level
<b>PBL5619S</b>	International Environmental Law.....	30	9

## 104 POSTGRADUATE STUDY PROGRAMMES

Code	Course	NQF Credits	NQF Level
<b>PBL5641F</b>	Land Use Planning Law .....	30	9
<b>PBL5642S</b>	Natural Resources Law .....	30	9
<b>PBL5643S</b>	Pollution Law .....	30	9

### Compulsory (core) research task

Code	Course	NQF Credits	NQF Level
<b>PBL5640X</b>	Principles of Environmental Law - Research Task .....	15	9

### Elective research tasks [three of the following to the value of 45 credits]

Code	Course	NQF Credits	NQF Level
<b>PBL5619X</b>	International Environmental Law - Research Task .....	15	9
<b>PBL5641X</b>	Land Use Planning Law - Research Task.....	15	9
<b>PBL5642X</b>	Natural Resources Law - Research Task .....	15	9
<b>PBL5643X</b>	Pollution Law - Research Task.....	15	9
<b>Total Credits .....</b>		<b>180</b>	

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

### Programme Convener:

Associate Professor L-A Tong

The curriculum comprises four compulsory courses and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits.

### Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
<b>CML5657F</b>	Electronic Intellectual Property Law .....	30	9
<b>CML5678F</b>	Principles of Intellectual Property Law .....	30	9
<b>CML5680S</b>	Advanced Intellectual Property Law .....	30	9
<b>CML5691S</b>	Intellectual Property Law, Development and Innovation .....	30	9

### Compulsory (core) research tasks

Code	Course	NQF Credits	NQF Level
<b>CML5657X</b>	Electronic Intellectual Property Law - Research Task .....	15	9
<b>CML5678X</b>	Principles of Intellectual Property Law - Research Task.....	15	9
<b>CML5680X</b>	Advanced Intellectual Property Law - Research Task.....	15	9
<b>CML5691X</b>	Intellectual Property Law, Development and Innovation - Research Task .....	15	9
<b>Total Credits .....</b>		<b>180</b>	

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

### Programme Convener:

Professor A Ordor

The curriculum comprises two compulsory courses; two elective courses and four research tasks, each linked to one of the four courses taken for the degree and demonstrating professional expertise. The curriculum consists of 180 credits.



**Compulsory (core) courses**

Code	Course	NQF Credits	NQF Level
<b>CML5619F</b>	Law of International Trade.....	30	9
<b>CML5673S</b>	International Commercial Transactions Law .....	30	9

**Elective courses [two of the following to the value of 60 credits]**

Code	Course	NQF Credits	NQF Level
<b>CML5626S</b>	Carriage of Goods by Sea.....	30	9
<b>CML5641S</b>	Commercial Arbitration .....	30	9
<b>CML5654S</b>	Competition Law.....	30	9
<b>CML5664F</b>	Law, Regional Integration and Development in Africa .....	30	9
<b>CML5666F</b>	Comparative Law and Business in Africa .....	30	9
<b>CML5687S</b>	Chinese Law and Investments in Africa.....	30	9

**Compulsory (core) research tasks**

Code	Course	NQF Credits	NQF Level
<b>CML5619X</b>	Law of International Trade - Research Task .....	15	9
<b>CML5673X</b>	International Commercial Transactions Law - Research Task.....	15	9

**Elective research tasks [two of the following to the value of 30 credits]**

Code	Course	NQF Credits	NQF Level
<b>CML5626X</b>	Carriage of Goods by Sea - Research Task .....	15	9
<b>CML5641X</b>	Commercial Arbitration - Research Task.....	15	9
<b>CML5654X</b>	Competition Law - Research Task .....	15	9
<b>CML5664X</b>	Law, Regional Integration and Development in Africa - Research Task .....	15	9
<b>CML5666X</b>	Comparative Law and Business in Africa - Research Task .....	15	9
<b>CML5687X</b>	Chinese Law and Investments in Africa - Research Task .....	15	9
<b>Total Credits .....</b>		<b>180</b>	

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

**Programme Convener:**

Dr E Fergus

The curriculum comprises three compulsory courses, one elective course and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits.

**Compulsory (core) courses**

Code	Course	NQF Credits	NQF Level
<b>CML5613S</b>	Collective Labour Law.....	30	9
<b>CML5651F</b>	Individual Employment Law .....	30	9
<b>CML5676S</b>	Workplace Discrimination and Equality Law .....	30	9

**Elective course [one of the following to the value of 30 credits]**

Code	Course	NQF Credits	NQF Level
<b>CML5631S</b>	Mediation .....	30	9
<b>CML5641S</b>	Commercial Arbitration .....	30	9
<b>CML5671F</b>	Negotiation .....	30	9
<b>CML5692F</b>	Company Law, Corporate Governance and Labour Law .....	30	9

## 106 POSTGRADUATE STUDY PROGRAMMES

### Compulsory (core) research tasks

Code	Course	NQF Credits	NQF Level
<b>CML5613X</b>	Collective Labour Law - Research Task.....	15	9
<b>CML5651X</b>	Individual Employment Law - Research Task .....	15	9
<b>CML5676X</b>	Workplace Discrimination and Equality Law - Research Task.....	15	9

### Elective research task [one of the following to the value of 15 credits]

Code	Course	NQF Credits	NQF Level
<b>CML5631X</b>	Mediation - Research Task.....	15	9
<b>CML5641X</b>	Commercial Arbitration - Research Task.....	15	9
<b>CML5671X</b>	Negotiation - Research Task.....	15	9
<b>CML5692X</b>	Company Law, Corporate Governance and Labour Law - Research Task .....	15	9
<b>Total Credits</b> .....		<b>180</b>	

## Master of Laws (LLM) in the Law of Mineral and Petroleum Extraction and Use (Professional Master's degree)

[LM030PVL11]

### Programme Convener:

Professor H Mostert

The curriculum comprises three compulsory courses, one elective course and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits.

### Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
<b>PVL5630F</b>	Comparative Mineral Law in Africa.....	30	9
<b>PVL5632F</b>	Oil and Gas Law in South Africa .....	30	9
<b>PVL5633S</b>	Resource Revenue Law .....	30	9

### Elective courses [one of the following to the value of 30 credits]

Code	Course	NQF Credits	NQF Level
<b>PVL5625S</b>	Property Law in a Constitutional Order (not offered in 2021) .....	30	9
<b>PVL5631S</b>	Negotiation of Mining Contracts .....	30	9
<b>PBL5642S</b>	Natural Resources Law .....	30	9

### Compulsory (core) research tasks

Code	Course	NQF Credits	NQF Level
<b>PVL5630X</b>	Comparative Mineral Law in Africa - Research Task.....	15	9
<b>PVL5632X</b>	Oil and Gas Law in South Africa - Research Task.....	15	9
<b>PVL5633X</b>	Resource Revenue Law - Research Task.....	15	9

### Elective research task [one of the following to the value of 15 credits]

Code	Course	NQF Credits	NQF Level
<b>PVL5625X</b>	Property Law in a Constitutional Order - Research Task (not offered in 2021).....	15	9
<b>PVL5631X</b>	Negotiation of Mining Contracts - Research Task .....	15	9
<b>PBL5642X</b>	Natural Resources Law - Research Task .....	15	9
<b>Total Credits</b> .....		<b>180</b>	

## **Master of Laws (LLM) in Marine and Environmental Law (Professional Master's degree)**

**[LM029PBL07]**

### **Programme Convener:**

Professor A Paterson

The curriculum comprises two compulsory courses, two elective courses and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits.

### **Compulsory (core) courses**

Code	Course	NQF Credits	NQF Level
<b>PBL5602F</b>	International Law of the Sea .....	30	9
<b>PBL5619S</b>	International Environmental Law.....	30	9

### **Elective courses [two of the following to the value of 60 credits]**

Code	Course	NQF Credits	NQF Level
<b>PBL5640F</b>	Principles of Environmental Law .....	30	9
<b>PBL5641F</b>	Land Use Planning Law .....	30	9
<b>PBL5642S</b>	Natural Resources Law .....	30	9
<b>PBL5643S</b>	Pollution Law .....	30	9

### **Compulsory (core) research tasks**

Code	Course	NQF Credits	NQF Level
<b>PBL5602X</b>	International Law of the Sea - Research Task.....	15	9
<b>PBL5619X</b>	International Environmental Law - Research Task.....	15	9

### **Elective research tasks [two of the following to the value of 30 credits]**

Code	Course	NQF Credits	NQF Level
<b>PBL5640X</b>	Principles of Environmental Law - Research Task .....	15	9
<b>PBL5641X</b>	Land Use Planning Law - Research Task.....	15	9
<b>PBL5642X</b>	Natural Resources Law - Research Task.....	15	9
<b>PBL5643X</b>	Pollution Law - Research Task .....	15	9
	<b>Total Credits .....</b>	<b>180</b>	

## **Master of Laws (LLM) in Private Law and Human Rights (Professional Master's degree)**

**[LM027PVL09]**

*This programme will not be on offer in 2021 but some of the constituent courses are still on offer. Please refer to the course descriptions below for information on course availability in 2021.*

### **Programme Convener:**

TBA

The curriculum comprises one compulsory course, three elective courses and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits.

### **Compulsory (core) course**

Code	Course	NQF Credits	NQF Level
<b>PVL5624F</b>	Human Rights and Private Law (not offered in 2021) .....	30	9

## 108 POSTGRADUATE STUDY PROGRAMMES

### Elective courses [three courses to the value of 90 credits]

Code	Course	NQF Credits	NQF Level
PVL5620S	Advanced Contract Law (not offered in 2021).....	30	9
PVL5625S	Property Law in a Constitutional Order (not offered in 2021) .....	30	9
PVL5626S	Human Rights, Gender and Family .....	30	9
PVL5627S	Delict, Unjustified Enrichment, and Human Rights (not offered in 2021) .....	30	9
PVL5630F	Comparative Mineral Law in Africa.....	30	9

### Compulsory (core) research task

Code	Course	NQF Credits	NQF Level
PVL5624X	Human Rights and Private Law - Research Task (not offered in 2021).....	15	9

### Elective research tasks [three courses to the value of 45 credits]

Code	Course	NQF Credits	NQF Level
PVL5620X	Advanced Contract Law - Research Task (not offered in 2021) ...	15	9
PVL5625X	Property Law in a Constitutional Order - Research Task (not offered in 2021).....	15	9
PVL5626X	Human Rights, Gender, and Family - Research Task.....	15	9
PVL5627X	Delict, Unjustified Enrichment, and Human Rights - Research Task (not offered in 2021).....	15	9
PVL5630X	Comparative Mineral Law in Africa - Research Task .....	15	9
<b>Total Credits</b> .....		<b>180</b>	

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

### Programme Convener:

Associate Professor G Bradfield

The curriculum comprises three compulsory courses; one of the two designated elective courses, and four research tasks, each related to one of the four courses taken by a student. The curriculum consists of 180 credits.

### Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
CML5625F	Maritime Law .....	30	9
CML5626S	Carriage of Goods by Sea .....	30	9
CML5693S	Marine Insurance Law .....	30	9

### Elective course [one of the following to the value of 30 credits]

Code	Course	NQF Credits	NQF Level
CML5624F	Admiralty Jurisdiction and Practice.....	30	9
PBL5602F	International Law of the Sea.....	30	9

### Compulsory (core) research tasks

Code	Course	NQF Credits	NQF Level
CML5625X	Maritime Law - Research Task.....	15	9
CML5626X	Carriage of Goods by Sea - Research Task .....	15	9
CML5693X	Marine Insurance Law - Research Task .....	15	9

**Elective research task [one of the following linked to the elected course to the value of 15 credits]**

Code	Course	NQF Credits	NQF Level
<b>CML5624X</b>	Admiralty Jurisdiction and Practice - Research Task.....	15	9
<b>PBL5602X</b>	International Law of the Sea - Research Task.....	15	9
	<b>Total Credits</b> .....	<b>180</b>	

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

*The programme duration is 2 years in the first instance*

### **Programme Convener:**

Associate Professor T Gutuza

The curriculum comprises of four compulsory courses and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits.

### **Compulsory (core) courses**

Code	Course	NQF Credits	NQF Level
<b>CML5661F</b>	General Tax Law Provisions .....	30	9
<b>CML5661S</b>	Specific Tax Law Provisions (not offered in 2021) .....	30	9
<b>CML5663F</b>	Tax Treaty Law .....	30	9
<b>CML5663S</b>	Advanced Tax Law .....	30	9
<b>CML5665S</b>	Tax Policy in a Developmental Context (for 2021 only) .....	30	9

### **Compulsory (core) research tasks**

Code	Course	NQF Credits	NQF Level
<b>CML5660X</b>	General Tax Law Provisions - Research Task .....	15	9
<b>CML5661X</b>	Specific Tax Law Provisions - Research Task (not offered in 2021) .....	15	9
<b>CML5662X</b>	Tax Treaty Law - Research Task.....	15	9
<b>CML5663X</b>	Advanced Tax Law - Research Task.....	15	9
<b>CML5665X</b>	Tax Policy - Research Task (for 2021 only) .....	15	9
	<b>Total Credits</b> .....	<b>180</b>	

## **Master's Study Programmes (excluding Professional Master's)**

Teaching contact periods vary from course to course: details must be obtained from the course convener in each instance. Because of the wide range of courses on offer, a draft timetable is drawn up for each semester. This might mean that certain combinations of courses are not possible, although the School for Advanced Legal Studies (SALS) will try to accommodate as much freedom of choice as possible. Please consult the timetable when choosing courses.

Various groupings of subjects are set out below as 'programmes', as the issues which are dealt with form a coherent whole. If a student elects such a 'programme', he or she will be awarded with the degree in the specialist area concerned. Please refer to the Rules for LLM and MPhil Degrees for further information.

### **The following programmes are described:**

Commercial Law

Comparative Business Law in Africa

Constitutional and Administrative Law

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Criminology, Law and Society  
Dispute Resolution  
Environmental Law  
Human Rights Law  
Intellectual Property Law  
International Law  
International Taxation  
International Trade Law  
Labour Law  
Law of Mineral and Petroleum Extraction and Use  
Marine and Environmental Law  
Private Law and Human Rights (*not offered in 2021*)  
Public Law  
Shipping Law  
Tax Law

This does not mean that the courses listed under specific ‘programme’ headings may not freely be chosen as part of a ‘general’ diploma/degree, or as components of a field of study (e.g. commercial law) which is wider than a ‘programme’ but narrower than ‘general’.

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

#### **Programme Convener:**

Associate Professor J Yeats

The curriculum comprises four elective courses, three of which must be from this section, or courses listed under the Labour Law or Shipping Law programmes, and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. If so desired, a student may select the fourth elective from offerings in other departments. The curriculum consists of 240 credits.

#### **Elective courses [to the value of 120 credits]**

Code	Course	NQF Credits	NQF Level
CML5601F	Advanced Company Law .....	30	9
CML5613S	Collective Labour Law .....	30	9
CML5619F	Law of International Trade .....	30	9
CML5624F	Admiralty Jurisdiction and Practice.....	30	9
CML5625F	Maritime Law .....	30	9
CML5626S	Carriage of Goods by Sea .....	30	9
CML5641S	Commercial Arbitration.....	30	9
CML5651F	Individual Employment Law .....	30	9
CML5654S	Competition Law .....	30	9
CML5658S	Electronic Transactions Law .....	30	9
CML5661F	General Tax Law Provisions .....	30	9
CML5664F	Law, Regional Integration and Development in Africa.....	30	9
CML5665S	Tax Policy in a Developmental Context.....	30	9
CML5666F	Comparative Law and Business in Africa .....	30	9
CML5667S	Corporate Law and Governance .....	30	9
CML5672S	Corporate Financing .....	30	9
CML5673S	International Commercial Transactions Law.....	30	9
CML5676S	Workplace Discrimination and Equality Law .....	30	9
CML5677F	Islamic Law and Finance (not offered in 2021).....	30	9

Code	Course	NQF Credits	NQF Level
CML5687S	Chinese Law and Investments in Africa.....	30	9
CML5692F	Company Law, Corporate Governance and Labour Law.....	30	9
CML5693S	Marine Insurance Law.....	30	9
PBL5602F	International Law of the Sea.....	30	9
PVL5620S	Advanced Contract Law (not offered in 2021).....	30	9
PVL5633S	Resource Revenue Law.....	30	9

**Research component**

Code	Course	NQF Credits	NQF Level
CML5606W	Minor Dissertation.....	120	9
<b>Total Credits.....</b>		<b>240</b>	

**Master's degree (LLM/MPhil) specialising in Comparative Business Law in Africa  
[LM003CML15/LM002CML15]**

**Programme Convener:**

Professor A Ordor

The curriculum comprises two compulsory courses, two elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

**Compulsory (core) courses**

Code	Course	NQF Credits	NQF Level
CML5666F	Comparative Law and Business in Africa.....	30	9
CML5664F	Law, Regional Integration and Development in Africa.....	30	9

**Any two courses from the Department of Commercial Law. Particularly recommended are:**

Code	Course	NQF Credits	NQF Level
CML5687S	Chinese Law and Investments in Africa.....	30	9
PVL5633S	Resource Revenue Law.....	30	9

**Research component**

Code	Course	NQF Credits	NQF Level
CML5688W	Minor Dissertation.....	120	9
<b>Total Credits.....</b>		<b>240</b>	

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

**Programme Convener:**

Professor P de Vos

The curriculum comprises two compulsory courses, two elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

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### Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
<b>PBL5623F</b>	Governing under the Constitution: Law and Practice.....	30	9
<b>PBL5658S</b>	Administrative Justice and Open Government .....	30	9

### Elective courses [two of the following to the value of 60 credits]

Code	Course	NQF Credits	NQF Level
<b>PBL5619S</b>	International Environmental Law .....	30	9
<b>PBL5640F</b>	Principles of Environmental Law .....	30	9
<b>PBL5653F</b>	Refugee Law and Human Rights .....	30	9
<b>PBL5659S</b>	Human Rights, Legal Pluralism, Religion and Culture .....	30	9
<b>PBL5661S</b>	Litigating South African Bill of Rights .....	30	9
<b>PBL5663S</b>	Transparency Law & Governance: Global and Local Theory & Practice.....	30	9
<b>PBL5848F</b>	Law and Society in Africa (not offered in 2021).....	30	9

### Research component

Code	Course	NQF Credits	NQF Level
<b>PBL5602W</b>	Minor Dissertation .....	120	9
	<b>Total Credits</b> .....	<b>240</b>	

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

### Programme Convener:

Professor E van der Spuy

The curriculum comprises two compulsory courses, two elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

### Compulsory (core) course

Code	Course	NQF Credits	NQF Level
<b>PBL5849F</b>	Law in Action .....	30	9

### Compulsory (core) courses [one of the following to the value of 30 credits]

Code	Course	NQF Credits	NQF Level
<b>PBL5820F</b>	Theories of Crime and Social Order .....	30	9
<b>PBL5848F</b>	Law and Society in Africa (not offered in 2021).....	30	9

### Elective courses [two of the following to the value of 60 credits]

Code	Course	NQF Credits	NQF Level
<b>PBL5807S</b>	International Criminal Law (not offered in 2021) .....	30	9
<b>PBL5815S</b>	Punishment and Human Rights .....	30	9
<b>PBL5822S</b>	Victims and Victimology .....	30	9
<b>PBL5844S</b>	Police and Policing: Explorations in Security Governance .....	30	9
<b>PBL5847S</b>	Forensics and the Law (not offered in 2021).....	30	9

### Research component

Code	Course	NQF Credits	NQF Level
<b>PBL5850W</b>	Minor Dissertation .....	120	9
	<b>Total Credits</b> .....	<b>240</b>	



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

**Programme Convener:**

M Carels

The curriculum comprises three compulsory courses, one elective course and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

**Compulsory (core) courses**

Code	Course	NQF Credits	NQF Level
<b>CML5631S</b>	Mediation .....	30	9
<b>CML5641S</b>	Commercial Arbitration .....	30	9
<b>CML5671F</b>	Negotiation .....	30	9

**Elective course [to the value of 30 credits]**

Code	Course	NQF Credits	NQF Level
	One Master's course (recommended course - PBL5618S International Law on Disputes and Use of Force) .....	30	9

**Research component**

Code	Course	NQF Credits	NQF Level
<b>CML5632W</b>	Minor Dissertation .....	120	9
	<b>Total Credits</b> .....	<b>240</b>	

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

**Programme Convener:**

Professor A Paterson

The curriculum comprises one compulsory course, three elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

**Compulsory (core) course**

Code	Course	NQF Credits	NQF Level
<b>PBL5640F</b>	Principles of Environmental Law .....	30	9

**Elective courses [three of the following to the value of 90 credits]**

Code	Course	NQF Credits	NQF Level
<b>PBL5619S</b>	International Environmental Law .....	30	9
<b>PBL5641F</b>	Land Use Planning Law .....	30	9
<b>PBL5642S</b>	Natural Resources Law .....	30	9
<b>PBL5643S</b>	Pollution Law .....	30	9

**Research component**

Code	Course	NQF Credits	NQF Level
<b>PBL5654W</b>	Minor Dissertation .....	120	9
	<b>Total Credits</b> .....	<b>240</b>	

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

### Programme Convener:

S Lutchman

The curriculum comprises four elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

### Elective courses [to the value of 120 credits]

[At least **three** courses from the following courses to the value of 90 credits]

Code	Course	NQF Credits	NQF Level
<b>PBL5628S</b>	International Rights of the Child .....	30	9
<b>PBL5631F</b>	International Protection of Human Rights .....	30	9
<b>PBL5651S</b>	International Protection of Women's Human Rights.....	30	9
<b>PBL5653F</b>	Refugee Law and Human Rights .....	30	9
<b>PBL5659S</b>	Human Rights, Legal Pluralism, Religion and Culture .....	30	9
<b>PBL5661S</b>	Litigating South African Bill of Rights .....	30	9
<b>PBL5807S</b>	International Criminal Law (not offered in 2021) .....	30	9
<b>PBL5815S</b>	Punishment and Human Rights .....	30	9

[One of the following to the value of 30 credits]

Code	Course	NQF Credits	NQF Level
<b>PBL5615F</b>	International Law in Theory and Practice.....	30	9
<b>PBL5618S</b>	International Law on Disputes and Use of Force .....	30	9
<b>PBL5623F</b>	Governing under the Constitution: Law and Practice.....	30	9
<b>PBL5658S</b>	Administrative Justice and Open Government.....	30	9
<b>PBL5663S</b>	Transparency Law & Governance: Global and Local Theory & Practice.....	30	9
<b>PBL5844S</b>	Police and Policing: Explorations in Security Governance .....	30	9
<b>PBL5822S</b>	Victims and Victimology.....	30	9

### Research component

Code	Course	NQF Credits	NQF Level
<b>PBL5626W</b>	Minor Dissertation .....	120	9
	<b>Total Credits</b> .....	<b>240</b>	

## Master's degree (LLM/MPhil) specialising in Intellectual Property Law [LM003CML13/LM002CML13]

### Programme Convener:

Associate Professor L-A Tong

The curriculum comprises four elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

**Elective courses [to the value of 120 credits]**

Code	Course	NQF Credits	NQF Level
	Four courses, including at least three of the following courses (30 credits each):		
CML5657F	Electronic Intellectual Property Law.....	30	9
CML5678F	Principles of Intellectual Property Law.....	30	9
CML5680S	Advanced Intellectual Property Law.....	30	9
CML5691S	Intellectual Property Law, Development and Innovation.....	30	9

**Research component**

Code	Course	NQF Credits	NQF Level
CML5681W	Minor Dissertation.....	120	9
	<b>Total Credits.....</b>	<b>240</b>	

**Master's degree (LLM/MPhil) specialising in International Law  
[LM003PBL06/LM002PBL06]**

**Programme Convener:**

Associate Professor C Powell

The curriculum comprises four elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

**Four of the following elective courses [to the value of 120 credits]**

Code	Course	NQF Credits	NQF Level
CML5619F	Law of International Trade.....	30	9
CML5673S	International Commercial Transactions Law.....	30	9
PBL5602F	International Law of the Sea.....	30	9
PBL5615F	International Law in Theory and Practice.....	30	9
PBL5618S	International Law on Disputes and Use of Force.....	30	9
PBL5619S	International Environmental Law.....	30	9
PBL5628S	International Rights of the Child.....	30	9
PBL5631F	International Protection of Human Rights.....	30	9
PBL5651S	International Protection of Women's Human Rights.....	30	9
PBL5807S	International Criminal Law (not offered in 2021).....	30	9

**Research component**

Code	Course	NQF Credits	NQF Level
PBL5627W	Minor Dissertation.....	120	9
	<b>Total Credits.....</b>	<b>240</b>	

**Master of Laws (LLM) specialising in International Taxation  
[LM003CML14]**

**Programme Convener:**

Associate Professor J Hattingh

The curriculum comprises three compulsory courses and a compulsory minor dissertation of not more than 18 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

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### Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
<b>FTX5034F</b>	International Tax I .....	60	9
<b>FTX5033S</b>	International Tax II .....	60	9
<b>FTX4036S</b>	Research Methods in Taxation .....	0	8

### Research component

Code	Course	NQF Credits	NQF Level
<b>CML5694W</b>	Minor Dissertation .....	120	9
	<b>Total Credits</b> .....	<b>240</b>	

## Master's degree (LLM) specialising in International Trade Law [LM003CML06]

### Programme Convener:

Professor A Ordor

The curriculum comprises two compulsory courses, two elective courses and a compulsory minor dissertation of not more than 25 000 words on a topic related to International Trade Law and approved by the programme convener. The curriculum consists of 240 credits

### Compulsory (core) courses

Code	Course	NQF Credits	NQF Level
<b>CML5619F</b>	Law of International Trade .....	30	9
<b>CML5673S</b>	International Commercial Transactions Law .....	30	9

### Elective courses [two of the following to the value of 60 credits]

Code	Course	NQF Credits	NQF Level
<b>CML5626S</b>	Carriage of Goods by Sea .....	30	9
<b>CML5641S</b>	Commercial Arbitration .....	30	9
<b>CML5654S</b>	Competition Law .....	30	9
<b>CML5664F</b>	Law, Regional Integration and Development in Africa .....	30	9
<b>CML5666F</b>	Comparative Law and Business in Africa .....	30	9
<b>CML5687S</b>	Chinese Law and Investments in Africa .....	30	9
<b>PBL5615F</b>	International Law in Theory and Practice .....	30	9
<b>PBL5619S</b>	International Environmental Law .....	30	9

### Research component

Code	Course	NQF Credits	NQF Level
<b>CML5674W</b>	Minor Dissertation .....	120	9
	<b>Total Credits</b> .....	<b>240</b>	

## Master's degree (LLM/MPhil) specialising in Labour Law [LM003CML07/LM002CML07]

*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.*

**Programme Convener:**

Dr E Fergus

The curriculum comprises four elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

**Elective courses [to the value of 120 credits]**

Code	Course	NQF Credits	NQF Level
	Four of the following courses (30 credits each): .....		
	<b>UCT courses:</b> .....		
<b>CML5613S</b>	Collective Labour Law .....	30	9
<b>CML5651F</b>	Individual Employment Law .....	30	9
<b>CML5671F</b>	Negotiation .....	30	9
<b>CML5676S</b>	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

**Research component**

Code	Course	NQF Credits	NQF Level
<b>CML5614W</b>	Minor Dissertation .....	120	9
	<b>Total Credits</b> .....	<b>240</b>	

**Master's degree (LLM) specialising in the Law of Mineral and Petroleum Extraction and Use**

**[LM003PVL11]**

**Programme Convener:**

Professor H Mostert

**Compulsory (core) courses**

Code	Course	NQF Credits	NQF Level
<b>PVL5630F</b>	Comparative Mineral Law in Africa .....	30	9
<b>PVL5632F</b>	Oil and Gas Law in South Africa .....	30	9
<b>PVL5633S</b>	Resource Revenue Law .....	30	9

**Elective courses [one of the following to the value of 30 credits]**

Code	Course	NQF Credits	NQF Level
<b>PVL5625S</b>	Property Law in a Constitutional Order (not offered in 2021) .....	30	9
<b>PVL5631S</b>	Negotiation of Mining Contracts .....	30	9
<b>PBL5642S</b>	Natural Resources Law .....	30	9
	Any approved law elective .....	30	9

**Research component**

Code	Course	NQF Credits	NQF Level
<b>PVL5634W</b>	Minor Dissertation .....	120	9
	<b>Total Credits</b> .....	<b>240</b>	9

## **Master's degree (MPhil) specialising in the Law of Mineral and Petroleum Extraction and Use [LM002PVL11]**

**Programme Convener:**  
Professor H Mostert

### **Compulsory (core) courses**

Code	Course	NQF Credits	NQF Level
<b>PVL5630F</b>	Comparative Mineral Law in Africa.....	30	9
<b>PVL5632F</b>	Oil and Gas Law in South Africa .....	30	9
<b>PVL5633S</b>	Resource Revenue Law .....	30	9

### **Elective courses [one of the following]**

Code	Course	NQF Credits	NQF Level
<b>PVL5625S</b>	Property Law in a Constitutional Order (not offered in 2021) .....	30	9
<b>PVL5631S</b>	Negotiation of Mining Contracts .....	30	9
<b>PBL5642S</b>	Natural Resources Law.....	30	9
	One non-law Master's course approved by the programme convener .....	24	9

### **Research component**

Code	Course	NQF Credits	NQF Level
<b>PVL5634W</b>	Minor Dissertation.....	120	9
	<b>Total Credits</b> .....	<b>234/240</b>	<b>9</b>

## **Master's degree (LLM/MPhil) specialising in Marine and Environmental Law [LM003PBL07/LM002PBL07]**

**Programme Convener:**  
Professor A Paterson

The curriculum comprises two compulsory courses, two elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

### **Compulsory (core) courses**

Code	Course	NQF Credits	NQF Level
<b>PBL5602F</b>	International Law of the Sea .....	30	9
<b>PBL5619S</b>	International Environmental Law .....	30	9

### **Elective courses [two of the following to the value of 60 credits]**

Code	Course	NQF Credits	NQF Level
<b>PBL5640F</b>	Principles of Environmental Law .....	30	9
<b>PBL5641F</b>	Land Use Planning Law .....	30	9
<b>PBL5642S</b>	Natural Resources Law.....	30	9
<b>PBL5643S</b>	Pollution Law .....	30	9

**Research component**

Code	Course	NQF Credits	NQF Level
PBL5624W	Minor Dissertation.....	120	9
	<b>Total Credits</b> .....	<b>240</b>	

### **Master's degree (LLM) specialising in Private Law and Human Rights [LM003PVL09]**

*This programme will not be on offer in 2021 but some of the constituent courses are still on offer. Please refer to the course descriptions below for information on course availability in 2021.*

**Programme Convener:**

TBA

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. A person may be admitted to this LLM specialisation only if 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 if he or she has in any other manner attained an equivalent level of competence.

**Compulsory (core) course**

Code	Course	NQF Credits	NQF Level
PVL5624F	Human Rights and Private Law (not offered in 2021) .....	30	9

#### **Elective courses [three courses which must include at least two of the following to the value of 90 credits]**

Code	Course	NQF Credits	NQF Level
PVL5620S	Advanced Contract Law (not offered in 2021).....	30	9
PVL5625S	Property Law in a Constitutional Order (not offered in 2021).....	30	9
PVL5626S	Human Rights, Gender and Family .....	30	9
PVL5627S	Delict, Unjustified Enrichment, and Human Rights (not offered in 2021).....	30	9
PVL5630F	Comparative Mineral Law in Africa .....	30	9

**Research component**

Code	Course	NQF Credits	NQF Level
PVL5628W	Minor Dissertation (not offered in 2021) .....	120	9
	<b>Total Credits</b> .....	<b>240</b>	

### **Master's degree (MPhil) specialising in Private Law and Human Rights [LM002PVL09]**

*This programme will not be on offer in 2021 but some of the constituent courses are still on offer. Please refer to the course descriptions below for information on course availability in 2021.*

**Programme Convener:**

TBA

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. A person may be admitted to this MPhil specialisation only if he or she has a law degree of the university or an equivalent degree of another university or

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institution recognised by the Senate for the purpose, or if he or she has in any other manner attained an equivalent level of competence.

### Compulsory (core) course

Code	Course	NQF Credits	NQF Level
PVL5624F	Human Rights and Private Law (not offered in 2021).....	30	9

### Elective courses [two of the following to the value of 60 credits]

Code	Course	NQF Credits	NQF Level
PVL5620S	Advanced Contract Law (not offered in 2021).....	30	9
PVL5625S	Property Law in a Constitutional Order (not offered in 2021) .....	30	9
PVL5626S	Human Rights, Gender and Family .....	30	9
PVL5627S	Delict, Unjustified Enrichment, and Human Rights (not offered in 2021) .....	30	9
PVL5630F	Comparative Mineral Law in Africa.....	30	9

### Elective course [to the value of at least 24 credits]

Code	Course	NQF Credits	NQF Level
	One non-law Master's course approved by the programme convener .....	24	9

### Research component

Code	Course	NQF Credits	NQF Level
PVL5628W	Minor Dissertation (not offered in 2021).....	120	9
	<b>Total Credits</b> .....	<b>234</b>	

## Master's degree (LLM/MPhil) specialising in Public Law [LM003PBL09/LM002PBL09]

### Programme Convener:

Professor P de Vos

The curriculum comprises four elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

### Elective courses [four courses from the following programmes to the value of 120 credits]

Code	Course	NQF Credits	NQF Level
	Constitutional and Administrative Law.....	30	9
	Criminology, Law and Society .....	30	9
	Environmental Law .....	30	9
	Human Rights Law .....	30	9
	International Law.....	30	9
	Marine and Environmental Law .....	30	9

### Research component

Code	Course	NQF Credits	NQF Level
PBL5601W	Minor Dissertation .....	120	9
	<b>Total Credits</b> .....	<b>240</b>	



## **Master's degree (LLM/MPhil) specialising in Shipping Law** **[LM003CML09/LM002CML09]**

*Courses in both the private and public law aspects of Marine and Maritime Law are offered jointly by the Departments of Commercial Law (Shipping Law Unit) and Public Law (Institute of Marine and Environmental Law). (Refer to the Rules for LLM and MPhil Degrees.)*

### **Programme Convener:**

Associate Professor G Bradfield

The curriculum comprises three compulsory courses; one of the two designated elective courses, and a compulsory minor dissertation of not more than 25 000 words on a topic related to shipping law and approved by the programme convener. The curriculum consists of 240 credits.

### **Compulsory (core) courses**

Code	Course	NQF Credits	NQF Level
<b>CML5625F</b>	Maritime Law .....	30	9
<b>CML5626S</b>	Carriage of Goods by Sea.....	30	9
<b>CML5693S</b>	Marine Insurance Law.....	30	9

### **Elective course [one of the following to the value of 30 credits]**

Code	Course	NQF Credits	NQF Level
<b>CML5624F</b>	Admiralty Jurisdiction and Practice .....	30	9
<b>PBL5602F</b>	International Law of the Sea .....	30	9

### **Research component**

Code	Course	NQF Credits	NQF Level
<b>CML5616W</b>	Minor Dissertation .....	120	9
	<b>Total Credits.....</b>	<b>240</b>	

## **Master's degree (LLM/MPhil) specialising in Tax Law** **[LM003CML10/LM002CML10]**

### **Programme Convener:**

Associate Professor T Gutuza.

This is a two-year programme.

The curriculum comprises four compulsory courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

### **Compulsory (core) courses**

Code	Course	NQF Credits	NQF Level
<b>CML5661F</b>	General Tax Law Provisions .....	30	9
<b>CML5661S</b>	Specific Tax Law Provisions (not offered in 2021) .....	30	9
<b>CML5663F</b>	Tax Treaty Law .....	30	9
<b>CML5663S</b>	Advanced Tax Law .....	30	9
<b>CML5665S</b>	Tax Policy in a Developmental Context (for 2021 only) .....	30	9

### **Research component**

Code	Course	NQF Credits	NQF Level
<b>CML5611W</b>	Minor Dissertation .....	120	9
	<b>Total Credits.....</b>	<b>240</b>	

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## COURSE OUTLINES (POSTGRADUATE)

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### CML4613S COLLECTIVE LABOUR LAW

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 8

**Convener:** Dr E Fergus

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

The course covers the current law of collective bargaining and industrial action (strikes and lockouts) in South Africa. It further aims to give students an understanding of the historical development of collective bargaining, so as to enable them to understand the policies underlying the regulation of collective bargaining in South Africa. In addition, students will be introduced to contemporary debates on the role and significance of collective bargaining and industrial action. Students can expect to leave the course with a working knowledge of applicable statutory provisions, case law, key policy issues, and current debates on the regulation and premises of collective bargaining and industrial action in South Africa.

**DP requirements:** Attendance at seminars and completion of written assignments.

**Assessment:** Coursework - 50% (comprising two assignments (3000-3500 words each) each counting 25%) November Examination - 50%.

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### CML4624F ADMIRALTY JURISDICTION AND PRACTICE

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 8

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for Postgraduate Diplomas.

**Course outline:**

The course traces the history of Admiralty jurisdiction from its origins in English law to the enactment of the Admiralty Jurisdiction Regulation Act, 1983. The course covers current Admiralty practice in South Africa, including the courts' Admiralty jurisdiction and their powers to decline to exercise that jurisdiction and of joinder; maritime claims and their enforcement; actions and arrests in rem; actions in personam and attachments; associated ship arrests; security arrests; security for claims and costs; evidence, inspection and examination procedures; judicial sales and ranking of claims against funds in court. The course also deals with the International Ship Arrest Conventions and Admiralty jurisdiction in comparative jurisdictions.

**DP requirements:** None

**Assessment:** Coursework 25%, Examination 75%

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### CML4625F MARITIME LAW

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 8

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

The course covers the law regulating ships and shipping activities, and that relating to civil legal claims arising out of shipping activities. The course focuses on South African law but has significant international and comparative components. It covers South African Merchant Shipping and related legislation regulating ships and shipping activities; registration and ownership of ships and South Africa's role as Flag-, Coastal-, and Port-State in ensuring the safety of ships and shipping activities; the SOLAS Convention and ISM Code; the acquisition and transfer of ownership of ships; the financing of ships and shipping operations; safety of navigation; collisions; limitation of liability; marine pollution control and compensation; wreck; master and crew; salvage; towage, and pilotage.

**DP requirements:** None

**Assessment:** Coursework 25%, Examination 75%

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**CML4626S CARRIAGE OF GOODS BY SEA**

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 8

**Convener:** M Deacon

**Course entry requirements:** See Rules for Postgraduate Diplomas

**Course outline:**

The course covers: international carriage of goods by sea; shipping and international trade; carriage documents and their interaction with international sales and payment arrangements; international attempts at standardisation in carriage; electronic commerce in shipping; general principles of carriage of goods by sea, including: applicable law; international carriage regimes, the Hague, Hague-Visby, Hamburg and Rotterdam Rules; the South African Carriage of Goods by Sea Act and the Sea Transport Documents Act; limitation of liability for cargo claims; bills of lading; charterparties, and cargo claims handling. Although the course focuses on South African law, comparisons are made with the laws of other jurisdictions.

**DP requirements:** None

**Assessment:** Coursework 25%, Examination 75%

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**CML4631S MEDIATION**

*Higher postgraduate course, second semester. The Mediation courses (CML4631S/CML5631S) are limited to 24 students in total. Priority will be given to students in the LLM/MPhil specialising in Dispute Resolution for whom this is a core course.)*

30 NQF credits at NQF level 8

**Convener:** M Carels

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

The aim of the course is to develop academic and professional proficiency in conflict resolution, negotiation, and mediation. The course is principally targeted at persons who hope to become mediators (and wish to further develop their academic and professional skills) or those who wish to gain proficiency in this area. The course comprises the following aspects: Conflict resolution which consists of the definition of conflict; sources of conflict; approaches to conflict resolution and the conflict path. Mediation which consists of defining mediation, roles and functions of a mediator and the skills and techniques of a mediator. The psychology in mediation, mediating different types of disputes (family mediation, labour mediation, commercial mediation) and court-annexed mediation. The course also covers various codes of conduct for mediators and settlement agreements.

**DP requirements:** Satisfactory attendance of lectures, presentations and practicals, and completion of written assignments.

**Assessment:** Prescribed assignments and mediation simulation: 50%, Take-home examination: 50%.

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**CML4641S COMMERCIAL ARBITRATION**

*Higher postgraduate course, second semester. (The course is limited to 30 students. Priority will be given to students in the PGDip programme specialising in Dispute Resolution for whom this is a core course.)*

30 NQF credits at NQF level 8

**Convener:** F Adams

**Course entry requirements:** See rules for 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 (40%), November examination (60%).

**CML4651F** INDIVIDUAL EMPLOYMENT LAW

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 8

**Convener:** Professor R le Roux

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course is designed to give, among others, legal practitioners, human resource and industrial relations practitioners, trade unionists and para-legals a working knowledge of individual labour law. The course seeks to examine and analyse legal rules and institutions in context, emphasising the practical application of labour law. The course will focus on the following major areas: Definition and scope of labour law; Individual labour relations; Dismissal; Basic Conditions of Employment; Skills development; Dispute resolution.

**DP requirements:** Satisfactory attendance, presentation and successful completion of written assignments. Students may be required to attend a weekend workshop.

**Assessment:** Optional written assignments 30% to 45%. Examination 55% to 75% (depending number of essays submitted).

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**CML4661F** GENERAL TAX LAW PROVISIONS

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 8

**Convener:** Associate Professor A Titus

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

The objective of this semester course is to nurture tax lawyers and to provide non-lawyers with an insight into tax law and the rights of taxpayers in regard to liability for taxation. The focus of the course is on the general framework for imposing income tax in South Africa, as pronounced upon by the courts. The outline of the course comprises a selection of fundamental features of the South African income tax, mainly through critical evaluation of case law. Key jurisdictional concepts comprising the source and residence basis of income taxation will be considered in detail. The course will analyse the statutory and jurisprudential frameworks for the determination of taxable income, including the notion of income, the distinction between capital and revenue receipts and the deductibility of expenditure and losses. Tax law impacts the life of every citizen and is often political. At the end of this course students are expected to be able to start to identify the broader relevance and impact of tax law. This course provides a basic entry point for further postgraduate study of tax law.

**DP requirements:** Further tests may be scheduled at the discretion of the convener. Satisfactory attendance at lectures.

**Assessment:** Coursework 30% Examination 70%.

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**CML4661S** SPECIFIC TAX LAW PROVISIONS

*(Not offered in 2021) Higher postgraduate course, second semester.*

30 NQF credits at NQF level 8

**Convener:** Associate Professor J Hattingh

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course builds on the first semester course 'General Tax Law Provisions' as a further introductory course for postgraduate studies on the subject of tax law. The objective of this semester course is to nurture tax lawyers and to provide non-lawyers with an insight into tax law and the rights of taxpayers in regard to liability for taxation. The focus of the course is on legislation as the primary source of tax law, specifically those aspects of South African income tax legislation that are likely to remain fundamental to the South African system of imposing income tax, as pronounced upon by the courts. The outline of the course is as follows. Because the focus is on legislation and

non-lawyers may participate, the course will be introduced by a recapitulation of the legal framework for statutory construction. Throughout the course, the emphasis will be on development of the competencies required to use revenue legislation in a responsible manner. A selection of features of the South African Income Tax Act, 58 of 1962, will be considered. The relevant provisions are categorised into those dealing with the main tenants of the taxation of individuals, companies and other vehicles such as trusts and partnerships. Selected issues affecting the taxation of corporate income will be considered. In addition, the legislation imposing tax on capital gains will be dealt with, in overview. The course is concluded by a consideration of the various common law and statutory measures that address tax evasion and tax avoidance, including consideration of legitimate tax planning techniques.

**DP requirements:** None

**Assessment:** Coursework 20% (optional), Examination 80% or 100%.

### **CML4662F TAX TREATY LAW**

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 8

**Convener:** Associate Professor T Gutuza

**Course entry requirements:** See Rules for Postgraduate Diplomas.

**Course outline:**

This course aims to provide students with an understanding of international tax law, with particular emphasis of international tax law in the African context. The course will cover, inter alia, trading into and out of South Africa, methods of relieving international double taxation, the interpretation and application of double taxation conventions, the Organisation for Economic Co-operation and Development's (OECD) Model Tax Convention on Income and on Capital, the United Nations Model Tax Convention on Income and on Capital, the allocation of taxing liability of various forms of income, international tax avoidance including transfer pricing and thin capitalisation and exchange control.

**DP requirements:** Further assessments may be scheduled at the discretion of the course convener.

**Assessment:** Coursework 50%, Examination 50%

### **CML4662S TAX POLICY IN A DEVELOPMENTAL CONTEXT**

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 8

**Convener:** Associate Professor A Titus

**Course entry requirements:** See Rules for Postgraduate Diplomas.

**Course outline:**

The objective is to provide students with the opportunity to apply their knowledge of tax policy to practical examples of real-world instances of choices made in tax laws. The aim is to produce graduates who are able to evaluate existing tax policies; provide a likely rationale for why tax laws are the way they are; and propose changes to laws so that they more fit for purpose. Tax law as an area of both practice and academic study is characterised by regular, frequent and often significant change. This chosen teaching method accordingly recognises that deep learning of tax policy theory would be facilitated by a practical application of such theory to real-world instances where tax policy choices are made by governments.

**DP requirements:** None

**Assessment:** Examination 100%.

### **CML4671F NEGOTIATION**

*Higher postgraduate course, first semester. The Negotiation courses (CML4671F/CML5671F) are limited to 24 students in total. Priority will be given to students in the LLM/MPhil specialising in Dispute Resolution, for whom this is a core course.*

30 NQF credits at NQF level 8

**Convener:** M Carels

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**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

Negotiation is a fundamental method of resolving disputes in many areas of law, including labour law and commercial law. The course focuses on the following topics: positional and interest-based negotiation, the principles of negotiation, problem-solving, persuasion in negotiation, 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:** Prescribed assignments and negotiation simulation: 50%, Take-home examination 50%.

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### **CML4673S** INTERNATIONAL COMMERCIAL TRANSACTIONS LAW

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 8

**Convener:** F Adams

**Course outline:**

The course covers the contractual aspects of international commercial transactions and the adjudication of disputes relating to these transactions by courts. It covers courts' jurisdiction to adjudicate disputes relating to international contracts; the law applicable to an international contract and the consequences of a choice of applicable law; harmonisation of private law and the modern Lex Mercatoria; the United Nations Convention on Contracts for the International Sale of Goods (CISG); Incoterms; carriage and insurance documents and their roles and functions in international sale transactions, and international payments and guarantees, including the Uniform Rules for Collections (URC 522), Uniform Customs and Practices (UCP 600), and Uniform Rules on Demand Guarantees (URDG 758).

**DP requirements:** None

**Assessment:** Coursework 25%, Examination 75%

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### **CML4676S** WORKPLACE DISCRIMINATION AND EQUALITY LAW

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 8

**Convener:** Associate Professor D Collier

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

The course aims to examine the constitutionally embedded concept of substantive equality in the context of the South African labour market and workplace. The regulation of employment discrimination and affirmative action, which pivots around the provisions of the Employment Equity Act of 1998, will be explored through the lens of South African case law, alongside an examination of selected theoretical and sociological perspectives, and comparative developments, on equality and discrimination. The course will provide students with the necessary skills to deal with discrimination problems that may arise in the workplace, including harassment and discrimination on the basis of race, sex and gender.

**DP requirements:** None

**Assessment:** Coursework 50%, Examination 50%

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### **CML4693S** MARINE INSURANCE LAW

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 8

**Convener:** M Deacon

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

The course covers the law of marine insurance in South Africa, and has significant international and comparative elements. It covers the history of marine insurance law as the basis for modern

premium insurance law, from its origins in the marine insurance practices of the medieval Italian city states, and reception in Europe and England, and deals with harmonisation of insurance law principles. It covers general principles of contract and insurance law that apply to marine insurance contracts, including insurable interest and indemnity, pre-contractual duties relating to misrepresentations and disclosure, insurance warranties, risks covered and exceptions, causation, subrogation and abandonment, and claims procedures. It covers the various forms of marine insurance, including Hull and Machinery, Protection and Indemnity, Marine Cargo and specific risk clauses such as War and Risks, and Freight, Defence and Demurrage, and standard form contracts and clauses in common use. It covers local and Lloyd's insurance markets and practices. The course also deals with general average, the general principles and the York-Antwerp Rules.

**DP requirements:** None

**Assessment:** Coursework 25%, Examination 75%

### **CML5000X** COMMERCIAL LAW - RESEARCH TASK

*Higher postgraduate course*

15 NQF credits at NQF level 9

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

### **CML5600W** MASTERS IN COMMERCIAL LAW

*Higher postgraduate course, whole year.*

240 NQF credits at NQF level 9

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** Acceptance for a Master's programme in Law.

**Course outline:**

Under the guidance of a supervisor appointed by Senate, a candidate must undertake research at an advanced level on a subject of legal interest approved by Senate, for the purpose of writing a dissertation. Dissertations, not exceeding 40 000 words in length, must constitute a contribution to knowledge and should demonstrate a mastery of the methods of research.

**DP requirements:** None

**Assessment:** 100% written work

### **CML5601F** ADVANCED COMPANY LAW

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor J Yeats

**Course entry requirements:** Competent academic and/or practical knowledge of the general principles of South African company law.

**Course outline:**

This course will be presented through a series of lectures. The areas to be addressed will be: Share capital; repurchases; shares and debentures; alteration of shareholders' rights and schemes of arrangement; raising share capital; membership; transfer and dealing; uncertified shares; insider trading; takeovers; dividends; financial markets and their regulation and derivatives.

**DP requirements:** Satisfactory attendance at and participation in lectures.

**Assessment:** Coursework 40%, Examination 60%

### **CML5601X** ADVANCED COMPANY LAW - RESEARCH TASK

*Higher postgraduate course, first semester.*

15 NQF credits at NQF level 9

## 128 COURSE OUTLINES (POSTGRADUATE)

**Convener:** Associate Professor J Yeats

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise

**DP requirements:** None

**Assessment:** A research task of a professional nature

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### **CML5606W** MASTERS IN COMMERCIAL LAW DISSERTATION PART

*Higher postgraduate course, whole year.*

120 NQF credits at NQF level 9

**Convener:** Associate Professor J Yeats

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work

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### **CML5611W** MASTERS IN TAX LAW DISSERTATION PART

*Higher postgraduate course, whole year.*

120 NQF credits at NQF level 9

**Convener:** Associate Professor T Gutuza

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work

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### **CML5613S** COLLECTIVE LABOUR LAW

*Higher postgraduate course, second semester, one seminar per week.*

30 NQF credits at NQF level 9

**Convener:** Dr E Fergus

**Course entry requirements:** See Rules for LLM and MPhil Degrees. Candidates must have a sufficient level of competence in the field of labour law.

**Course outline:**

The course covers the current law of collective bargaining and industrial action (strikes and lock-outs) in South Africa. It further aims to give students an understanding of the historical development of collective bargaining, so as to enable them to understand the policies underlying the regulation of



collective bargaining in South Africa. In addition, students will be introduced to contemporary debates on the role and significance of collective bargaining and industrial action.

Students can expect to leave the course with a working knowledge of applicable statutory provisions, case law, key policy issues, and current debates on the regulation and premises of collective bargaining and industrial action in South Africa.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:** Coursework 50% (comprising two assignments (3000-3500 words each) each counting 25%, Examination 50%

### **CML5613X COLLECTIVE LABOUR LAW - RESEARCH TASK**

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Dr E Fergus

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

### **CML5614W MASTERS IN LABOUR LAW DISSERTATION PART**

*Higher postgraduate course, whole year.*

120 NQF credits at NQF level 9

**Convener:** Dr E Fergus

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work

### **CML5616W MASTERS IN SHIPPING LAW DISSERTATION PART**

*Higher postgraduate course, whole year.*

120 NQF credits at NQF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work

## 130 COURSE OUTLINES (POSTGRADUATE)

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### **CML5619F** LAW OF INTERNATIONAL TRADE

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** Professor F Ismail

**Course entry requirements:** An LLB from UCT or the equivalent legal qualification from a recognised university.

**Course outline:**

Law of International Trade examines the public law aspects of international trade, the international regulatory framework within which private traders operate, concentrating on the law and practice of the World Trade Organisation (WTO). We will consider the purpose of trade, why it is that the WTO is considered the most successful of international organisations, and why it is that the WTO continues to attract controversy and criticism. In answering these questions, we will consider select WTO agreements to provide insights into both what the law says and how the law impacts on states and private actors within those states. The purpose of the course is to provide students with some 'technical' understanding of the WTO as an institution, and to provide students with the tools to critically evaluate whether the WTO is meeting its worthy objectives as set in the Agreement establishing the WTO, including raising living standards, ensuring full employment, optimising the use of the world's resources in accordance with the principle of sustainable development, and ensuring that developing countries, especially LDCs, secure a share in the growth of international trade commensurate with their economic needs. This is not an economics course, and we cannot assess the economic case for free trade. Instead, as lawyers, we will examine the law and jurisprudence of the WTO, to assess to what extent the laws themselves allow for free and fair trade.

**DP requirements:** None

**Assessment:** Coursework 30%, Examination 70%

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### **CML5619X** LAW OF INTERNATIONAL TRADE - RESEARCH TASK

*Higher postgraduate course, first semester.*

15 NQF credits at NQF level 9

**Convener:** Professor F Ismail

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

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### **CML5624F** ADMIRALTY JURISDICTION AND PRACTICE

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** Students wishing to register for this course are required to have an LLB or equivalent degree.

**Course outline:**

The course traces the history of Admiralty jurisdiction from its origins in English law to the enactment of the Admiralty Jurisdiction Regulation Act, 1983.

The course covers current Admiralty practice in South Africa, including the courts' Admiralty jurisdiction and their powers to decline to exercise that jurisdiction and of joinder; maritime claims and their enforcement; actions and arrests *in rem*; actions *in personam* and attachments; associated ship arrests; security arrests; security for claims and costs; evidence, inspection and examination procedures; judicial sales and ranking of claims against funds in court.

The course also deals with the International Ship Arrest Conventions and Admiralty jurisdiction in comparative jurisdictions.

**DP requirements:** None

**Assessment:** Coursework 25%, Examination 75%

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**CML5624X ADMIRALTY JURISDICTION & PRACTICE - RESEARCH TASK**

*Higher postgraduate course, first semester.*

15 NQF credits at NQF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

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**CML5625F MARITIME LAW**

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for LLM and MPhil degrees.

**Course outline:**

The course covers the law regulating ships and shipping activities, and that relating to civil legal claims arising out of shipping activities. The course focuses on South African law but has significant international and comparative components. It covers South African Merchant Shipping and related legislation regulating ships and shipping activities; registration and ownership of ships and South Africa's role as Flag-, Coastal-, and Port-State in ensuring the safety of ships and shipping activities; the SOLAS Convention and ISM Code; the acquisition and transfer of ownership of ships; the financing of ships and shipping operations; safety of navigation; collisions; limitation of liability; marine pollution control and compensation; wreck; master and crew; salvage; towage, and pilotage

**DP requirements:** None

**Assessment:** Coursework 25%, Examination 75%

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**CML5625X MARITIME LAW - RESEARCH TASK**

*Higher postgraduate course, first semester.*

15 NQF credits at NQF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

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**CML5626S CARRIAGE OF GOODS BY SEA**

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** M Deacon

**Course entry requirements:** See Rules for LLM and MPhil degrees.

**Course outline:**

The course covers: international carriage of goods by sea; shipping and international trade; carriage documents and their interaction with international sales and payment arrangements; international attempts at standardisation in carriage; electronic commerce in shipping; general principles of carriage of goods by sea, including: applicable law; international carriage regimes, the Hague, Hague-Visby, Hamburg and Rotterdam Rules; the South African Carriage of Goods by Sea Act and

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the Sea Transport Documents Act; limitation of liability for cargo claims; bills of lading; charterparties, and cargo claims handling. Although the course focuses on South African law, comparisons are made with the laws of other jurisdictions.

**DP requirements:** None

**Assessment:** Coursework 25%, Examination 75%

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### **CML5626X CARRIAGE OF GOODS BY SEA - RESEARCH TASK**

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** M Deacon

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise

**DP requirements:** None

**Assessment:** A research task of a professional nature

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### **CML5631S MEDIATION**

*Higher postgraduate course, second semester. The Mediation courses (CML4631S/CML5631S) are limited to 24 students in total. Priority will be given to those students in the LLM/MPhil programmes specialising in Dispute Resolution for which this is a core course.*

30 NQF credits at NQF level 9

**Convener:** M Carels

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The aim of the course is to develop academic and professional proficiency in conflict resolution, negotiation, and mediation. The course is principally targeted at persons who hope to become mediators (and wish to further develop their academic and professional skills) or those who wish to gain proficiency in this area. The course comprises the following aspects: Conflict resolution which consists of the definition of conflict; sources of conflict; approaches to conflict resolution and the conflict path. Mediation which consists of defining mediation, roles and functions of a mediator and the skills and techniques of a mediator. The psychology in mediation, mediating different types of disputes (family mediation, labour mediation, commercial mediation) and court-annexed mediation. The course also covers various codes of conduct for mediators and settlement agreements.

**DP requirements:** Satisfactory attendance of lectures, presentations and practicals, and completion of written assignments.

**Assessment:** Prescribed assignments and mediation simulation: 50%, Take-home examination: 50%.

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### **CML5631X MEDIATION - RESEARCH TASK**

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** M Carels

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise

**DP requirements:** None

**Assessment:** A research task of a professional nature

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**CML5632W** MASTERS IN DISPUTE RESOLUTION DISSERTATION PART

*Higher postgraduate course, whole year.*

120 NQF credits at NQF level 9

**Convener:** TBA

**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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**CML5641S** COMMERCIAL ARBITRATION

*Higher postgraduate course, second semester. Three hours of lectures or tutorials per week, with a two-week full-time block teaching period. The course is limited to 30 students. Priority will be given to students in the LLM/MPhil programmes specialising in Dispute Resolution for whom this is a core course.*

30 NQF credits at NQF level 9

**Convener:** F Adams

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**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 40%, November examination 60%

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**CML5641X** COMMERCIAL ARBITRATION - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** F Adams

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

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**CML5651F** INDIVIDUAL EMPLOYMENT LAW

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** Professor R le Roux

**Course entry requirements:** See Rules for LLM and MPhil Degrees. Non-law graduates and students admitted on the basis of Rule FG3 (6) will be required to attend a two-day seminar prior to the commencement of the course. Dates will be provided during registration.

**Course outline:**

This course is designed to give, among others, legal practitioners, human resource and industrial relations practitioners, trade unionists and para-legals a working knowledge of individual labour law. The course seeks to examine and analyse legal rules and institutions in context, emphasising the

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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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### **CML5651X** INDIVIDUAL EMPLOYMENT LAW - RESEARCH TASK

*Higher postgraduate course, first semester.*

15 NQF credits at NQF level 9

**Convener:** Professor R le Roux

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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### **CML5654S** COMPETITION LAW

*Higher postgraduate course, second semester, two double lectures per week.*

30 NQF credits at NQF level 9

**Convener:** Judge D M Davis

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The course will focus on and will aim to develop an understanding of the law and principles of competition policy in countries and regions across the globe, including, specifically, South Africa, the United States and the European Union.

The course aims to develop an understanding of and critical discourse on, inter alia, the following: the role of markets and competition law in relation to the poor; the relationship between aggregate efficiency, economic opportunity for those without power, industrial policy and equity for the poor or powerless; the relationship between the common good and the national good; and the tension between a country's right to regulate in the national interest and its obligation not to cause external harm.

**DP requirements:** Satisfactory attendance at lectures and presentation of seminars, and completion of projects.

**Assessment:** Assessment is continuous. Students submit a mid-term seminar paper on a relevant topic and present a seminar in relation to the topic of the paper 50%, Written examination 50%

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### **CML5654X** COMPETITION LAW - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Judge D M Davis

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

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### **CML5657F** ELECTRONIC INTELLECTUAL PROPERTY LAW

*Higher postgraduate course, first semester. Fifty contact hours, two double lectures per week or two intense weeks of teaching.*

30 NQF credits at NQF level 9

**Convener:** Professor C Ncube

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The course aims to provide an in-depth overview of relevant laws that govern intellectual property that is delivered and used electronically. Relevant international, regional and domestic sources of the law; copyright (digital rights management, enforcement, file sharing, limitations and exceptions, user generated content); database protection; trade marks and domain names and patents (protection of computer programs and business methods).

**DP requirements:** None

**Assessment:** Coursework 40% Examination 60%

### **CML5657X** ELECTRONIC INTELLECTUAL PROPERTY LAW - RESEARCH TASK

*Higher postgraduate course, first semester.*

15 NQF credits at NQF level 9

**Convener:** Professor C Ncube

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

### **CML5658S** ELECTRONIC TRANSACTIONS LAW

*Higher postgraduate course, second semester. Fifty contact hours, two double lectures per week or two intense weeks of teaching.*

30 NQF credits at NQF level 9

**Convener:** Professor C Ncube

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Objective:** The course aims to provide an in-depth overview of relevant laws that regulate electronic transactions.

**Course outline:**

1. Relevant international, regional and domestic sources of the law regulating electronic transactions
2. Electronic transacting and the doctrine of functional equivalence
3. Electronic contracts and payment methods
4. Consumer protection
5. Privacy
6. Electronic crime
7. Standards
8. ISPs and their liability
9. Online dispute resolution
10. Taxing electronic commerce

**DP requirements:** None

**Assessment:** Coursework 40% Examination 60%

### **CML5658X** ELECTRONIC TRANSACTIONS LAW - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Professor C Ncube

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

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A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

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### **CML5660X** GENERAL TAX LAW PROVISIONS - RESEARCH TASK

*Higher postgraduate course, first semester.*

15 NQF credits at NQF level 9

**Convener:** Associate Professor A Titus

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

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### **CML5661F** GENERAL TAX LAW PROVISIONS

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor A Titus

**Course outline:**

The objective of this semester course is to nurture tax lawyers and to provide non-lawyers with an insight into tax law and the rights of taxpayers in regard to liability for taxation. The focus of the course is on the general framework for imposing income tax in South Africa, as pronounced upon by the courts. The outline of the course comprises a selection of fundamental features of the South African income tax, mainly through critical evaluation of case law. Key jurisdictional concepts comprising the source and residence basis of income taxation will be considered in detail. The course will analyse the statutory and jurisprudential frameworks for the determination of taxable income, including the notion of income, the distinction between capital and revenue receipts and the deductibility of expenditure and losses. Tax law impacts the life of every citizen and is often political. At the end of this course students are expected to be able to start to identify the broader relevance and impact of tax law. This course provides a basic entry point for further postgraduate study of tax law.

**DP requirements:** Further tests may be scheduled at the discretion of the convener. Satisfactory attendance at lectures.

**Assessment:** Coursework 50%, Examination 50%.

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### **CML5661S** SPECIFIC TAX LAW PROVISIONS

*(Not offered in 2021) Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor J Hattingh

**Course entry requirements:** See Rules for LLM and MPhil degrees. A student is not permitted to register for this course unless he or she has either completed General Tax Law Provisions (CML5661F) or, in the opinion of the course convener(s), otherwise has sufficiently sound academic background in tax law, such as a postgraduate qualification in tax law and/or sufficient appropriate experience in the field of taxation

**Course outline:**

This course builds on the first semester course 'General Tax Law Provisions' as a further introductory course for postgraduate studies on the subject of tax law. The objective of this semester course is to nurture tax lawyers and to provide non-lawyers with an insight into tax law and the rights of taxpayers in regard to liability for taxation. The focus of the course is on legislation as the primary source of tax law, specifically those aspects of South African income tax legislation that are likely to remain fundamental to the South African system of imposing income tax, as



pronounced upon by the courts. The outline of the course is as follows. Because the focus is on legislation and non-lawyers may participate, the course will be introduced by a recapitulation of the legal framework for statutory construction. Throughout the course, the emphasis will be on development of the competencies required to use revenue legislation in a responsible manner. A selection of features of the South African Income Tax Act, 58 of 1962, will be considered. The relevant provisions are categorised into those dealing with the main tenants of the taxation of individuals, companies and other vehicles such as trusts and partnerships. Selected issues affecting the taxation of corporate income will be considered. In addition, the legislation imposing tax on capital gains will be dealt with, in overview. The course is concluded by a consideration of the various common law and statutory measures that address tax evasion and tax avoidance, including consideration of legitimate tax planning techniques.

**DP requirements:** None

**Assessment:** Coursework 20% (optional); Examination 80% or 100%.

### **CML5661X** SPECIFIC TAX LAW PROVISIONS - RESEARCH TASK

*(Not offered in 2021) Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Associate Professor J Hattingh

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

### **CML5662X** TAX TREATY LAW - RESEARCH TASK

*Higher postgraduate course, first semester.*

15 NQF credits at NQF level 9

**Convener:** Associate Professor T L Gutuza

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

### **CML5663F** TAX TREATY LAW

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor T Gutuza

**Course entry requirements:** See Rules for LLM and MPhil degrees.

**Course outline:**

The course deals with international tax law. The course will cover, inter alia, trading into and out of South Africa, methods of relieving international double taxation, the interpretation and application of double taxation conventions, the Organisation for Economic Co-operation and Development's (OECD) Model Tax Convention on Income and on Capital, the United National Model Tax Convention on Income and on Capital, the allocation of taxing liability of various forms of income, international tax avoidance including transfer pricing and this capitalisation and exchange control.

**DP requirements:** None

**Assessment:** Coursework 50%, Examination 50%.

**CML5663S** ADVANCED TAX LAW

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Course outline:**

This course builds on the courses General Tax Law Provisions and Specific Tax Law Provisions, and aims to develop academic proficiency in selected aspects of South African Tax Law. The topics covered will be prescribed from year to year with examples of topics including Tax Policy, Value Added Tax, Donations Tax, Estate Duty and Income Tax as levied in South Africa. The focus is on the relevant legislation as interpreted by the courts, as well as the practical application of the relevant legislation. The course will be presented through seminars and lectures.

**DP requirements:** None

**Assessment:** Coursework 50%, Examination 50%.

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**CML5663X** ADVANCED TAX LAW - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Associate Professor T L Gutuza and

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

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**CML5664F** LAW, REGIONAL INTEGRATION AND DEVELOPMENT IN AFRICA

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** Professor A Ordor

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

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

**DP requirements:** None

**Assessment:** Coursework 45%, Examination 55%

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**CML5664X** LAW, REGIONAL INTEGRATION AND DEVELOPMENT IN AFRICA - RESEARCH TASK

*Higher postgraduate course, first semester.*

15 NQF credits at NQF level 9

**Convener:** Professor A Ordor

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

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### **CML5665S TAX POLICY IN A DEVELOPMENTAL CONTEXT**

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor A Titus

**Course entry requirements:** See Rules for LLM and MPhil degrees.

**Course outline:**

This course is designed to provide students with a basic understanding of the factors that influence the choice of tax laws. This course is focused on gaining a better understanding of the tax policy decision-making process that is peculiar to developing world, and the factors that influence developing nations as they determine their tax policies. In doing so, students will consider what the tax laws are now and what they should be. Tax policies cannot be created in isolation from the rest of the world. The course therefore also considers the international tax aspects that influence the design of a tax system in general, and tax policies in particular. This course is intended for anyone interested in the design of tax systems in the modern world. It could also be taken as a 'general interest' course and would be useful to anyone aspiring to work in public policy or government.

**DP requirements:** None

**Assessment:** Examination 100%.

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### **CML5665X TAX POLICY - RESEARCH TASK**

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Associate Professor A Titus

**Course outline:**

The objective is to provide students with the opportunity to apply their tax knowledge to practical problem-type assignments, and in so doing, deepening their understanding of the factors which influence the choice of tax laws. The research task is designed to engage students by bringing theoretical discussions of tax policy into the real world. Specifically, the research task is intended to expose students to the political and legal aspects of taxation, to introduce research skills, and to provide opportunities for students to develop professional and technical communication skills.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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### **CML5666F COMPARATIVE LAW AND BUSINESS IN AFRICA**

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** Professor A Ordor and Dr V Amadi

**Course entry requirements:** See Rules for LLM and MPhil degrees.

**Course outline:**

The aim of the course is to provide a platform for learning the plural and multiple legal frameworks for the conduct of business in different parts of the African continent - within and between countries and regions. These legal frameworks are shaped by various legal traditions such as common law, civil law, international law, but also religious and customary principles. At the regional level, the course examines the combination of regional instruments that regulate trade in and between Africa's regional economic communities, including the Southern African Development Community (SADC), the East African Community (EAC), the Economic Community of West African States (ECOWAS) and others. These discussions also consider parallel normative systems that support informal commerce, including informal cross-border trade. This is an important consideration for the development of the African Continental Free Trade Area (AfCFTA). Students should emerge from

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this course with a spectrum of competencies that reflect a firm grasp of the legal instruments that regulate intra-African trade, skill in analysing the combination of sources of business law that apply both at regional and country level and an increased understanding of the role of law in advancing economic integration on the continent.

**DP requirements:** None

**Assessment:** Coursework 50%, Examination 50%

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### **CML5666X** COMPARATIVE LAW AND BUSINESS IN AFRICA - RESEARCH TASK

*Higher postgraduate course, first semester.*

15 NQF credits at NQF level 9

**Convener:** Professor A Ordor and Dr V Amadi

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**Lecture times:** See Rules for LLM Professional Masters.

**DP requirements:** None

**Assessment:** A research task of a professional nature

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### **CML5667S** CORPORATE LAW AND GOVERNANCE

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor J Yeats

**Course entry requirements:** See Rules for LLM and MPhil degrees.

**Course outline:**

Corporate Governance is currently one of the most relevant and topical growth areas in commerce. Knowledge and an understanding of Corporate Governance principles and how to apply these in practice is a very relevant and sought after skill for legal and professional advisors as well as management and board members. This course will develop academic and professional proficiency in the principles and policies which underpin Corporate Governance in South Africa, Africa and other selected international jurisdictions. Students will engage in the critical study and analysis of the complex issues and tensions which arise in this context and develop a thorough understanding of the applicable regulatory frameworks as well as the relevant legal principles and debates. Some of the teaching and learning will take place through the use of detailed case studies drawn from real corporate scenarios and dilemmas. These guided in-class debates and discussions will enable students to cultivate the skills and knowledge to confidently and effectively apply the relevant legal principles and regulatory codes to Corporate Governance problems and challenges which may arise in the public or private sector. This course complements Advanced Company Law (CML5601F) and/or Company Law, Corporate Governance and Labour Law (CML5692F) well, but neither of these is a prerequisite for taking Corporate Law and Governance, nor is any prior study or knowledge of Corporate Governance required from students in order to register for this course.

**DP requirements:** None

**Assessment:** Coursework 40%, Examination 60%.

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### **CML5667X** CORPORATE LAW AND GOVERNANCE - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Associate Professor J Yeats

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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**CML5671F NEGOTIATION**

*Higher postgraduate course, first semester. The Negotiation courses (CML4671F/CML5671F) are limited to 24 students in total. Priority will be given to students in the LLM/MPhil programmes specialising in Dispute Resolution for which this is a core course.*

30 NQF credits at NQF level 9

**Convener:** M Carels

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

Negotiation is a fundamental method of resolving disputes in many areas of law, including labour law and commercial law. The course focuses on the following topics: positional and interest-based negotiation, the principles of negotiation, problem-solving, persuasion in negotiation, 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:** Prescribed assignments and negotiation simulation: 50%, Take-home examination 50%.

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**CML5671X NEGOTIATION - RESEARCH TASK**

*Higher postgraduate course, first semester.*

15 NQF credits at NQF level 9

**Convener:** M Carels

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

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**CML5672S CORPORATE FINANCING**

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor T Gutuza

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The course will be presented through a series of lectures and seminars. The aim of the course is to develop academic and professional proficiency in the legal aspects of corporate financing arrangements. The areas to be addressed will include: selected legislation; regulatory aspects of non-equity financing; debt versus equity financing; non-equity financing methods (loan agreements, convertible debentures, sale and lease backs, securitization, project financing); equity financing methods (such as preference share funding); relevant issues to consider in non-equity financing structures (such as company law, tax, insolvency, security) and specific types of structured financing deals such as BEE and private equity structures.

**DP requirements:** None

**Assessment:** Coursework 50%, Examination 50%

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**CML5672X CORPORATE FINANCING - RESEARCH TASK**

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Associate Professor T Gutuza

**Course entry requirements:** See Rules for LLM Professional Masters

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### **Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

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### **CML5673S INTERNATIONAL COMMERCIAL TRANSACTIONS LAW**

*Higher postgraduate course, second semester, offered in block format at the start of the second semester.*

30 NQF credits at NQF level 9

**Convener:** F Adams

**Course entry requirements:** See Rules for LLM Degrees.

#### **Course outline:**

The contractual aspects of international commercial transactions, but not the regulatory and policy aspects. Topics covered: 1. Law applicable to an international contract and consequences of choice of law; 2. Modern Lex Mercatoria; 3. Harmonisation of private law; 4. United Nations Convention on contracts for the International Sales of Goods (CISG); 5. Incoterms 2010; 6. Carriage of goods; 7. Insurance; 8. Documentary credits; 9. Demand Guarantees; 10. Cross-border insolvency.

**DP requirements:** None

**Assessment:** Coursework 25%, Examination 75%

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### **CML5673X INTERNATIONAL COMMERCIAL TRANSACTIONS LAW - RESEARCH TASK**

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** F Adams

#### **Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

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### **CML5674W MASTERS IN INTERNATIONAL TRADE LAW DISSERTATION PART**

120 NQF credits at NQF level 9

**Convener:** Professor A Ordor

**Course entry requirements:** See Rules for LLM Degrees.

#### **Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work

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### **CML5676S WORKPLACE DISCRIMINATION AND EQUALITY LAW**

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor D Collier

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The course aims to examine the constitutionally embedded concept of substantive equality in the context of the South African labour market and workplace. The regulation of employment discrimination and affirmative action, which pivots around the provisions of the Employment Equity Act of 1998, will be explored through the lens of South African case law, alongside an examination of selected theoretical and sociological perspectives, and comparative developments, on equality and discrimination. The course will provide students with the necessary skills to deal with discrimination problems that may arise in the workplace, including harassment and discrimination on the basis of race, sex and gender.

**DP requirements:** None

**Assessment:** Coursework 50%, Examination 50%

**CML5676X** WORKPLACE DISCRIMINATION AND EQUALITY LAW - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Associate Professor D Collier

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

**CML5677F** ISLAMIC LAW AND FINANCE

*(Not offered in 2021) Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** TBA

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

This course will provide law graduates, legal professionals and practitioners in the finance sector with the necessary knowledge about the laws relating to Islamic finance and its interaction with South African law as well as comparative perspectives of Islamic finance from across the African continent and further abroad. The course will include a consideration of: the theory of Islamic economics; legal personality as understood in Islamic law; general and classical Islamic economic instruments; and Islamic financial instruments. It will also focus on the interaction between Islamic financing agreements and South African law. With reference to the Income Tax Act 58 of 1962, it will concentrate on the taxation of Islamic financing arrangements, with particular emphasis on the application of the legislative provisions and the effect of section 24JA. Finally, the course will offer comparative insights into Islamic financing drawn from the African region and the international arena.

**DP requirements:** None

**Assessment:** Class presentation 10%, Assignment/research paper 30%, Examination 60%. The presentation will be on the chosen or given assignment/research paper.

**CML5677X** ISLAMIC LAW AND FINANCE - RESEARCH TASK

*(Not offered in 2021) Higher postgraduate course, first semester.*

15 NQF credits at NQF level 9

**Convener:** TBA

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

## 144 COURSE OUTLINES (POSTGRADUATE)

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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### **CML5678F** PRINCIPLES OF INTELLECTUAL PROPERTY LAW

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor T Schönwetter

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**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 and patents.

**DP requirements:** None

**Assessment:** Coursework (opinions and assignments) 40%, Examination 60%

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### **CML5678X** PRINCIPLES OF INTELLECTUAL PROPERTY LAW - RESEARCH TASK

*Higher postgraduate course, first semester*

15 NQF credits at NQF level 9

**Convener:** Associate Professor T Schönwetter

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

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### **CML5680S** ADVANCED INTELLECTUAL PROPERTY LAW

*Higher postgraduate course, second semester. One double lecture (3 hours) per week or two intense weeks training, or a combination of weekly lectures and intense training.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor L-A Tong

**Course entry requirements:** See Rules for LLM and MPhil Degrees. A student is not permitted to register for this course unless he or she has either completed Principles of Intellectual Property Law (CML5678F) or, in the opinion of the course convener(s), otherwise has a sufficiently sound academic background in intellectual property law.

**Course outline:**

The course aims to develop academic proficiency in selected aspects of intellectual property law. The focus is on South Africa within the context of international intellectual property practice. The course will be presented through seminars and lectures. The topics to be covered will be prescribed from year to year. Examples of topics include the following: 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 biological resources, business method patents; enforcement of IP; performers' rights; personality rights; publicly financed intellectual property; and traditional knowledge.

**DP requirements:** None

**Assessment:** Coursework (opinions and assignments) 40%, Examination 60%

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### **CML5680X** ADVANCED INTELLECTUAL PROPERTY LAW - RESEARCH TASK

*Higher postgraduate course, second semester*

15 NQF credits at NQF level 9

**Convener:** Associate Professor L-A Tong



**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

**CML5681W MASTERS IN INTELLECTUAL PROPERTY LAW DISSERTATION PART**

120 NQF credits at NQF level 9

**Convener:** Associate Professor L-A Tong

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

**CML5687S CHINESE LAW AND INVESTMENTS IN AFRICA**

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** Professor A Ordor and T Lefifi

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**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; 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:** Coursework 40%, Examination 60%

**CML5687X CHINESE LAW AND INVESTMENTS IN AFRICA - RESEARCH TASK**

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Professor A Ordor and T Lefifi

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

## 146 COURSE OUTLINES (POSTGRADUATE)

**DP requirements:** None

**Assessment:** A research task of a professional nature

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### **CML5688W** MASTERS IN COMPARATIVE LAW IN AFRICA DISSERTATION PART

120 NQF credits at NQF level 9

**Convener:** TBA

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

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### **CML5691S** INTELLECTUAL PROPERTY LAW, DEVELOPMENT AND INNOVATION

*Higher postgraduate course, second semester. One double lecture (3 hours) per week or two intense weeks of lectures, or a combination of these.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor T Schönwetter

**Course entry requirements:** See Rules for LLM and MPhil Degrees. 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 (which may be held over a weekend).

**Course outline:**

This course examines the relationship between intellectual property rights and development by examining the ways in which the former either promotes or stifles the latter. It considers the tensions between patents, copyright and other intellectual property rights as drivers of innovation and creativity versus the potential harm they may have on development.

The topics will be prescribed from year to year and may be chosen from the following, amongst others: technology transfer and innovation; publicly financed development of intellectual property; copyright and access to knowledge and education; traditional knowledge and traditional cultural expressions; patents and genetic resources, access to health, and food security, and trademarks and geographical indications.

Students are advised to contact the course convener at the start of the relevant semester for an indication of the specific topics to be presented.

**DP requirements:** Attendance at and participation in lectures and completion of assignment(s).

**Assessment:** Coursework 50%, Examination 50%

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### **CML5691X** INTELLECTUAL PROPERTY LAW, DEVELOPMENT & INNOVATION - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Associate Professor T Schönwetter

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

### **CML5692F** COMPANY LAW, CORPORATE GOVERNANCE AND LABOUR LAW

*Higher postgraduate course, first semester. One double lecture (3 hours) per week.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor J Yeats and Dr E Fergus

**Course entry requirements:** The course pre-supposes a thorough knowledge and understanding of South African Company Law and Labour Law at LLB level or the equivalent. Students who do not have this qualification should not attempt this course. However, in extremely limited circumstances, and at the sole discretion of the course convener(s), students may be admitted on the basis of alternative qualifications or work experience. Such applications will only be considered if supported by a detailed written motivation accompanied by relevant documentation.

**Course outline:**

This course straddles and links Company Law and Labour Law by fostering an understanding of Corporate Governance and its underlying philosophies. It introduces a fresh perspective on the relationship between commerce and labour which have historically been cast as adversaries. The role of Corporate Governance in reversing that approach, and the value of doing so for companies themselves, is emphasised. The course may include a study of the Corporate Governance requirements and other relevant legal obligations with reference to inter alia the Companies Act, the King Report, international best practice, the JSE Listings requirements, the Insolvency Act, case law and common law. These Company Law and Corporate Governance rules, principles and policies are then applied and examined through the specific lens of Labour law. In considering selected corporate actions and events, the interactions between Company Law, Corporate Governance, Labour Law and selected aspects of other laws (including for example, Insolvency Law, Contract Law, International Trade Law, Trust Law and Competition Law) are discussed. Here, the need for meaningful Corporate Governance (rather than mere formalistic compliance with its tenets) will be debated, with particular reference to labour relations and the value of doing so for a company's profit objectives.

**DP requirements:** Satisfactory attendance at and participation in lectures.

**Assessment:** Coursework 40%, Examination 60%

### **CML5692X** COMPANY LAW, CORPORATE GOVERNANCE AND LABOUR LAW - RESEARCH TASK

*Higher postgraduate course, first semester.*

15 NQF credits at NQF level 9

**Convener:** Associate Professor J Yeats and Dr E Fergus

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

### **CML5693S** MARINE INSURANCE LAW

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** M Deacon

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

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The course covers the law of marine insurance in South Africa, and has significant international and comparative elements. It covers the history of marine insurance law as the basis for modern premium insurance law, from its origins in the marine insurance practices of the medieval Italian city states, and reception in Europe and England, and deals with harmonisation of insurance law principles. It covers general principles of contract and insurance law that apply to marine insurance contracts, including insurable interest and indemnity, pre-contractual duties relating to misrepresentations and disclosure, insurance warranties, risks covered and exceptions, causation, subrogation and abandonment, and claims procedures. It covers the various forms of marine insurance, including Hull and Machinery, Protection and Indemnity, Marine Cargo and specific risk clauses such as War and Risks, and Freight, Defence and Demurrage, and standard form contracts and clauses in common use. It covers local and Lloyd's insurance markets and practices. The course also deals with general average, the general principles and the York-Antwerp Rules.

**DP requirements:** None

**Assessment:** Coursework 25%, Examination 75%

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### **CML5693X** MARINE INSURANCE LAW - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** M Deacon

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

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### **CML5694W** MASTERS IN INTERNATIONAL TAXATION DISSERTATION PART

120 NQF credits at NQF level 9

**Convener:** Associate Professor J Hattingh

**Course entry requirements:** See Rules for LLM and MPhil degrees.

**Course outline:**

The aim of the minor dissertation is to enable and evaluate whether candidates are able to perform critical research in the field of international taxation. The minor dissertation should be of publishable quality in a peer-review publication. Successful candidates must demonstrate in their research that they have acquired substantive knowledge and the skills to be well rounded, competent practitioners in the international tax field who appreciate the societal impact of international taxation and the values underlying professional and ethical conduct in this field. This includes an ability to assess the tax efficiency of commercial transactions; to perform critical research; to draft legal opinions; to deal with SARS on behalf of clients; and/or to prepare for and execute tax litigation.

**DP requirements:** None

**Assessment:** 100% written work.

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### **CML6700W** PHD IN COMMERCIAL LAW

360 NQF credits at NQF level 10

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** Acceptance to a PhD programme.

**Course outline:**

A PhD thesis must represent an original contribution to, or substantial advance on, knowledge in the field. The thesis may not be more than 80 000 words. A candidate will undertake research, and such advanced study as may be required, under the guidance of a supervisor appointed by Senate.

**DP requirements:** None

**Assessment:** 100% written work.

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**FTX4036S RESEARCH METHODS IN TAXATION**

0 NQF credits at NQF level 8

**Convener:** C West

**Objective:** To present a complete research proposal for admission to FTX4035W or FTX5031W or FTX5032W

**Course outline:**

The course prepares students to: (1) conduct independent research; and (2) structure appropriate methodologies applicable to their chosen topic. After formal presentation of research methods and proposal preparations, the student is required to prepare and present a research proposal for entry into the technical report / dissertation courses. The formal structured lecture consists of a single lecture after which the student proposal presentation and feedback sessions are scheduled according to student numbers.

**DP requirements:** Attendance at all research methods lectures and the presentation of a research proposal.

**Assessment:** On the successful presentation of a research proposal, the student will be noted as ATT i.e. having attended and successfully presented a research proposal.

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**FTX5033S INTERNATIONAL TAX II**

60 NQF credits at NQF level 9

**Convener:** C West

**Course entry requirements:** FTX5034F

**Objective:** Acquiring further knowledge about the analysis and interpretation of double tax conventions and advanced topics in international taxation, as well as problem solving skills based on practical examples of application of these frameworks.

**Course outline:**

In the second semester, classes cover further selected aspects of double tax conventions, including continued consideration of the OECD, UN, ATAF and SADC Model Tax Conventions. Further advanced topics such as the theory and practice of transfer pricing, international tax avoidance, taxpayer information exchange, taxation and human rights are taught. In addition, selected aspects of South Africa's international tax regime such as provisions for relief of double taxation and controlled foreign company rules are covered. Teaching takes the form of traditional lectures or seminars, consisting of guided group discussions with a focus on case studies applied in a practical manner. A Moot Court assignment dealing with an international tax case study may be presented during this term.

**Lecture times:** Lectures are conducted usually every Monday afternoon and last for four hours each. Two full day lectures may also form part of the programme.

**DP requirements:** Satisfactory progress for in-course assessments.

**Assessment:** 45% for in-course assessments and 55% for the final assessment.

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**FTX5034F INTERNATIONAL TAX I**

60 NQF credits at NQF level 9

**Convener:** C West

**Course entry requirements:** NQF level 8 qualification in Taxation; or NQF level 8 qualification in Accounting, including taxation courses at that level; or NQF level 8 qualification in Law, including taxation courses; or Equivalent international qualification

**Objective:** Acquiring knowledge about the analysis and interpretation of double tax conventions using recognized model conventions as a base and their interaction with South African income tax, as well as problem solving skills based on practical examples of application of these frameworks.

**Course outline:**

The first semester commences with an intensive full-time period of lectures presented by UCT academics and visiting staff from the International Bureau of Fiscal Documentation (IBFD). The problem of double taxation and double tax conventions are introduced. Additionally, a number of

## 150 COURSE OUTLINES (POSTGRADUATE)

topical areas may be covered. During the remainder of the first semester, classes cover selected aspects of double tax conventions. Consideration is given to the OECD, UN, ATAF and SADC Model Tax Conventions. Complex areas, such as legal methods of treaty interpretation and key features of South Africa's double tax treaty network, including the constitutional process for treaty making are also covered.

**Lecture times:** After the first intensive full-time period, lectures are conducted usually every Monday afternoon and last for four hours each.

**DP requirements:** Satisfactory progress for in-course assessments.

**Assessment:** 45% for in-course assessments and 55% for the final assessment.

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### **PBL4607F** INTERNATIONAL LAW OF THE SEA

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 8

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

The course covers: the history and sources of the law of the sea; dispute settlement under the United Nations Convention on the Law of the Sea, 1982; demarcation of baselines and maritime zones; maritime boundary disputes and delimitation of maritime boundaries; states' freedoms, responsibilities, rights and obligations in areas of the sea, and coastal and flag states' jurisdiction, legislative and enforcement, in areas of the sea and in relation to navigation, ship-sourced pollution, security, unlawful activities, specifically piracy, and exploring and exploiting marine natural resources, both non-living and living.

**DP requirements:** None

**Assessment:** Coursework 25% (Two voluntary assignments of 12.5% each), Examination 75% (or 87.5% or 100%).

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### **PBL4615F** INTERNATIONAL LAW IN THEORY AND PRACTICE

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 8

**Convener:** Associate Professor C Powell

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course functions as an introduction to International law and a foundation for other courses in the master's programme in International Law. It covers the relevant legal principles and institutions in broad outline, while investigating a series of theoretical questions central to international law. The emphasis is on seminars and class discussion. History and Theory of International Law; Sources of International Law; The relationship between International and Municipal Law; Subjects of International Law; Objects of International Law; Treaties; Limitations on jurisdiction, including sovereign immunity and treatment of aliens; State responsibility; State succession.

**DP requirements:** Satisfactory attendance at and participation in seminars

**Assessment:** Coursework 45% (Essay 35%, Class participation 10%) Examination 55%.

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### **PBL4618S** INTERNATIONAL LAW ON DISPUTES AND USE OF FORCE

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 8

**Convener:** Associate Professor C Powell

**Course entry requirements:** See rules for Postgraduate Diplomas. Successful completion of a course in international law. The course convener may make an exception to this rule for students who show adequate understanding of the principles of international law. Although students will find PBL4615F International Law in Theory and Practice helpful, this preliminary course is not essential.

**Course outline:**

This course will examine the international laws regulating inter-state disputes, paying particular attention to the use of force and the role of international organisations. (1) Peaceful Settlement of International Disputes (a) Self-help: retorsion, reprisals and pacific blockades (b) Negotiations, inquiries, good offices, conciliation, mediation, arbitration (c) Adjudication by the ICJ; (2) War and the Use of Force (a) Historical overview of laws regulating the use of force, leading to the UN Charter (b) Definition of key concepts: war, force, threat to the peace, breach of the peace, act of aggression, (c) Intervention in domestic conflicts (d) Individual and collective self-defence and regional arrangements; (3). United Nations (a) Historical background, structure of the Organisation and its relationship with Member States (b) Powers of the Security Council, General Assembly, Secretary General and ICJ (c) Peace-keeping and peace enforcement; and (4) International Humanitarian Law.

**DP requirements:** None

**Assessment:** Coursework 45% (Essay 35%, Class participation 10%) Examination 55%.

### **PBL4619S** INTERNATIONAL ENVIRONMENTAL LAW

*Higher postgraduate course, second semester. This course will be taught in the Block Teaching Format.*

30 NQF credits at NQF level 8

**Convener:** Professor A Paterson and A Mkhonza

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

The course will cover the major sources of international environmental law, with particular emphasis on their actual or possible application to South Africa and the African continent as a whole. The course will cover both terrestrial and marine components and will include principles of international customary law relevant to the environment; terrestrial conventions relating to trans-boundary movement and disposal of waste; conventions on HNS and nuclear matters; conventions relating to atmospheric pollution and climate change; conventions relating to the conservation of nature, including biodiversity and conventions on cultural heritage.

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of written assignments.

**Assessment:** Coursework 50%, Examination 50%.

### **PBL4623F** GOVERNING UNDER THE CONSTITUTION: LAW AND PRACTICE

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 8

**Convener:** Professor P de Vos

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

South Africa's new Constitution sets out the rights of citizens and establishes a framework for democratic governance and local government. In developing these institutions, along with a multi-level system comprising national, provincial and local government, South Africa's constitutional designers were responding to the needs and aspirations of contemporary South Africa. But they, in light of this comparative experience, also had before them a rich array of alternatives from other countries. The central purpose of this course is to seek to understand the new framework for governance in South Africa.

Constitutions are complex mixtures of broad principles, and specific rules and institutions. Accordingly, we will be interested in two levels of analysis: first, what broad principles and values underpin the institutional framework, and how are these expressed in the institutions themselves? And, second, more practically, how do these institutions, and the interactions among them, actually work in shaping the process of policy-making and implementation? Thus, we are interested in the values associated with democracy – participation, accountability, consensus, etc; and in those associated with what might be called 'effective governance', in light of the policy challenges which face the country.

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The course will thus also provide you with an understanding of how government works with a focus on (i) the relationship between the executive and the legislature and what that means for lawyers and (ii) the relationship between national, provincial and local government. Our study of multi-level government and the powers of each sphere of framework necessary for policy making and litigation in this area.

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of written assignments.

**Assessment:** Coursework 30%, Examination 70%.

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### **PBL4631F** INTERNATIONAL PROTECTION OF HUMAN RIGHTS

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 8

**Convener:** Associate Professor W Amien

**Course entry requirements:** This course code (PBL4631F) is for the Postgraduate Diploma aspect of the course, which is limited to 5 students. The Master's level aspect of the course (course code PBL5631F) is limited to 15 students. For both course codes (PBL4631F and PBL5631F), priority will be given to LLM, MPhil and PGDip students specialising in Human Rights Law. Applications by students who are not specialising in Human Rights Law will be considered on a case by case basis subject to receiving written motivations by students that are no longer than one page, their curriculum vitae and academic transcripts. In respect of the latter category of students, criteria for consideration include among others, academic merit and exposure to human rights (through completed courses and/or work experience).

**Course outline:**

This is a seminar- and research-based course, which aims to encourage engagement with questions and issues that arise within the context of international human rights law. In particular, the course aims to provide an understanding of the international and regional frameworks that seek to protect and promote human rights. This includes a consideration of the mechanisms that have been established to realise protection of human rights at the international and regional levels. The course covers

- (a) The jurisprudential and philosophical bases of human rights
- (b) The various institutions through which human rights are protected at international and regional levels
- (c) International and regional human rights standards
- (d) The implementation of human rights standards
- (e) Specific topics in international and regional human rights law

**DP requirements:** None

**Assessment:** Coursework 30%, Research Paper 70%

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### **PBL4640F** PRINCIPLES OF ENVIRONMENTAL LAW

*Higher postgraduate course, first semester. This course will be taught in the Block Teaching Format.*

30 NQF credits at NQF level 8

**Convener:** Professor A Paterson

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course provides a comprehensive introduction to environmental law. It covers the following main content: historical overview of the development of environmental law; ethical basis for environmental law; the nature, scope and sources of environmental law; the relationship between constitutional rights (environmental rights, administrative justice, access to information, locus standi) and environmental law; environmental governance; the role of common law; and the main legal tools prevalent in environmental laws such as planning measures, institutional arrangements, permitting measures, EIA, civil measures, administrative measures, criminal measures, voluntary measures and incentive-based measures. As South Africa has one of the world's most contemporary environmental legal regimes, it will be used as a case study throughout the above components.



Given the all-pervasive nature of environmental law, the issues covered in this course are of relevance to all domestic legal practitioners, government officials and those working in the NGO sector. Furthermore, given the contemporary nature of South Africa's environmental regime, the course is of key relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic environmental regimes.

**DP requirements:** Satisfactory attendance at all lectures, participation in class seminars and submission of course assignment.

**Assessment:** Coursework 50% Examination 50%.

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#### **PBL4641F LAND USE PLANNING LAW**

*Higher postgraduate course, first semester. This course will be taught in the Block Teaching Format.*

30 NQF credits at NQF level 8

**Convener:** Professor A Paterson

**Course entry requirements:** See rules for Postgraduate Diplomas. The student must have completed or be simultaneously completing Principles of Environmental Law or have the prior written consent of the convener.

**Course outline:**

One of the key ways to govern the impact of society on the environment is through regulating land use and planning. Land use planning law came into being at the beginning of the twentieth century but environmental law was superimposed on it towards the end of the twentieth century. The past few decades have accordingly seen a significant shift in the array and nature of regulatory tools planning authorities have sought to use to achieve a balance between the dictates of development and environmental protection. Key planning tools which are inherent in domestic legal frameworks include: integrated development planning; future spatial planning; zoning schemes; subdivision; title deed restrictions; environmental impact assessment; the designation of protected areas; and in the context of coastal management, integrated coastal planning. This course aims to critically examine the nature of these various planning tools. South Africa's domestic regime is used as a case study through which to explore their practical application. These land-use and planning tools are of relevance to every landowner and the course is accordingly of relevance to domestic legal practitioners, government officials and those working in the NGO sector. Furthermore, given the contemporary nature of South Africa's environmental impact assessment, coastal planning and protected areas regimes in particular, the course is of key relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic land-use and planning regimes.

**DP requirements:** Satisfactory attendance at all lectures, participation in class seminars and submission of course assignment.

**Assessment:** Coursework 50%, Examination 50%.

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#### **PBL4642S NATURAL RESOURCES LAW**

*Higher postgraduate course, second semester. This course will be taught in the Block Teaching Format.*

30 NQF credits at NQF level 8

**Convener:** A Mkhonza

**Course entry requirements:** See rules for Postgraduate Diplomas. The student must have completed Principles of Environmental Law or have the prior written consent of the convener.

**Course outline:**

This course examines the domestic legal frameworks which have emerged to regulate the use and conservation of natural resources such as: biological resources; fresh water resources; marine resources; mineral and petroleum resources; energy resources; agricultural resources; and heritage resources. These legal frameworks prescribe an array of tools including: institutional arrangements; planning schemes, permitting regimes; duties of care; incentive-based measures; civil liability measures; and criminal measures. The course is of relevance to domestic legal practitioners, government officials and those working in the NGO sector and of key comparative relevance to

## 154 COURSE OUTLINES (POSTGRADUATE)

foreign students wishing to understand, critique and become involved in the reformation of their own domestic natural resource regime.

**DP requirements:** Satisfactory attendance at all lectures, participation in class seminars and submission of course assignments.

**Assessment:** Coursework 50%, Examination 50%.

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### **PBL4643S POLLUTION LAW**

*Higher postgraduate course, second semester. This course will be taught in the Block Teaching Format.*

30 NQF credits at NQF level 8

**Convener:** A Mkhonza

**Course entry requirements:** See rules for Postgraduate Diplomas. The student must have completed Principles of Environmental Law or have the prior written consent of the convener.

**Course outline:**

This course examines the domestic legal frameworks which have emerged to regulate land, air and water pollution. These legal frameworks prescribe an array of tools including: institutional arrangements; planning schemes; pollution standards; permitting regimes; trading schemes; duties of care; emergency incident provisions; strict liability; statutory nuisances; rehabilitation orders; incentive-based measures; civil liability measures; and criminal measures. The course is of relevance to domestic legal practitioners, government officials and those working in the NGO sector and of key relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic pollution regimes.

**DP requirements:** Satisfactory attendance at all lectures, participation in class seminars and submission of course assignments.

**Assessment:** Coursework 50%, Written examination 50%.

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### **PBL4658S ADMINISTRATIVE JUSTICE AND OPEN GOVERNMENT**

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 8

**Convener:** L Kohn

**Course entry requirements:** See rules for Postgraduate Diplomas. Competent academic and/or practical knowledge of South African and/or common-law based administrative law. Those without a formal qualification in law will be admitted at the discretion of the course convener.

**Course outline:**

There is no doubt that the organisational complexity of a modern democratic state demands of its executive branch that it be sophisticated, efficient, open and accountable. Most of such administrative process must be based on discretionary power in the hands of public officials. The challenge is to fashion legal rights, duties and procedures so that the subject has remedies to confront the abuse of public power, while leaving the executive sufficient space to govern legitimately. South African administrative law is relatively undeveloped when compared with similar legal systems, yet it faces greater demands than exist in most countries. This is particularly the case as the Constitution develops to accommodate changing political reality. This course intends to enable students to become familiar with a responsive package of legal institutions and rules to regulate the administration. Current administrative law will be examined critically, with substantial reference to the way in which the law has developed in other jurisdictions, particularly in the British Commonwealth. The feasibility and form of constitutional protection of the right of access to information and of open government will receive considerable attention, in the context of the exponential increase in legal protection at both international and national level for ATI in the past 15 years, and the emerging new academic literature on ATI. While the course will be critical and forward-looking, it will naturally involve a detailed knowledge of current law and practice, equipping students to be practitioners in the forefront of developments in this field. Several guest lecturers will participate in the course while Associate Professor R Calland will lecture on open government.

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of assignments.

**Assessment:** An essay and an assignment count for 40%; long paper or written examination counts for 60% of the final grade.

### **PBL4659S HUMAN RIGHTS, LEGAL PLURALISM, RELIGION AND CULTURE**

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 8

**Convener:** Associate Professor W Amien

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course enables a study of the implications for human rights arising from the simultaneous operation of secular, religious and customary legal systems within a singular country. To explore the significance that plural legal systems have on human rights, reference is made to different types of religious and customary laws including (but not limited to) family laws, personal laws, inheritance, criminal laws, finance, etc. The course draws on legislation, case law and socio-legal studies where applicable to examine how religious and customary laws drawn from among others (but not limited to) Islam, Hinduism, Judaism, Christianity and African customary laws impact on various human rights including (but not limited to) the rights to freedom of religion, culture and gender equality. Apart from a study of the South African context, comparative perspectives are also offered to enhance the students' understanding of the debates and applications of multiple legal systems and their implications for human rights in the international arena. The course addresses the following broad themes: theoretical foundations of legal pluralism; models for legal recognition of religious and cultural laws and their implications for human rights; selected religious and customary laws and their implications for human rights; legislative and judicial interventions contributing to legal pluralism; and comparative perspectives from across the globe (including South Africa).

**DP requirements:** None

**Assessment:** Coursework 30%; Research Paper 70%

### **PBL4808S INTERNATIONAL CRIMINAL LAW**

*(Not offered in 2021) Higher postgraduate course, second semester.*

30 NQF credits at NQF level 8

**Convener:** TBA

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course 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:** Satisfactory attendance at weekly seminars.

**Assessment:** Coursework 50% (seminar essays 40%, class presentation 10%), Examination 50%.

**PBL4815S PUNISHMENT AND HUMAN RIGHTS**

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 8

**Convener:** K Phelps

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course aims to provide students with a sound theoretical understanding both of the justifications of punishment and human rights constraints in the context of sentencing. Students then apply this understanding to practical examples in order to assess how/ if the theory translates into practice. In so doing it is hoped to transcend a common-sense approach to sentencing and punishment and to build firm opinions/ approaches based on acquired knowledge. The course is divided into four broad sections. The first section introduces the class to the various philosophical justifications that have historically been provided for sentencing. A brief introduction is also provided to the relationship between human rights law and penal sanctions. The second section explores in detail the current justifications for punishment/ purposes of the correctional system. In so doing, issues such as deterrence, incapacitation, rehabilitation, restoration, retribution and just deserts will be explored. Section three deals with constraints placed on sentencing in South Africa by human rights norms contained in the Bill of Rights and international law. The final section of the course places the preceding theoretical/philosophical discussions into a practical context by dealing with current and future sentencing practice in South Africa, modes of implementing punishment (e.g. prison) and special stakeholders in punishment.

**DP requirements:** 80% attendance at, and satisfactory participation in, seminars and the completion of the research papers and oral presentation

**Assessment:** The presentation of at least one seminar and one research paper. Marks given for the seminars and research paper comprise the entire mark for the course.

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**PBL4820F THEORIES OF CRIME AND SOCIAL ORDER**

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 8

**Convener:** Associate Professor K Moulton

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

The course is intended to provide an understanding of the theoretical ideas that have shaped and are shaping criminal justice policy and the way in which both implicit and explicit policy agendas are realized in practice. The course will explore the history of criminological theory on understandings of crime and social order. The course considers the thinking of seminal criminological theorists; schools of thought and emblematic exemplars of each will be explored. The course will be presented through a series of seminars/lectures.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:** Three reaction papers of 2000 words each 45%. A final paper of 5000 words 55%.

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**PBL4822S VICTIMS AND VICTIMOLOGY: THEORY, POLICY AND PRACTICE**

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 8

**Convener:** Professor E van der Spuy

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course provides an overview of the evolving interest in victims of crime and other forms of social harm. Here we take stock of concepts, theories, social constructions, policies and criminal justice practices which allow us to engage more thoughtfully with victims of crime and social harm. We are interested in the contestations and controversies relating to the social construction of victimhood, how claims to victimhood are staked; the forms of social mobilisation exhibited by groups of victims; the types of contestation to which this may give rise. We consider the interaction

and/or fusion of identities between victims and offenders. Lastly, we move beyond the conventional remit of crime victims to take account of victims in the context of mass victimisation and in the context of organised forms of violence.

**DP requirements:** Satisfactory attendance and participation at seminars and completion of written assignments

**Assessment:** Coursework 60% (Written assignments), Examination 40% (Take-home).

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#### **PBL4844S POLICE AND POLICING: EXPLORATIONS IN SECURITY GOVERNANCE**

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 8

**Convener:** Professor E van der Spuy

**Course entry requirements:** See Rules for Postgraduate Diplomas.

**Course outline:**

This course is intended to develop academic and professional expertise in the governance of security and provides a critical understanding of governance through the window of police and policing. Thus, it explores both what trends in governance can tell us about policing and what policing can tell us about developments in governance. It focuses on the impacts that global and local governance developments, new risks, spaces and technologies, have on state and non-state policing, and the regulatory and human rights implications of new trends in policing. This course focuses particularly on security governance in Africa (particularly South Africa).

**DP requirements:** Satisfactory attendance at seminars and completion of assignments.

**Assessment:** Two review papers of 2000 words each (40%) and a final paper of 4000 words (60%). This will comprise the entire mark for the course.

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#### **PBL4847S FORENSICS AND THE LAW**

*(Not offered in 2021) Higher postgraduate course, second semester.*

30 NQF credits at NQF level 8

**Convener:** Associate Professor K Moul

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course engages integrally with questions of evidence and criminal procedure, as well as criminology and criminal law. It is designed for students who are interested in acquiring an introduction to the use of science to solve crime and will give students an understanding of the application of forensics to the law, including forensic accounting. The course engages with the crime scene investigation process, and provides an overview of the various kinds of forensic evidence that may be collected and presented in court. Students will be introduced to the theory of identification, documentation and collection of physical evidence, including fingerprints, shoe impressions, hair and fibres, firearms evidence and questioned documents. The course then considers biological evidence, including blood spatter and other fluids, forensic anthropology and odontology to introduce the student to some basics of forensic expertise. Finally, the course engages with forensic accounting. It equips students to understand basic forensics should they encounter such evidence in legal practice or research.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:** Term assignments - 20%; Term paper - 30%; Examination - 50%.

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#### **PBL4849F LAW IN ACTION - RESEARCH METHODS**

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 8

**Convener:** Associate Professor K Moul

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

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This course aims to prepare students both to properly understand empirical research and methods, and to engage in empirical research projects of their own. Lawyers and legal scholars increasingly use empirical evidence to understand the legal system and its role in society, to unpack complex legal and policy questions, and to support their positions in the courtroom and in the business environment. Students who aim to undertake careers in academia (in the social sciences and in law) are increasingly required to undertake primary research. This course is designed to introduce students to the foundations of qualitative and quantitative empirical research, qualitative data collection and analysis techniques. The course intends to familiarise students with the research process from design to implementation, and will also consider the ethical implications of qualitative empirical research. The course is built on the view that empirical research is a craft that requires practice to do it well. Classes will provide students the opportunity to learn qualitative techniques through hands-on activities, class meetings and assignments.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:** Coursework 50%. A substantial research proposal of 6000-8000 words 50%.

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### **PBL5000X PUBLIC LAW - RESEARCH TASK**

*Higher postgraduate course*

15 NQF credits at NQF level 9

**Course entry requirements:** See Rules for LLM Professional Masters degrees.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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### **PBL5045S ENVIRONMENTAL LAW FOR NON-LAWYERS**

*(Not offered in 2021) Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Professor A Paterson

**Course entry requirements:** Successful completion of any undergraduate degree. Not available to students undertaking an LLB or LLM degree or Postgraduate Diploma.

**Course outline:**

The inclusion of an environmental right in South Africa's Constitution has led to the emergence of many environmental laws and court decisions in the past 15 years. These developments are of key relevance to those working in the environmental sector including developers, consultants, biologists, zoologists, planners, sociologists and anthropologists. This course provides students undertaking postgraduate studies relevant to the environment with an insight into relevant principles of international and domestic environmental law. Key content covered in the course includes: an introduction to basic legal principles and resources; constitutional aspects (environmental rights, access to information, administrative justice and access to courts); framework environmental laws; land-use planning laws (planning law, environmental impact assessment and protected areas); natural resource laws (biodiversity, water and marine living resources); and pollution laws (fresh water, land and air pollution).

**DP requirements:** Satisfactory attendance of lectures and completion of essay.

**Assessment:** Coursework 50% (Short assignment 10%, Long assignment 40%), Examination 50%.

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### **PBL5600W MASTERS IN PUBLIC LAW**

*Higher postgraduate course, whole year.*

240 NQF credits at NQF level 9

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** Acceptance for a Master's programme in Law.

**Course outline:**

Under the guidance of a supervisor appointed by Senate, a candidate must undertake research at an advanced level on a subject of legal interest approved by Senate, for the purpose of writing a dissertation. Dissertations, not exceeding 40 000 words in length, must constitute a contribution to knowledge and should demonstrate a mastery of the methods of research.

**DP requirements:** None

**Assessment:** 100% written work.

### **PBL5601W** MASTERS IN PUBLIC LAW DISSERTATION PART

*Higher postgraduate course, whole year.*

120 NQF credits at NQF level 9

**Convener:** Professor P de Vos

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work

### **PBL5602F** INTERNATIONAL LAW OF THE SEA

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The course covers: the history and sources of the law of the sea; dispute settlement under the United Nations Convention on the Law of the Sea, 1982; demarcation of baselines and maritime zones; maritime boundary disputes and delimitation of maritime boundaries; states' freedoms, responsibilities, rights and obligations in areas of the sea; coastal and flag states' jurisdiction, legislative and enforcement, in areas of the sea and in relation to navigation, ship-sourced pollution, security, unlawful activities, specifically piracy, and exploring and exploiting marine natural resources, both living and non-living.

**DP requirements:** None

**Assessment:** Coursework 25% (Two voluntary assignments of 12.5% each), Examination 75% (or 87.5% or 100%).

### **PBL5602X** INTERNATIONAL LAW OF THE SEA - RESEARCH TASK

*Higher postgraduate course, first semester.*

15 NQF credits at NQF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

**PBL5602W MASTERS IN CONSTITUTIONAL AND ADMINISTRATIVE LAW  
DISSERTATION PART**

*Higher postgraduate course, whole year.*

120 NQF credits at NQF level 9

**Convener:** Professor P de Vos

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

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**PBL5615F INTERNATIONAL LAW IN THEORY AND PRACTICE**

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor C Powell

**Course entry requirements:** This course can be taken by students who do not have a suitable undergraduate or LLB qualification in Public International Law. It is also open to students who have already studied Public International Law but wish to deepen their understanding of the subject.

**Course outline:**

This course functions as an introduction to International law and a foundation for other courses in the master's programme in International Law. It covers the relevant legal principles and institutions in broad outline, while investigating a series of theoretical questions central to international law. The emphasis is on seminars and class discussion. History and Theory of International Law; Sources of International Law; The relationship between International and Municipal Law; Subjects of International Law; Objects of International Law; Treaties; Limitations on jurisdiction, including sovereign immunity and treatment of aliens; State responsibility; State succession.

**DP requirements:** Satisfactory attendance at and participation in seminars.

**Assessment:** Coursework 45% (Essay 35%, Class participation 10%) Examination 55%.

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**PBL5618S INTERNATIONAL LAW ON DISPUTES AND USE OF FORCE**

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor C Powell

**Course entry requirements:** See Rules for LLM and MPhil Degrees. Successful completion of a course in international law. The course convener may make an exception to this rule for students who show an adequate understanding of the principles of international law. Although students will find PBL5615F International Law in Theory and Practice helpful, this preliminary course is not essential.

**Course outline:**

This course will examine the international laws regulating inter-state disputes, paying particular attention to the use of force and the role of international organisations. (1) Peaceful Settlement of International Disputes (a) Self-help: retorsion, reprisals and pacific blockades (b) Negotiations, inquiries, good offices, conciliation, mediation, arbitration (c) Adjudication by the ICJ; (2) War and the Use of Force (a) Historical overview of laws regulating the use of force, leading to the UN Charter (b) Definition of key concepts: war, force, threat to the peace, breach of the peace, act of aggression, (c) Intervention in domestic conflicts (d) Individual and collective self-defence and



regional arrangements; (3). United Nations (a) Historical background, structure of the Organisation and its relationship with Member States (b) Powers of the Security Council, General Assembly, Secretary General and ICJ (c) Peace-keeping and peace enforcement; and (4) International Humanitarian Law.

**DP requirements:** None

**Assessment:** Coursework 45% (Essay 35%, Class participation 10%) Examination 55%.

**PBL5619S INTERNATIONAL ENVIRONMENTAL LAW**

*Higher postgraduate course, second semester. This course will be taught in Block Teaching Format.*  
30 NQF credits at NQF level 9

**Convener:** Professor A Paterson and A Mkhonza

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The course will cover the major sources of international environmental law, with particular emphasis on their actual or possible application to South Africa and the African continent as a whole. The course will cover both terrestrial and marine components and will include principles of international customary law relevant to the environment; terrestrial conventions relating to trans-boundary movement and disposal of waste; conventions on HNS and nuclear matters; conventions relating to atmospheric pollution and climate change; conventions relating to the conservation of nature, including biodiversity and conventions on cultural heritage.

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of written assignments.

**Assessment:** Coursework 50%, Examination 50%.

**PBL5619X INTERNATIONAL ENVIRONMENTAL LAW - RESEARCH TASK**

*Higher postgraduate course, second semester.*  
15 NQF credits at NQF level 9

**Convener:** Professor A Paterson and A Mkhonza

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

**PBL5623F GOVERNING UNDER THE CONSTITUTION: LAW AND PRACTICE**

*Higher postgraduate course, first semester, one seminar per week.*  
30 NQF credits at NQF level 9

**Convener:** Professor P de Vos

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

South Africa's new Constitution sets out the rights of citizens and establishes a framework for democratic governance and local government. In developing these institutions, along with a multi-level system comprising national, provincial and local government, South Africa's constitutional designers were responding to the needs and aspirations of contemporary South Africa. But they, in light of this comparative experience, also had before them a rich array of alternatives from other countries. The central purpose of this course is to seek to understand the new framework for governance in South Africa.

Constitutions are complex mixtures of broad principles, and specific rules and institutions. Accordingly, we will be interested in two levels of analysis: first, what broad principles and values underpin the institutional framework, and how are these expressed in the institutions themselves? And, second, more practically, how do these institutions, and the interactions among them, actually work in shaping the process of policy-making and implementation? Thus, we are interested in the

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values associated with democracy – participation, accountability, consensus, etc; and in those associated with what might be called ‘effective governance’, in light of the policy challenges which face the country.

The course will thus also provide you with an understanding of how government works with a focus on (i) the relationship between the executive and the legislature and what that means for lawyers and (ii) the relationship between national, provincial and local government. Our study of multi-level government and the powers of each sphere of framework necessary for policy making and litigation in this area.

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of written assignments.

**Assessment:** Coursework 30% (Assignments) Examination 70%.

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### **PBL5624W MASTERS IN MARINE & ENVIRONMENTAL LAW DISSERTATION PART**

*Higher postgraduate course, whole year.*

120 NQF credits at NQF level 9

**Convener:** Professor A Paterson

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

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### **PBL5625W MASTERS IN CONSTITUTIONAL LAW DISSERTATION PART**

*Higher postgraduate course, whole year.*

120 NQF credits at NQF level 9

**Convener:** Professor P de Vos

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

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### **PBL5626W MASTERS IN HUMAN RIGHTS LAW DISSERTATION PART**

*Higher postgraduate course, whole year.*

120 NQF credits at NQF level 9

**Convener:** Associate Professor C Powell

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

### **PBL5627W** MASTERS IN INTERNATIONAL PUBLIC LAW DISSERTATION PART

*Higher postgraduate course, whole year.*

120 NQF credits at NQF level 9

**Convener:** Associate Professors C Powell and H Woolaver

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent 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.

### **PBL5628S** INTERNATIONAL RIGHTS OF THE CHILD

*Higher postgraduate course, second semester, one three-hour seminar per week for 13 weeks.*

30 NQF credits at NQF level 9

**Convener:** TBA

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Objective:** To examine critically the development, content and implementation of international and regional human rights laws on children with a focus on the African region; To examine the effectiveness, equity and cultural sensitivity of the laws on children; 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 theories of children's rights; the international, regional and domestic protection of children's rights; the relationship between different cultural traditions and the universal and regional values on children's rights; the concept of childhood; key principles underpinning children's rights; child poverty; child justice; the right to education; the right to survival and development; the right to protection from abuse, neglect, maltreatment and exploitation; legal protections for child soldiers and civilians involved in armed conflicts and the right to family care or alternative care.

**DP requirements:** Attendance at all lectures.

**Assessment:** Written assignments count for 40% and written examination counts for 60% of the final grade.

**PBL5631F** INTERNATIONAL PROTECTION OF HUMAN RIGHTS

*Higher postgraduate course, first semester, one three-hour seminar a week.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor W Amien

**Course entry requirements:** See Rules for LLM and MPhil Degrees. **Note:** This course code is for the Master's level aspect of the course, which is limited to 15 students. The Postgraduate Diploma aspect of the course (PBL4631F) is limited to 5 students. For both course codes (PBL4631F and PBL5631F), priority will be given to LLM/MPhil and PGDip students specialising in Human Rights Law. Thereafter, applications by students who are not specialising in Human Rights Law will be considered on a case by case basis subject to receiving written motivations by students that are no longer than one page, their curriculum vitae and academic transcripts. In respect of the latter category of students, criteria for consideration include among others, academic merit and exposure to human rights (through completed courses and/or work experience).

**Course outline:**

This is a seminar- and research-based course, which aims to encourage engagement with questions and issues that arise within the context of international human rights law. In particular, the course aims to provide an understanding of the international and regional frameworks that seek to protect and promote human rights. This includes a consideration of the mechanisms that have been established to realise protection of human rights at the international and regional levels. The course covers

- (a) The jurisprudential and philosophical bases of human rights
- (b) The various institutions through which human rights are protected at international and regional levels
- (c) International and regional human rights standards
- (d) The implementation of human rights standards
- (e) Specific topics in international and regional human rights law.

**DP requirements:** None

**Assessment:** Coursework 30%; Research Paper 70%

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**PBL5640F** PRINCIPLES OF ENVIRONMENTAL LAW

*Higher postgraduate course, first semester. This course will be taught in Block Teaching Format.*

30 NQF credits at NQF level 9

**Convener:** Professor A Paterson

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The health of planet earth, and accordingly the sustainability of human life on it, is facing significant challenges. One of the disciplines which have sought to fashion a framework for overcoming and governing these challenges, is law. The result has seen the rapid emergence of international and regional instruments and domestic laws seeking to regulate the manner in which humans interact with their environment.

This course provides a comprehensive introduction to environmental law. It covers the following main content: historical overview of the development of environmental law; ethical basis for environmental law; the nature, scope and sources of environmental law; the relationship between constitutional rights (environmental rights, administrative justice, access to information, locus standi) and environmental law; environmental governance; the role of common law; and the main legal tools prevalent in environmental laws such as planning measures, institutional arrangements, permitting measures, EIA, civil measures, administrative measures, criminal measures, voluntary measures and incentive-based measures.

As South Africa has one of the world's most contemporary environmental legal regimes, it will be used as a case study throughout the above components. Given the all-pervasive nature of environmental law, the issues covered in this course are of relevance to all domestic legal practitioners, government officials and those working in the NGO sector. Furthermore, given the contemporary nature of South Africa's environmental regime, the course is of key relevance to

foreign students wishing to understand, critique and become involved in the reformation of their own domestic environmental regimes.

**DP requirements:** Satisfactory attendance at all lectures, participation on class seminars and submission of course assignment.

**Assessment:** Coursework 50%, Examination 50%

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### **PBL5640X PRINCIPLES OF ENVIRONMENTAL LAW - RESEARCH TASK**

*Higher postgraduate course, first semester.*

15 NQF credits at NQF level 9

**Convener:** Professor A Paterson

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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### **PBL5641F LAND USE PLANNING LAW**

*Higher postgraduate course, first semester. This course will be taught in Block Teaching Format.*

30 NQF credits at NQF level 9

**Convener:** Professor A Paterson

**Course entry requirements:** See rules for LLM and MPhil Degrees. The student must have completed, or be simultaneously completing, Principles of Environmental Law or have the prior written consent of the course convener.

**Course outline:**

One of the key ways to govern the impact of society on the environment is through regulating land-use and planning. Land use planning law came into being at the beginning of the twentieth century but environmental law was superimposed on it towards the end of the twentieth century. The past few decades have accordingly seen a significant shift in the array and nature of regulatory tools planning authorities have sought to use to achieve a balance between the dictates of development and environmental protection. Key planning tools which are inherent in domestic legal frameworks include: integrated development planning; future spatial planning; zoning schemes; subdivision; title deed restrictions; environmental impact assessment; the designation of protected areas; and in the context of coastal management, integrated coastal planning.

This course aims to critically examine the nature of these various planning tools. South Africa's domestic regime is used as a case study through which to explore their practical application. These land-use and planning tools are of relevance to every landowner and the course is accordingly of relevance to domestic legal practitioners, government officials and those working in the NGO sector. Furthermore, given the contemporary nature of South Africa's environmental impact assessment, coastal planning and protected areas regimes in particular, the course is of key relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic land-use and planning regimes.

**DP requirements:** Satisfactory attendance at all lectures, participation on class seminars and submission of course assignment.

**Assessment:** Coursework 50%, Examination 50%.

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### **PBL5641X LAND USE PLANNING LAW - RESEARCH TASK**

*Higher postgraduate course, first semester.*

15 NQF credits at NQF level 9

**Convener:** Professor A Paterson

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

## 166 COURSE OUTLINES (POSTGRADUATE)

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

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### **PBL5642S** NATURAL RESOURCES LAW

*Higher postgraduate course, second semester. This course will be taught in the Block Teaching Format.*

30 NQF credits at NQF level 9

**Convener:** A Mkhonza

**Course entry requirements:** See Rules for LLM and MPhil degrees. The student must have completed Principles of Environmental Law or have the prior written consent of the course convener.

**Course outline:**

This course examines the domestic legal frameworks which have emerged to regulate the use and conservation of natural resources. These legal frameworks prescribe an array of tools including: institutional arrangements; planning schemes; permitting regimes; duties of care; incentive-based measures; civil liability measures; and criminal measures. The course is of relevance to domestic legal practitioners, government officials and those working in the NGO sector and of key comparative relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic natural resource regime.

**DP requirements:** Satisfactory attendance at all lectures, participation on class seminars and submission of course assignments.

**Assessment:** Coursework 50%, Examination 50%

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### **PBL5642X** NATURAL RESOURCES LAW - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** A Mkhonza

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

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### **PBL5643S** POLLUTION LAW

*Higher postgraduate course, second semester. This course will be taught in the Block Teaching Format.*

30 NQF credits at NQF level 9

**Convener:** A Mkhonza

**Course entry requirements:** See rules for LLM and MPhil degrees. The student must have completed Principles of Environmental Law or have the prior written consent of the course convener.

**Course outline:**

This course examines the domestic legal frameworks which have emerged to regulate land, air and water pollution. These legal frameworks prescribe an array of tools including: institutional arrangements; planning schemes; pollution standards; permitting regimes; trading schemes; duties of care; emergency incident provisions; strict liability; statutory nuisances; rehabilitation orders; incentive-based measures; civil liability measures; and criminal measures. The course is of relevance to domestic legal practitioners, government officials and those working in the NGO sector and of key relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic pollution regimes.

**DP requirements:** Satisfactory attendance at all lectures, participation on class seminars and submission of course assignments.

**Assessment:** Coursework 50%, Examination (50%).

**PBL5643X POLLUTION LAW - RESEARCH TASK**

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** A Mkhonza

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature

**PBL5651S INTERNATIONAL PROTECTION OF WOMEN’S HUMAN RIGHTS**

*Higher postgraduate course, second semester. There will be two 3-hour seminars per week. This course is limited to 15 students. Priority will be given to students in the LLM/MPhil programmes specialising in Human Rights Law.*

30 NQF credits at NQF level 9; 12 or 13 seminars.

**Convener:** S Lutchman

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Objective:** To examine and critically analyse the theory and practice of women’s human rights.

**Course outline:**

The course examines the development, content and implementation of international and regional laws that seek to promote and protect women’s human rights.

Specific topics will include, amongst others: theoretical underpinnings of women’s human rights; international and regional protection of women’s human rights; domestication of women’s human rights; current concerns and topical issues in women’s rights including: violence against women in times of peace and conflict; sexual and reproductive rights; impact of culture, religion and tradition on the realisation of women’s rights; women and development under the MDGs and the SDGs; and structures and mechanisms to promote and protect women’s human rights.

**DP requirements:** Satisfactory attendance at, and participation in, seminars and completion of written work.

**Assessment:** Coursework 40%; Research paper 60%

**PBL5653F REFUGEE LAW AND HUMAN RIGHTS**

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor F Khan

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

*Part 1* of the course will set out the origins, developments and established principles of refugee rights in international human rights law. Through this discussion students will acquire a thorough understanding of the 1951 UN Convention relating to the status of refugees and certain regional instruments, in particular the OAU Convention, and the South African Refugees Act.

*Part 2* will focus on the regime of rights protected by the various instruments. Through a series of seminars students will undertake an analysis of the substance of specific rights (please note that the rights under discussion will change from year to year).

*Part 3* will conclude the course by focusing on contemporary issues in refugee law. Under discussion in 2015 will be the question of a “lasting peace” in Rwanda and the pre-mature recommendations of cessation for Rwandans.

## 168 COURSE OUTLINES (POSTGRADUATE)

**DP requirements:** Satisfactory attendance at, and participation in, lectures and seminar sessions and completion of written work.

**Assessment:** Coursework 50% (Assignment), Examination 50%

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### **PBL5654W MASTERS IN ENVIRONMENTAL LAW DISSERTATION PART**

*Higher postgraduate course, whole year.*

120 NQF credits at NQF level 9

**Convener:** Professor A Paterson

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

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### **PBL5658S ADMINISTRATIVE JUSTICE AND OPEN GOVERNMENT**

*Higher postgraduate course, second semester, one seminar per week.*

30 NQF credits at NQF level 9

**Convener:** L Kohn

**Course entry requirements:** Competent academic and/or practical knowledge of South African and/or common-law based administrative law. Those without a formal qualification in law will be admitted at the discretion of the course convener.

**Course outline:**

There is no doubt that the organisational complexity of a modern democratic state demands of its executive branch that it be sophisticated, efficient, open and accountable. Most of such administrative process must be based on discretionary power in the hands of public officials. The challenge is to fashion legal rights, duties and procedures so that the subject has remedies to confront the abuse of public power, while leaving the executive sufficient space to govern legitimately. South African administrative law is relatively undeveloped when compared with similar legal systems, yet it faces greater demands than exist in most countries. This is particularly the case as the Constitution develops to accommodate changing political reality. This course intends to enable students to become familiar with a responsive package of legal institutions and rules to regulate the administration. Current administrative law will be examined critically, with substantial reference to the way in which the law has developed in other jurisdictions, particularly in the British Commonwealth. The feasibility and form of constitutional protection of the right of access to information and of open government will receive considerable attention, in the context of the exponential increase in legal protection at both international and national level for ATI in the past 15 years, and the emerging new academic literature on ATI. While the course will be critical and forward-looking, it will naturally involve a detailed knowledge of current law and practice, equipping students to be practitioners in the forefront of developments in this field. Several guest lecturers will participate in the course while Associate Professor R Calland will lecture on open government.

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of assignments.

**Assessment:** Coursework 40% (Essay, Long paper) Examination 60%.



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**PBL5659S HUMAN RIGHTS, LEGAL PLURALISM, RELIGION AND CULTURE***Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor W Amien**Course entry requirements:** See Rules for LLM and MPhil Degrees**Course outline:**

This course enables a study of the implications for human rights arising from the simultaneous operation of secular, religious and customary legal systems within a singular country. To explore the significance that plural legal systems have on human rights, reference is made to different types of religious and customary laws including (but not limited to) family laws, personal laws, inheritance, criminal laws, finance, etc. The course draws on legislation, case law and socio-legal studies where applicable to examine how religious and customary laws drawn from among others (but not limited to) Islam, Hinduism, Judaism, Christianity and African customary laws impact on various human rights including (but not limited to) the rights to freedom of religion, culture and gender equality. Apart from a study of the South African context, comparative perspectives are also offered to enhance the students' understanding of the debates and applications of multiple legal systems and their implications for human rights in the international arena. The course addresses the following broad themes: theoretical foundations of legal pluralism; models for legal recognition of religious and cultural laws and their implications for human rights; selected religious and customary laws and their implications for human rights; legislative and judicial interventions contributing to legal pluralism; and comparative perspectives from across the globe (including South Africa).

**DP requirements:** None**Assessment:** Coursework 30%; Research Paper 70%

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**PBL5661S LITIGATING SOUTH AFRICAN BILL OF RIGHTS***Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor R Calland**Course entry requirements:** See Rules for LLM and MPhil Degrees.**Course outline:**

South Africa's experiment in Constitutional Democracy represents a rich case for the study of modern human rights. The socio-economic and political backdrop against which the Bill of Rights operates provides a complex and challenging context for the laboratory in rights and governance that the 1996 Constitution – and the political settlement that lies behind it – creates. Since the Constitution enjoins the courts to take into account international law when applying and interpreting the rights contained in the Bill of Rights, the course will, therefore, root the South African human rights law trajectory in an international framework and, where appropriate, provide a comparative perspective. Thus, the course tracks the jurisprudence of the South African courts and, in particular, the Constitutional Court since its inception, through the study of specific human rights topics, broadly categorised as civil and political rights – such as the right to freedom of expression and free media speech, the right to equality and religious/cultural freedom, etc; socio-economic rights – such as the right to access to adequate housing, the right to a clean environment, the right to quality basic education, the right to health care, etc; programmatic rights – such as the right to access to justice and the 'right' to participate in public policy-making. The course will also consist of several sessions dealing with the conceptual and practical aspects of litigating constitutional cases.

**DP requirements:** Satisfactory attendance at and participation in lectures and completion of written and other assignments.**Assessment:** Coursework 40%, Examination 60%.

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**PBL5663S TRANSPARENCY LAW & GOVERNANCE: GLOBAL AND LOCAL THEORY & PRACTICE***Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

## 170 COURSE OUTLINES (POSTGRADUATE)

**Convener:** Associate Professor R Calland

**Course entry requirements:** See Rules for LLM and MPhil degrees.

**Course outline:**

This course explores both the theory and the practice of modern access to information law (ATI) and the implications for transparency policy as a critical accountability mechanism for a democratic state. The first part of the course includes a comparative law dimension, which asks what works best where, and why, and which considers the potential scope of the law, including whether it encompasses private as well as public information. The growing body of jurisprudence on ATI is reviewed, drawing from diverse legal regimes such as India, South Africa and the United States, and the emerging literature on the underpinning theory of ATI, as a 'leverage' human right' is examined enabling students to explore the relationship between ATI and development/socio-economic justice. The second half of the course turns to the broader policy questions that include: voluntary disclosure regimes, such as the Extractive Industries Transparency Initiative (EITI); the relationship with data protection/privacy law (and new developments such as the open data movement) and whistleblowing protection; transparent budget process; corporate disclosure rules; and, the different models for enforcement, such as the role of an Information Commissioner. Lastly, the political economy of ATI is unpicked: what are the obstacles to effective implementation of the right to ATI?

**DP requirements:** None

**Assessment:** 50% Practical Assignment (comparative usage of ATI Law), 50% Examination.

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### **PBL5807S** INTERNATIONAL CRIMINAL LAW

*(Not offered in 2021) Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** TBA

**Course entry requirements:** See Rules for LLM and MPhil Degrees. Successful completion of courses in public international law, and substantive criminal law from any legal tradition. The course convener 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:** Satisfactory attendance at weekly seminars.

**Assessment:** Coursework 50% (Seminar essays 40%, in-class presentation 10%), Examination 50%

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### **PBL5815S** PUNISHMENT AND HUMAN RIGHTS

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** K Phelps

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

This course aims to provide students with a sound theoretical understanding both of the justifications of punishment and human rights constraints in the context of sentencing. Students then apply this understanding to practical examples in order to assess how/ if the theory translates into practice. In so doing it is hoped to transcend a common-sense approach to sentencing and punishment and to build firm opinions/ approaches based on acquired knowledge.

The course is divided into four broad sections. The first section introduces the class to the various philosophical justifications that have historically been provided for sentencing. A brief introduction is also provided to the relationship between human rights law and penal sanctions. The second section explores in detail the current justifications for punishment/ purposes of the correctional system. In so doing, issues such as deterrence, incapacitation, rehabilitation, restoration, retribution and just deserts will be explored. Section three deals with constraints placed on sentencing in South Africa by human rights norms contained in the Bill of Rights and international law. The final section of the course places the preceding theoretical/philosophical discussions into a practical context by dealing with current and future sentencing practice in South Africa, modes of implementing punishment (e.g. prison) and special stakeholders in punishment.

**DP requirements:** 80% attendance at, and satisfactory participation in, seminars and the completion of the research papers and oral presentation.

**Assessment:** The presentation of at least one seminar and one research paper. Marks given for the seminars and research paper comprise the entire mark for the course.

### **PBL5820F THEORIES OF CRIME AND SOCIAL ORDER**

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor K Mout

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The course is intended to provide an understanding of the theoretical ideas that have shaped and are shaping criminal justice policy and the way in which both implicit and explicit policy agendas are realized in practice. The course will explore the history of criminological theory on understandings of crime and social order. The course considers the thinking of seminal criminological theorists; schools of thought and emblematic exemplars of each will be explored. The course will be presented through a series of seminars/lectures.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:** Three reaction papers of 2000 words each 45%. A final paper of 5000 words 55%.

### **PBL5822S VICTIMS AND VICTIMOLOGY**

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** Professor E van der Spuy

**Course entry requirements:** See Rules for LLM and MPhil Degrees. Honours degree in Humanities or LLB.

**Course outline:**

This course is designed to provide us with an overview of the evolving interest in victims of crime and other forms of social harm. Here we take stock of concepts, theories, social constructions, policies and criminal justice practices which allow us to engage more thoughtfully with victims of crime and social harm. We are interested in the contestations and controversies relating to the social construction of victimhood, how claims to victimhood are staked; the forms of social mobilisation exhibited by groups of victims; the types of contestation to which this may give rise. We consider the interaction and/or fusion of identities between victims and offenders. Substantive areas of concern may include: victims of interpersonal violent crime (homicide; gendered based forms of violence); as well as victims of organised crime; terror; environmental degradation and genocide.

**DP requirements:** Satisfactory attendance and participation at seminars and completion of written assignments.

**Assessment:** Coursework 60% (Assignments) Examination 40%

### **PBL5844S POLICE AND POLICING: EXPLORATIONS IN SECURITY GOVERNANCE**

*Higher postgraduate course, second semester.*

## 172 COURSE OUTLINES (POSTGRADUATE)

30 NQF credits at NQF level 9

**Convener:** Professor E van der Spuy

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

This course is intended to develop academic and professional expertise in the governance of security and provides a critical understanding of trends in the governance of security through the window of police and policing. Thus, it explores both what trends in governance can tell us about policing and what policing can tell us about developments in governance. It focuses on the impacts that global and local governance developments, new risks, spaces and technologies, have on state and non-state policing, and the regulatory and human rights implications of new trends in policing. This course focuses particularly on security governance in Africa (particularly South Africa).

**DP requirements:** Satisfactory attendance at seminars and completion of assignments.

**Assessment:** Two review papers of 2 500 words (40%) and a policy paper 5 000 words (60%). This will comprise the entire mark for the course.

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### **PBL5847S FORENSICS AND THE LAW**

*(Not offered in 2021) Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9; 12 lectures with 1 site visit.

**Convener:** Associate Professor K Moul

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

This course engages integrally with questions of evidence and criminal procedure, as well as criminology and criminal law. It is designed for students who are interested in acquiring an introduction to the use of science to solve crime and will give students an understanding of the application of forensics to the law, including forensic accounting. The course engages with the crime scene investigation process, and provides an overview of the various kinds of forensic evidence that may be collected and presented in court. Students will be introduced to the theory of identification, documentation and collection of physical evidence, including fingerprints, shoe impressions, hair and fibres, firearms evidence and questioned documents. The course then considers biological evidence, including blood spatter and other fluids, forensic anthropology and odontology to introduce the student to some basics of forensic expertise. Finally, the course engages with forensic accounting. It equips students to understand basic forensics should they encounter such evidence in legal practice or research.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:** Term assignments - 20%; Term paper - 30%; Examination - 50%

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### **PBL5848F LAW AND SOCIETY IN AFRICA**

*(Not offered in 2021) Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** Professor D Smythe

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

Law shapes and is shaped by our social, political and cultural institutions and practices. In this course we will engage with some of the key theories and concepts, such as legal consciousness and legal pluralism, that help us to understand the relationship between law and society. Explicitly interdisciplinary in orientation, the course will consider questions that arise – and are best addressed – at the intersections of legal, social, political and economic fields like why some laws are made (or enforced) and others are not, the institutional barriers to effective implementation, the reasons why citizens turn to the law (or not) to address their problems, the functioning of police, prosecutors, courts and prisons – and the other forms of social regulation that fill the gaps in between.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:** Response papers 30%; Presentation at a student conference on Law and Society 20%; Research paper of 6000-8000 words 50%

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**PBL5849F LAW IN ACTION**

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor K Moulton

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

This course aims to provide students with the knowledge and skills to undertake relevant and ethical research through preparing students both to properly understand empirical research and methods, and to engage in empirical research projects of their own. Students who aim to undertake careers in academia (in the social sciences and in law) are increasingly required to undertake primary research. Thus, this course is designed to introduce students to the foundations of qualitative empirical research, qualitative data collection and analysis techniques. The course intends to familiarise students with the research process from design to implementation, and will also consider the ethical implications of qualitative empirical research. The course is built on the view that empirical research is a craft that requires practice to implement effectively. Classes are therefore hands-on, designed to be highly interactive, and will provide students with the opportunity to learn qualitative techniques by 'doing' in class meetings and in assignments. Although the course is primarily focused on qualitative research, a component of the course will equip students with the skills to be able to read and understand quantitative data.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:** Coursework 50%. A substantial research proposal of 6000-8000 words 50%.

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**PBL5850W MASTERS IN CRIMINOLOGY, LAW AND SOCIETY  
DISSERTATION PART**

*Higher postgraduate course, whole year.*

120 NQF credits at NQF level 9

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they 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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**PBL5800W MASTERS IN CRIMINOLOGY**

*Higher postgraduate course, whole year.*

240 NQF credits at NQF level 9

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** Acceptance for a Master's programme in Law.

**Course outline:**

Under the guidance of a supervisor appointed by Senate, a candidate must undertake research at an advanced level on a subject of legal interest approved by Senate, for the purpose of writing a dissertation. Dissertations, not exceeding 40 000 words in length, must constitute a contribution to knowledge and should demonstrate a mastery of the methods of research.

**DP requirements:** None

**Assessment:** 100% written work.

## 174 COURSE OUTLINES (POSTGRADUATE)

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### **PBL5809W** MASTERS IN CRIMINAL JUSTICE

*Higher postgraduate course, whole year.*

240 NQF credits at NQF level 9

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** Acceptance for a Master's programme in Law.

**Course outline:**

Under the guidance of a supervisor appointed by Senate, a candidate must undertake research at an advanced level on a subject of legal interest approved by Senate, for the purpose of writing a dissertation. Dissertations, not exceeding 40 000 words in length, must constitute a contribution to knowledge and should demonstrate a mastery of the methods of research.

**DP requirements:** None

**Assessment:** 100% written work.

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### **PBL6700W** PHD IN PUBLIC LAW

360 NQF credits at NQF level 10

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** Acceptance to a PhD programme.

**Course outline:**

A PhD thesis must represent an original contribution to, or substantial advance on, knowledge in the field. The thesis may not be more than 80 000 words. A candidate will undertake research, and such advanced study as may be required, under the guidance of a supervisor appointed by Senate.

**DP requirements:** None

**Assessment:** 100% written work.

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### **PBL6703W** PHD IN CRIMINAL JUSTICE

360 NQF credits at NQF level 10

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** Acceptance to a PhD programme.

**Course outline:**

A PhD thesis must represent an original contribution to, or substantial advance on, knowledge in the field. The thesis may not be more than 80 000 words. A candidate will undertake research, and such advanced study as may be required, under the guidance of a supervisor appointed by Senate.

**DP requirements:** None

**Assessment:** 100% written work.

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### **PBL6704W** PHD IN CRIMINOLOGY

360 NQF credits at NQF level 10

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** Acceptance to a PhD programme.

**Course outline:**

A PhD thesis must represent an original contribution to, or substantial advance on, knowledge in the field. The thesis may not be more than 80 000 words. A candidate will undertake research, and such advanced study as may be required, under the guidance of a supervisor appointed by Senate.

**DP requirements:** None

**Assessment:** 100% written work.

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### **PVL4624F** HUMAN RIGHTS AND PRIVATE LAW

*(Not offered in 2021) Higher postgraduate course, first semester.*

30 NQF credits at NQF level 8

**Convener:** TBA

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

The relationship between human rights and private law is becoming increasingly important in many jurisdictions, and continues to generate controversy in South Africa. This course aims to enhance participants' understanding of the relationship between human and constitutional rights, on the one hand, and core areas of South African private law, on the other, by placing that relationship in theoretical and comparative perspective. It considers: (a) different models of the horizontal application of human rights under different domestic constitutions; (b) the competing legal and political theories at play in the relationship between Private Law and Human Rights; and (c) selected issues where human rights have recently influenced traditional private law doctrines (e.g. in property, obligations, and family law) in different jurisdictions.

**DP requirements:** Satisfactory class attendance (see course outline).

**Assessment:** Coursework 100%

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### **PVL4625S** PROPERTY LAW IN A CONSTITUTIONAL ORDER

*(Not offered in 2021) Higher postgraduate course, second semester.*

30 NQF credits at NQF level 8

**Convener:** Professor H Mostert

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

In evaluating the foundations and context of property law critically, this course takes a legal comparative approach in focusing on the place of property law within a constitutional order, by considering (a) Different legal traditions of property law; (b) Various constitutional property regimes; (c) The effects of economic, social and political transformation on property law.

**DP requirements:** 80% attendance at seminars.

**Assessment:** Short Research Projects 25%, Seminars (oral presentation) 25%, Examination 50%.

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### **PVL4630F** COMPARATIVE MINERAL LAW IN AFRICA

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 8

**Convener:** Professor H Mostert

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

In enabling study of the theory and practice of mineral law, this course focuses on building understanding of the complexities of the mineral laws of selected African jurisdictions in their historical, constitutional and political setting. It introduces the topic by dealing with the prevalent regulatory frameworks for mineral law in Africa, and the core concepts. It deals specifically with the nature and content of rights to minerals. In doing so, it analyses critically the extent of current regulatory controls and/or lack thereof, focusing specifically on provisions dealing with resource rents, social and environmental responsibility and governance in the mineral and petroleum sectors. This allows students to gain a critical understanding of the practical context in which mineral law operates, and the need for reform.

**DP requirements:** 80% attendance at seminars.

**Assessment:** 100% continuous assessment.

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### **PVL4631S** NEGOTIATION OF MINING CONTRACTS

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 8

**Convener:** Professor H Mostert

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course is aimed at students interested in the process of contract negotiations in the mining sector. The course will provide an overview of the nature of mining contracts, including the advantages and disadvantages of these contracts to furthering the goals of the broader legislative scheme governing mineral resources. It will provide a clear overview of the requirements for a valid

## 176 COURSE OUTLINES (POSTGRADUATE)

contract and the types of terms and conditions typically encountered in contracts of this nature. It will furthermore set out the practical context within which these contracts are negotiated, providing insight into the imbalance of power (asymmetry of information) of negotiating teams. The stages of the negotiating process will be set out in detail, which includes the pre-negotiation, negotiation and post-negotiation stage. Finally, the concepts of good governance, transparency and accountability will be discussed throughout the course, given their importance to facilitating outcomes that are favourable to the public.

**DP requirements:** None

**Assessment:** 100% continuous assessment.

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### **PVL4632F OIL AND GAS LAW IN SOUTH AFRICA**

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 8

**Convener:** Professor H Mostert

**Course entry requirements:** See Rules for Postgraduate Diplomas.

**Course outline:**

This course is aimed at students interested in the regulation of the oil and gas sector, with a particular focus on the legal framework governing this sector. It will provide an overview of the role-players in the industry, as well as the various stages of project development. It focuses on selected practical and theoretical aspects of the South African law of oil and gas. The course aims to provide specialist knowledge on the governance and management of oil and gas, specifically focusing on the regulation of these resources by the state, licensing requirements and consequences, as well as issues of ownership of resources and land. Other issues that confront the industry will also be discussed, including black economic empowerment and other local content requirements, royalties and taxation, social and environmental responsibility, and administrative law.

**DP requirements:** None

**Assessment:** 100% continuous assessment.

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### **PVL4633S RESOURCE REVENUE LAW**

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 8

**Convener:** Professor H Mostert and Associate Professor J Hattingh

**Course entry requirements:** See Rules for Postgraduate Diplomas.

**Course outline:**

This course is aimed at students interested in the regulation of taxation of the resources sector, with a particular focus on minerals and petroleum resources. The course includes a discussion of the theoretical and practical considerations that inform the structure of the regulatory framework in this sector. The obligations placed on right holders in respect of mineral and petroleum resources are set out. Management of the risks inherent to the sector in the context of taxation is also canvassed, including international law considerations and obligations, as well as considerations that inform the domestic legal framework, such as local beneficiation. Other areas that are covered will include the distinction between source and residence taxation, the taxation of offshore exploration activities, and issues concerning transfer pricing in the sector.

**DP requirements:** None

**Assessment:** 100% continuous assessment.

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### **PVL5000X PRIVATE LAW - RESEARCH TASK**

*Higher postgraduate course*

15 NQF credits at NQF level 9

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.



**DP requirements:** None

**Assessment:** A research task of a professional nature.

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### **PVL5606W MASTERS IN PRIVATE LAW**

*Higher postgraduate course, whole year.*

240 NQF credits at NQF level 9

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** Acceptance for a Master's programme in Law.

**Course outline:**

Under the guidance of a supervisor appointed by Senate, a candidate must undertake research at an advanced level on a subject of legal interest approved by Senate, for the purpose of writing a dissertation. Dissertations, not exceeding 40 000 words in length, must constitute a contribution to knowledge and should demonstrate a mastery of the methods of research.

**DP requirements:** None

**Assessment:** 100% written work.

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### **PVL5607W MASTERS IN RHETORIC STUDIES**

*Higher postgraduate course, whole year*

240 NQF credits at NQF level 9

**Convener:** Distinguished Professor Ph-J Salazar

**Course entry requirements:** Acceptance for a Master's programme in Law.

**Course outline:**

Original research on a given topic within the ambit of rhetoric understood as the study of argumentative deliberation in the public sphere.

**DP requirements:** None

**Assessment:** 100% written work.

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### **PVL5620S ADVANCED CONTRACT LAW**

*(Not offered in 2021) Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** Professor T Naudé

**Course outline:**

This is an advanced course which focuses on aspects of Contract Law. Topics to be covered will be prescribed from year to year. Some of the topics will focus on how the Constitution is influencing the development of the law of contract. Examples of the topics that have been covered in previous years include the following: mistake and the basis of contract in South African law; the expansion of the concept of *iustus error*; good faith, public policy and fairness in Contract Law (including control mechanisms of unfair contract terms under the common law, the Constitution and the Consumer Protection Act); Non-variation clauses and the availability of the defences of estoppel and waiver in this context; pre-emption agreements: what transactions trigger the right of first refusal?; Impact of the Consumer Protection Act on other aspects of Contract Law, including the residual rights of the buyer of goods and services; African Contract Law; Remedies for breach of contract, including the right to withhold performance and the assessment of damages; Supervening impossibility of performance and hardship: Change of circumstances or hardship falling short of impossibility; Liability for breaking off contractual negotiations; Private International Law of Contracts; Aspects of the law of cession (cession of future rights, security cessions).

**DP requirements:** None

**Assessment:** One research paper of 7 000 words 100%

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### **PVL5620X** ADVANCED CONTRACT LAW - RESEARCH TASK

*(Not offered in 2021) Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Professor T Naudé

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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### **PVL5624F** HUMAN RIGHTS AND PRIVATE LAW

*(Not offered in 2021) Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** TBA

**Course entry requirements:** See rules for LLM and MPhil Degrees.

**Course outline:**

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:** Satisfactory class attendance (see course outline).

**Assessment:** Assessment will take place in two stages: a seminar presentation (which will count 30% of the final mark for the course) and a research paper on a topic to be approved by the course conveners (which will count the remaining 70% of the final mark for the course).

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### **PVL5624X** HUMAN RIGHTS AND PRIVATE LAW - RESEARCH TASK

*(Not offered in 2021) Higher postgraduate course, first semester.*

15 NQF credits at NQF level 9

**Convener:** TBA

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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### **PVL5625S** PROPERTY LAW IN A CONSTITUTIONAL ORDER

*(Not offered in 2021) Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** Professor H Mostert

**Course entry requirements:** See rules for LLM and MPhil Degrees.

**Course outline:**

In evaluating the foundations and context of property law critically, this course takes a legal comparative approach in focusing on the place of property law within a constitutional order, by considering different legal traditions of property law; various constitutional property regimes; the

effects of economic, social and political transformation on property law; and various theories and theoretical approaches that underlie property law.

**DP requirements:** 80% attendance at seminars; submission of course assignment (research paper).

**Assessment:** Projects (7000 word research paper) 30%, Seminars (oral presentation) 20%, Examination 50%.

### **PVL5625X** PROPERTY LAW IN A CONSTITUTIONAL ORDER - RESEARCH TASK

*(Not offered in 2021) Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Professor H Mostert

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

### **PVL5626S** HUMAN RIGHTS, GENDER AND FAMILY

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** Associate Professor A Barratt

**Course entry requirements:** See rules for LLM and MPhil Degrees.

**Course outline:**

This course examines some of the human rights implications of family law and gender. Some of the specific themes investigated may include the following (amongst others): what is a family? historical, theoretical and constitutional approaches; is a rights-based approach appropriate for family law? Are some kinds of rights more appropriate than others? autonomy rights and the family; diversity, culture and lived realities; agency and grassroots expressions of human rights; family economics; family violence; identity issues; and reproductive rights.

**DP requirements:** None

**Assessment:** Written assignment and seminar presentation 30%, Examination 70%

### **PVL5626X** HUMAN RIGHTS, GENDER, AND FAMILY - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Associate Professor A Barratt

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

### **PVL5627S** DELICT, UNJUSTIFIED ENRICHMENT, AND HUMAN RIGHTS

*(Not offered in 2021) Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** Professor A G Fagan

**Course entry requirements:** See rules for LLM and MPhil Degrees.

**Course outline:**

This course investigates the relationship between delict and unjustified enrichment (that is, non-contractual obligations), on the one hand, and human rights on the other, particularly as those are enacted in bills of rights or similar legally-binding documents. The main emphasis will be on South

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African law. In the first place, the course will look at the important ways in which the South African law of delict has been (and still might be) changed in order to bring it in line with the South African Constitution: examples are in respect of omissions by public bodies, vicarious liability, and enrichment, and at how it relates to the rights in and values of the South African Constitution. The course will, however, also place the South African law in a broader comparative context: in particular, it will look at the relationship between delict/tort and unjustified enrichment/restitution, on the one hand, and human rights, on the other, in English, Canadian and German law.

**DP requirements:** Attendance at all lectures and submission of course assignment.

**Assessment:** Essay 30%, Examination 70%.

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### **PVL5627X** DELICT, UNJUSTIFIED ENRICHMENT, AND HUMAN RIGHTS - RESEARCH TASK

*(Not offered in 2021) Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Professor A G Fagan

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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### **PVL5628W** MASTERS IN PRIVATE LAW AND HUMAN RIGHTS DISSERTATION PART

*(Not offered in 2021) Higher postgraduate course, whole year*

120 NQF credits at NQF level 9

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** See rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they 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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### **PVL5630F** COMPARATIVE MINERAL LAW IN AFRICA

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** Professor H Mostert

**Course entry requirements:** See Rules for LLM and MPhil degrees.

**Course outline:**

In enabling the study of the theory and practice of mineral law, this course focuses on building understanding of the complexities of the mineral laws of selected African jurisdictions in their historical, constitutional and political setting. It introduces the topic by dealing with the prevalent regulatory frameworks for mineral law in Africa, and the core concepts. It deals specifically with the nature and content of rights to minerals. In doing so, it analyses critically the extent of current regulatory controls and/or lack thereof, focusing specifically on provisions dealing with resource rents, social and environmental responsibility, and governance in the mineral and petroleum sectors.

This allows students to gain a critical understanding of the practical context in which mineral law operates, and the need for reform.

**DP requirements:** None

**Assessment:** 100% continuous assessment.

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### **PVL5630X** COMPARATIVE MINERAL LAW IN AFRICA - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Professor H Mostert

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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### **PVL5631S** NEGOTIATION OF MINING CONTRACTS

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** Professor H Mostert

**Course entry requirements:** See rules for LLM and MPhil Degrees.

**Course outline:**

This course is aimed at students interested in the process of contract negotiations in the mining sector. The course will provide an overview of the nature of mining contracts, including the advantages and disadvantages of these contracts to furthering the goals of the broader legislative scheme governing mineral resources. It will provide a clear overview of the requirements for a valid contract and the types of terms and conditions typically encountered in contracts of this nature. It will furthermore set out the practical context within which these contracts are negotiated, providing insight into the imbalance of power (asymmetry of information) of negotiating teams. The stages of the negotiating process will be set out in detail, which includes the pre-negotiation, negotiation and post-negotiation stage. Finally, the concepts of good governance, transparency and accountability will be discussed throughout the course, given their importance to facilitating outcomes that are favourable to the public.

**DP requirements:** None

**Assessment:** 100% continuous assessment.

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### **PVL5631X** NEGOTIATION OF MINING CONTRACTS - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Professor H Mostert

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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### **PVL5632F** OIL AND GAS LAW IN SOUTH AFRICA

*Higher postgraduate course, first semester.*

30 NQF credits at NQF level 9

**Convener:** Professor H Mostert

**Course entry requirements:** See Rules for LLM and MPhil degrees.

**Course outline:**

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This course is aimed at students interested in the regulation of the oil and gas sector, with a particular focus on the legal framework governing this sector. It will provide an overview of the role-players in the industry, as well as the various stages of project development. It focuses on selected practical and theoretical aspects of the South African law of oil and gas. The course aims to provide specialist knowledge on the governance and management of oil and gas, specifically focusing on the regulation of these resources by the state, licensing requirements and consequences, as well as issues of ownership of resources and land. Other issues that confront the industry will also be discussed, including black economic empowerment and other local content requirements, royalties and taxation, social and environmental responsibility, and administrative law.

**DP requirements:** None

**Assessment:** 100% continuous assessment.

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### **PVL5632X OIL AND GAS LAW IN SOUTH AFRICA - RESEARCH TASK**

*Higher postgraduate course, first semester.*

15 NQF credits at NQF level 9

**Convener:** Professor H Mostert

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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### **PVL5633S RESOURCE REVENUE LAW**

*Higher postgraduate course, second semester.*

30 NQF credits at NQF level 9

**Convener:** Professor H Mostert and Associate Professor J Hattingh

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

This course is aimed at students interested in the regulation of taxation of the resources sector, with a particular focus on minerals and petroleum resources. The course includes a discussion of the theoretical and practical considerations that inform the structure of the regulatory framework in this sector. The obligations placed on right holders in respect of mineral and petroleum resources are set out. Management of the risks inherent to the sector in the context of taxation is also canvassed, including international law considerations and obligations, as well as considerations that inform the domestic legal framework, such as local beneficiation. Other areas that are covered will include the distinction between source and residence taxation, the taxation of offshore exploration activities, and issues concerning transfer pricing in the sector.

**DP requirements:** None

**Assessment:** 100% continuous assessment.

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### **PVL5633X RESOURCE REVENUE LAW - RESEARCH TASK**

*Higher postgraduate course, second semester.*

15 NQF credits at NQF level 9

**Convener:** Professor H Mostert and Associate Professor J Hattingh

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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**PVL5634W** MASTERS IN THE LAW OF MINERAL AND PETROLEUM EXTRACTION AND USE

*Higher postgraduate course, whole year.*

120 NQF credits at NQF level 9

**Convener:** Professor H Mostert and Associate Professor J Hattingh

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

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**PVL6700W** PHD IN PRIVATE LAW

360 NQF credits at NQF level 10

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** See Rules for PhD Degrees.

**Course outline:**

A PhD thesis must represent an original contribution to, or substantial advance on, knowledge in the field. The thesis may not be more than 80 000 words. A candidate will undertake research, and such advanced study as may be required, under the guidance of a supervisor appointed by Senate.

**DP requirements:** None

**Assessment:** 100% written work.

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**PVL6703W** PHD IN RHETORIC STUDIES

360 NQF credits at NQF level 10

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** See Rules for PhD Degrees.

**Course outline:**

Doctoral research on a given topic within the ambit of rhetoric understood as the study of argumentative deliberation in the public sphere.

**DP requirements:** None

**Assessment:** 100% written work.

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# EXCHANGE STUDENTS: INFORMATION AND COURSE OUTLINES

Exchange Advisor: T Thabane

## Definitions

### Exchange Student:

An exchange student is one from an overseas tertiary institution with which UCT has entered into an Exchange Agreement. An Exchange Agreement may either be a 'university wide' agreement that is administered by the International Academic Programmes Office (IAPO) or a 'Faculty wide' agreement, which is administered by the Faculty Office. In terms of these agreements, one or more students from the overseas institution may register at UCT for one or more semesters (depending on the terms of the exchange agreement). The agreements are usually subject to a reciprocal fee waiver arrangement, which means that exchange students are not required to pay UCT fees but may still be required to pay their home institution's fees.

The overseas institution with which UCT has concluded an exchange agreement will usually nominate students to take up an exchange place at UCT. Once nominated by the home institution and once the UCT Faculty Office is advised of such a nomination, exchange students must comply with the procedures for applying to study at UCT and may contact the Faculty Office for more information in this regard. Exchange students should contact their home university's Exchange Co-ordinator for more information on whether or not their institution has an exchange agreement with UCT and for the nomination procedures of their institution.

### Semester Study Abroad (SSA) Student:

An SSA student is one from an overseas tertiary institution who registers at UCT for one or more semesters, paying full tuition fees at UCT. SSA students must apply through the International Academic Programmes Office (IAPO) for admission to UCT. For information about application procedures and general information to study at UCT, visit <http://www.iapo.uct.ac.za/> or email [iapo@uct.ac.za](mailto:iapo@uct.ac.za).

See below further information as to which courses may be taken by SSA students.

### Undergraduate Student:

An undergraduate student is one who does not yet hold a law degree (or a non-law general degree) from a tertiary institution. Students who are in possession of a degree from a tertiary institution, and who are attending law school, but have yet to be awarded a law degree are regarded as undergraduate students for the purpose of study at UCT.

### Postgraduate Student:

A postgraduate student is one who is already in possession of a law degree from a tertiary institution.

### Orientation Programmes and Accommodation

The International Academic Programmes Office (IAPO) at UCT arranges orientation programmes for Semester Study Abroad and Exchange students and provides information about accommodation as well as general information to study at UCT. See <http://www.iapo.uct.ac.za/> or email [iapo@uct.ac.za](mailto:iapo@uct.ac.za) for more information.



**Faculty of Law:**

The Faculty of Law is one of six faculties at UCT. The six faculties comprise approximately 62 departments. The Faculty of Law offers a Bachelor of Laws (undergraduate stream or graduate stream), Master of Laws (by coursework and research dissertation or by research dissertation only), Professional Masters, Postgraduate Diploma in Law and Doctoral degree (Doctor of Philosophy or Doctor of Laws). The Dean is the Head of the Law Faculty and is assisted by the Law Faculty Office, which is headed by the Law Faculty Manager for Academic Administration. For more information, see <http://www.law.uct.ac.za/>.

The Faculty of Law is physically situated in the Wilfred and Jules Kramer Building, Middle Campus.

**Law Faculty Office:**

The Law Faculty Office is the office for the academic administration of the Faculty of Law. The Faculty Office may be contacted on +27 21 650 3086. For queries relating to admission to study law at UCT, email [law-studies@uct.ac.za](mailto:law-studies@uct.ac.za).

**Academic and general information**

**Undergraduate Exchange and Semester Study Abroad Students** may do up to a maximum of four courses per semester (unless they obtain permission from the Exchange Advisor to do more).

- The four courses can comprise up to four LLB courses or no more than one LLM course and up to three LLB courses.
- Should an undergraduate student wish to take an LLM course, s/he must first obtain the permission of the individual course convener and provide the Law Faculty Office with the convener's written permission. A signature by the course convener on the registration form is sufficient, if such permission can be obtained at the time of registration. If not, written confirmation must be given to the Faculty Office at the earliest available date thereafter.
- We cannot advise Semester Study Abroad and Foreign Exchange students on how many credits they will receive from their home institution per course. Students need to obtain that information from their home institutions. All we can advise is that a full semester load for UCT undergraduate students is the equivalent to four courses per semester.

**Postgraduate Exchange and Semester Study Abroad Students** may do a maximum of three LLM courses per semester.

- No additional LLM or LLB courses may be taken.
- Postgraduate students do not need to obtain the permission of the LLM course convener in order to take an LLM course, unless the Faculty Handbook prescribes certain necessary course entrance requirements or has limited class sizes prescribed for the course.

**Course Contact Lectures and Information:**

- The number of contact lectures for each LLB and LLM course is contained in the Law Faculty Handbook, available from the Law Faculty Office or on the UCT website <http://www.students.uct.ac.za/students/study/handbooks/current>.
- Much of the information regarding courses (both LLB and LLM) is available online on the Law Faculty's website (<http://www.law.uct.ac.za>, select Courses).

**Other General Requirements:**

- Exchange students who come to study at UCT in terms of an exchange agreement between their Law Faculty and the UCT Law Faculty may only do courses offered by the UCT Law Faculty. If they wish to do courses offered by other faculties at UCT, they need to register with IAPO as occasional students in respect of those additional courses, for which they will need to pay the appropriate fees.

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- Exchange and Semester Study Abroad students who register for a course are required to complete all the assignments and examinations set for that course. Students do not receive a credit for a course merely for 'attending' lectures or seminars.
- All students, including Exchange and Semester Study Abroad students can change a course at any time within the first week following registration. Thereafter, they will be precluded from doing so.

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## EXCHANGE COURSES

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### **PBL2000F** CONSTITUTIONAL LAW (PART A)

*Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.*

18 NQF credits at NQF level 7

**Convener:** Associate Professor C Powell

**Course outline:**

This course provides an introduction to the history of South African constitutional law and basic concepts such as democracy, legitimacy, constitutionalism, federalism, separation of powers and the rule of law. It then considers the South African Constitution in detail, examining the functions and powers of the three branches of government and the different spheres of government (national, provincial and local).

**DP requirements:** None

**Assessment:** Two assignments 20%; One written examination (2 hours) 80%.

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### **PBL3001F** INTERNATIONAL LAW

*Intermediate Level, half course, first semester*

18 NQF credits at NQF level 7

**Convener:** Associate Professor H Woolaver

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

**Course outline:**

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

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

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

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### **PBL3801F** CRIMINAL LAW (PART A)

*Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.*

18 NQF credits at NQF level 7

**Convener:** K Phelps

**Course outline:**

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

**Analysis of principles:**

The course focuses on an analysis of the case law and legal principles governing the elements of voluntariness of conduct (including the defence of automatism); causation; defences excluding unlawfulness (private defence, necessity, impossibility, obedience to orders, public authority and consent); capacity (including the defences of youth, insanity, intoxication, provocation and emotional stress); fault in the forms of intention and negligence; common purpose, accomplice and accessory-after-the-fact liability; attempt, incitement and conspiracy. The tutorial style of teaching is favoured and students are given all of the tutorial problems and readings, in the order in which they will be covered in classes, at the beginning of the semester and are required to prepare in advance of lectures and tutorials. Class participation is essential.

**DP requirements:** None

**Assessment:** Essay 20%; Compulsory test 80%.

**PVL1003F/S FOUNDATIONS OF SOUTH AFRICAN LAW (PART A AND B)**

*First semester/Second semester, three lectures per week. Occasional tutorials at the Convener's discretion. Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.*

18 NQF credits at NQF level 5

**Convener:** TBA

**Course outline:**

PVL1003F: The objectives of this course are that firstly students should develop foundational knowledge about the legal system in South Africa, including a knowledge of the history, sources of law, hierarchy of the courts, legal reasoning, with special attention to the doctrine of precedent, classifications of the law and fundamental legal concepts, as well as areas of the law relating to HIV and AIDS. Students then engage in a review of the development of the culture of public law, through the fluctuating fortunes of the rule of law.

PVL1003S: The course covers an introduction to the South African political transition from authoritarian rule to constitutional democracy, including a discussion of the Truth and Reconciliation Commission and transformative constitutionalism, as well as post-apartheid jurisprudence. The final section provides students with an overview of the rules relating to interpretation of statutes, and their practical application.

**DP requirements:** Attendance at 80% of tutorials.

**Assessment:** One three hour written examination in the first/second semester.

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## BURSARIES, SCHOLARSHIPS AND PRIZES

### Bursaries from external agencies for LLB study

#### **The Legal Practitioners Fidelity Fund**

Merit bursaries for study for a maximum period of two years for the LLB degree are offered by the Fund. The bursary amount will in each case be determined by the Bursary Committee of the Fund and preference will be given to applicants in serious financial need, although exceptional merit might also result in an award. Applicants must apply when they have a maximum of two years of study remaining towards their LLB degree. The closing date for bursary application is 15 August. Application forms are available on request in writing to Legal Practitioners Fidelity Fund, P O Box 3062, Cape Town 8000, or calling on 021 424 4608 or emailing on [LLBbursary@fidfund.co.za](mailto:LLBbursary@fidfund.co.za).

**See also Book 13 in the series of handbooks, *Bursary and Loan Opportunities for Undergraduate Study*, available from the Faculty Office and Undergraduate Funding Office, or at <http://www.students.uct.ac.za/students/study/handbooks/current>, which lists more than 40 external funding opportunities available to eligible LLB students.**

### Scholarships and Bursaries in the Law Faculty for LLB study

#### Scholarships awarded by the Faculty based on academic merit at the end of each year

#### **Philip Schock Charitable and Educational Foundation Scholarship (for Intermediate Level LLB)**

This scholarship was founded in 1989 by the above Foundation in memory of the late Mr Justice Philip Schock. Awarded on law course results of a student proceeding to Intermediate Level LLB studies either from Final Level BA or from Preliminary Level LLB. The candidate must be within the top third of the class and financial need shall be a consideration.

Value: R11 000 variable

Tenure: One year

#### **Philip Schock Charitable and Educational Foundation Scholarship (for Final Level LLB)**

This scholarship was founded in 1989 by the above Foundation in memory of the late Mr Justice Philip Schock. Awarded on the course results of a student in the Intermediate LLB studies proceeding to the final year. The candidate must be within the top third of the class and financial need shall be a consideration.

Value: R11 000 variable

Tenure: One year

#### **Scheepers Memorial Scholarship**

This scholarship was founded in 1923 by the late Mr Justice JJ Scheepers in memory of his two sons who were killed in the Great War and is based on the results of the examination at the end of the Intermediate Level LLB by the Faculty Board. The scholarship is tenable for the Final Level LLB and may be held together with another University scholarship.

Value: R2 000

Tenure: One year

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### **Twamley Undergraduate Scholarship**

The Twamley Undergraduate Scholarships were founded in memory of the late Mr Harold James van Staveren Twamley who bequeathed funds to the University for this purpose.

The scholarship is made on the basis of the most outstanding academic performance on the results obtained by a student who was registered for the first time for PBL2000W Constitutional Law, PVL2002H Law of Property and PVL2003H Law of Succession.

Value: R2 000

Tenure: One year

### **Scholarships awarded on application**

The Faculty of Law offers a number of scholarships for South African LLB students, based on academic merit and demonstrated financial need. These scholarships are for tuition fees and are credited directly to the fee account of successful recipients. Some scholarships are renewable, dependent on academic performance and donor funding. Application forms are available on the Faculty website at <http://law.uct.ac.za/scholarship-funding>, which is intermittently updated as opportunities become available.

### **Scholarships: for top black South Africans studying Law at UCT**

The Faculty of Law has raised donor funding to be able to offer *Excellence in Law* scholarships, to talented black South African students. Several scholarships are available annually, at between R15 000 and R60 000 p.a., paid directly to the recipient's fee account specifically for fees.

Closing date: 15 January

Tenure: One year (renewable subject to conditions)

In addition to the *Excellence in Law* Scholarships, there are a number of named scholarships that are offered every few years, including (amongst others) the Giles & Debra White Scholarship, the Abe Swersky Scholarship, the Dixon Family Scholarship, and the CDH LEAF Scholarships. These will be advertised via the Faculty Office and on the Faculty website as opportunities become available.

### **Law Diversity Scholarships**

A number of South African and international law firms fund scholarships for tuition fees for the purpose of assisting academically meritorious black South African Law students in need of financial support to complete their studies. This law firm initiative seeks to contribute to the transformation of the legal profession's demographic profile. These scholarships are variable in amount and are intended for fees. The Law Faculty assists in advertising such opportunities if and when they become available.

Firms include Norton Rose Fullbright and Cox&Yeats. Linklaters LLP (global, with a London, UK head office) specifically offers scholarships to African International students from elsewhere on the continent.

Closing dates: Variable

Value: Variable

Tenure: One year (renewable subject to conditions, and dependent on the particular law firm)

### **Scholarships and Bursaries for postgraduate studies in Law**

*Please note:* there are no demographic or geographic limits on who may be awarded or apply for postgraduate scholarships in Law.

### **Scholarships awarded without application**

#### **Ilse Lowissohn Grants**

In 1984 a sum of R10 000 was bequeathed to the University by the late Miss Ilse Lowissohn 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

#### **Named Scholarships for Postgraduate Study awarded on application**

##### **Excellence in Law Postgraduate Scholarships**

The Faculty of Law has raised donor funding to be able to offer scholarships to black South African postgraduate students. Several scholarships are available annually, at LLM, MPhil and PhD level. These are awarded based primarily on academic merit, although financial need may also be a consideration.

Closing date: 31 January

Value: R60 000 for LLM or MPhil students and R90 000 for PhD students

Tenure: One year for LLM or MPhil students. Renewable for PhD students for a further two years depending on satisfactory progress.

##### **Law Faculty Master's and Doctoral Scholarships**

To encourage postgraduate research, the Law Faculty makes awards to suitable candidates for master's by research only or doctoral degrees in the Faculty of Law at UCT. This funding is in addition to the Excellence in Law Scholarship opportunities, and is intended as a form of bridging finance to give students contemplating higher degrees the security of knowing that their financial needs will be at least partially met for the first year of their studies, which is a critical period in their progress. Successful candidates must also make application to the UCT Postgraduate Funding Office and other appropriate sources for scholarship funding. Any award from external sources that takes financial support beyond the level of R230 000 per annum for a master's student or R283 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, depending on satisfactory progress, once only)

##### **Basil and Con Corder Scholarship**

In 1997, a scholarship was established in terms of the wishes of the late Basil Corder. The scholarship is awarded to a University of Cape Town graduate in law who is registered at the University of Cape Town for the LLM degree by coursework and minor dissertation, on the basis of financial need, proven academic merit and having displayed a concern for the wider community through service individually or in voluntary organisations. Preference will be given to an applicant who will be completing part of the degree at a university outside South Africa. In the event that there are no suitable candidates for the award at the level of LLM studies, the scholarship may be

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awarded to an applicant registered for the Intermediate or Final Level LLB, on the basis of financial need, proven academic merit and indication of concern for the wider community, as set out above.

Closing date: 31 January

Value: Variable (approximately R10 000)

Tenure: One year

### **Ethel Walt Human Rights Scholarship**

Ethel Walt was a human rights activist who directed her passion for social justice through her work in the Black Sash. This scholarship is awarded towards tuition for the LLM or MPhil programme in Social Justice or Human Rights Law by coursework and minor dissertation. Preference will be given to applicants who demonstrate proven community involvement of some kind, and a commitment to engaging in community issues after graduation.

Closing date: 31 January

Value: R10 000

Tenure: One year

### **The Alexander Burman Memorial Grant**

The grant is awarded to a South African PhD student, based primarily on academic merit, although financial need may also be considered.

Closing date: 31 January

Value: R100 000

Tenure: One year, non-renewable

### **Sir William Solomon Memorial Scholarship**

In 1939 Miss Emile Jane Solomon bequeathed R10 000 to the University to found a scholarship in memory of her brother, the late Sir William Solomon MA KCSI KCMG, formerly Chief Justice of the Union of South Africa.

The scholarship is available for candidates taking research degrees in law by thesis only.

Closing dates: 31 January and 15 June

Value: R20 000 for LLM or MPhil and R30 000 for PhD

Tenure: One year (renewable, depending on satisfactory progress, once only)

### **Wilfred Kramer Law Grants and Scholarships**

Wilfred Kramer Law Grants are available for those who enrol for approved higher postgraduate study in the Faculty of Law at the University of Cape Town. In addition, limited funds are available for students who wish to participate in an approved exchange programme at an overseas university; the students do part of the LLM coursework at an approved overseas university and the balance of coursework as well as the minor dissertation at UCT Law Faculty. Further information is available from the Law Faculty Office. Wilfred Kramer Law Grants 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: One year (renewable, depending on satisfactory progress, once only)

### **Beric Croome Postgraduate Tax Law Scholarship**

Generous financial support from Dr Beric Croome, an Advocate of the High Court and qualified CA who completed a PhD in Tax Law in this Faculty in 2008, has enabled the establishment of a fund from which an annual scholarship of R10 000 will be awarded to a student undertaking postgraduate tax law studies.

Closing date: 31 January

Value: R10,000

Tenure: One year



### **The Dikgang Moseneke Postgraduate Fellowship**

This fellowship has been established by UCT Faculty of Law, in recognition of the contribution Justice Dikgang Moseneke has made to the field of Law in South Africa. The fellowship is focused on suitable candidates in postgraduate studies (LLM and PhD degrees), a major component of which would be a thesis within the broad area of law, justice and society. The fellowship is intended to promote and encourage academic research into areas of legal theory and practice, and their impact on social justice, democracy, constitutionalism, public accountability, development, and social change.

The value of the fellowship would be determined from year to year, starting with a doctoral fellowship at R140 000 per annum and a master's fellowship at R90 000.

Closing date: 31 January

Value: R140 000 for PhD; R90 000 for Masters

Tenure: One year (renewable, depending on progress, for research degrees; non-renewable for coursework Masters)

### **Faculty International Student Bursaries**

The Faculty awards bursaries for Postgraduate Diploma and coursework Masters 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.

Closing dates: 31 January and 15 June

Value: Variable

### **Linklaters African International Scholarship**

This scholarship, established by Linklaters LLP, is specifically for LLM students, **from elsewhere in Africa**, with a focus on Commercial Law.

Closing date: 31 January

Value: R50 000

Tenure: One year (non-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**

#### **Bowmans Prize**

Established in 1992, this annual prize of R5 000 is awarded to the Final Level student, if of sufficient merit, with the highest marks in the courses CML4506F 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.

#### **Ephraim Kluk Award**

Established in 1988, in terms of the wishes of the late Ephraim Kluk for the purpose of undertaking postgraduate research at the University into international law in respect of the concept of peace, justice and understanding between nations. The prize of R750 is awarded to a candidate selected by the Head of the Department of Public Law in consultation with members of staff in the Department of Public Law.

**Gering Prize for Commercial Transactions Law**

In 2005 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 then established the Leonard and Nina Gering Prize (R2 750) for the best student in CML4006W Commercial Transactions Law.

**Ina Ackermann Prize**

A prize of R1 000 in memory of the late Ina Ackermann, Senior Lecturer in Commercial Law at the University of Cape Town (1985-1993), is awarded annually to a student of sufficient merit obtaining the highest overall marks in the course CML4006W Commercial Transactions Law. The funds for this prize have been made available by friends and colleagues of Ms Ackermann.

**Judge Schock Prize**

In 1989 a prize, variable from 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**

Juta & Co established a prize of R1 000 in book vouchers to be awarded annually to the best Final Level student, if of sufficient merit. The prize winner will be entitled to purchase books of his/her choice to that value.

**LexisNexis Butterworths Prize – Civil Procedure**

LexisNexis Butterworths (Pty) Limited has established an annual prize of 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 PVL4008H Civil Procedure.

**Spoor and Fisher Prize**

Spoor and Fisher, attorneys and patent attorneys, established a prize to be awarded to the student who has the highest average mark in the courses Copyright & Patents and Trade Marks & Unlawful Competition (CML4503F and CML4504S). The value of the award is R1 000.

**Intermediate Level LLB Students**

**Ionann Prize for Criminal Justice**

In 2005, Dianna Yach and Peter Stephens donated the proceeds from their book to establish an award of R5 000 for the top black female student in Intermediate Level Criminal Justice courses; to encourage black women from Southern Africa (including the SADC region) to make a career in criminal justice.

**LexisNexis Butterworths Prize – Best Intermediate Level**

LexisNexis Butterworths (Pty) Limited has established an annual prize of 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 Corporation Law. The prize is to commemorate Mike Blackman's outstanding work and contribution to commercial law. The prize consists of a set of the 3-volume *Commentary on the Companies Act* by Blackman et al.

**Norton Rose Fullbright Prize for Corporations or Contract Law**

This prize, for the best Intermediate Level essay in Corporations or Contract Law, carries a value of R3 000. This is one of three prizes established by Norton Rose Fullbright in 2019.

**Sir Franklin Berman Prize**

In 2006 Sir Franklin Berman a graduate of UCT and former legal advisor to the British Foreign Office, established a prize of R1 000 for the student who gains the highest marks in International Law.

**Tom W Price Memorial Prize**

A prize in memory of the late Professor T W Price, Professor of Roman-Dutch Law at the University of Cape Town, is awarded annually to the Intermediate Level student, if of sufficient merit, obtaining the highest overall marks in the Preliminary and Intermediate Levels examinations in Private Law.

Value: R1 000 (variable)

**Werksmans Attorneys Prize**

In 2013 Werksmans Attorneys established a prize of R5 000 awarded to the best Intermediate Level student, if of sufficient merit, in PVL3005W Law of Contract.

**Preliminary LLB Level**

*(Year 1 Graduate LLB, Year 3 and 4 Combined Law Stream and Year 1 and 2 Undergraduate LLB)*

**Ben Beinart Memorial Prize**

The Editorial Board of *Acta Juridica* and its publishers, Juta & Company Limited, have established an annual prize for the award to the best student, if of sufficient merit, in PVL1004F South African Private Law: System and Context and PVL1003W Foundations of South African Law. The prize includes issues of *Acta Juridica*.

**Cliffe Dekker Hofmeyr Prize**

A prize of R5 000 is awarded to the best student at Preliminary Level i.e. Foundations of SA Law, Law of Persons and Family, Comparative History, Constitutional Law, International Law and Law of Property.

**Hogan Lovells (SA) Prize**

A prize of R2 000 is awarded to the best student in the Law of Property.

**Norton Rose Fullbright Prize for Property Law**

The prize carries a value of R3 000 and is for the best student in Property Law (prelim level). This is one of three prizes established by Norton Rose Fullbright in 2019.

**Yash Ghai Prize**

In 2006, a 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 R2 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**

In 2007 alumnus Henry Blumberg established the Henry & Marcia Blumberg Prize of R5 000 to be awarded annually to an LLB student who has worked hard both academically and in service of the wider student community; the award will be made at the Dean's discretion in consultation with Heads of Department.

### **Captain Bob Deacon Prize**

This prize of R500 is awarded annually (at the discretion of the Board of the Shipping Law Unit) to the student who achieves the top mark in the Higher Postgraduate Shipping Law courses. It is 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.

### **Dean's Awards for Service**

In recognition of student service to the wider community, such awards were established in 2008. They are made during the course of the year, after a call for nominations from students and staff. They are awarded at the discretion of the Dean, in consultation with the Deputy Deans and Heads of Department. These awards carry no purse.

### **Lawrence Miller Memorial Award**

This award of R2 000 was established by members of *Legalink* in memory of their colleague and UCT alumnus Lawrence Miller (1964) for a student who is going either into their Intermediate or Final year and whose CV reflects community involvement and demonstrates how they have tried to empower or uplift others in their community.

### **Norton Rose Fullbright Prize for the Best Moot Heads of Argument**

This prize carries a value of R3,000 and is awarded for best performance based on marks. This is one of three awards established by Norton Rose Fullbright in 2019.

### **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 had a particular interest in Constitutional Law.

### **Spoor and Fisher Prize**

In commemoration of their 75th anniversary in 1995, Spoor and Fisher established a prize of R500 for the best article submitted by a UCT Law student and accepted for publication in *Responsa Meridiana*.

### **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 70% or above in all courses completed for the relevant year of study. Credits from other universities may be included for this purpose, provided that at least the equivalent of four full courses is completed at this university in each of the years.  
*(Note: For the purposes of computing averages, see the details below in 'How to calculate your total average mark'. The mark for the course Law that Counts (MAM1013F/S), is not included when determining inclusion in the Dean's Merit List. The required aggregate will include deferred examination results, but not supplementary examination results. The required aggregate will be increased by one percentage point for each course fewer than the prescribed number in the standard curriculum.)*
- (b) complete the courses within the minimum period;
- (c) not fail any course in the year concerned; and

(d) not be repeating any course.

**How to calculate your total average mark**

**Preliminary Level and Five-year LLB curriculum**

Add the scores in all the courses of the Preliminary Level, Preliminary Level A, Preliminary Level B, or the relevant year of the undergraduate or graduate extended curriculum stream, as the case may be, adding the scores for whole courses TWICE. To get the average percentage, divide the total so calculated by the number of half course equivalents taken.

**Intermediate Level**

Add the scores in all the courses of the Intermediate Level, adding the scores for whole courses TWICE. Divide the total number so calculated by 10 to get the average percentage.

**Final Level**

Whole courses = % x 4

Half courses = % x 2

Elective courses = % x 1

Add the weighted percentages calculated according to the above formula. Divide the total by 20 to get the average percentage.

**Medals**

**A. LLB Class Medals**

1. A medal is awarded for a course only if Senate so decides. In determining whether a medal should be awarded for a course, Senate must be guided by the following:

1.1 A medal may be awarded in any course, half course or semester course which is taught during contact periods totalling at least 36 hours, or which has equivalent weight.

1.2 Courses or parts of courses or units may be combined for the purposes of the award of a medal provided:

1.2.1 the courses, part courses or units are not optional, and

1.2.2 they are undertaken in each instance by the same group of students during the course of a single academic year.

1.3 Except as determined by Senate, only one medal is awarded for each course or combination of courses, half courses or semester course.

2. The award of a medal:

2.1 A medal may be awarded only to a student who has demonstrated special ability and no award will be made if there is no candidate of sufficient merit.

2.2 No award will be made to any student undertaking the course for a second time.

2.3 If Senate decides that a medal may be awarded for a course, it must designate the faculty which will make the award. No distinction must be made between students from different faculties undertaking the course.

2.4 The award will be at the discretion of the Faculty concerned and based upon final examinations or class work or both.

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3. Publication of awards: A list of class medallists will be published in December and a supplementary list will be published in April, after deferred examination results are known.

Class medals may be awarded in the following LLB courses:

CML3001W	Corporation Law
CML4004S	Labour Law
CML4006W	Commercial Transactions Law
PBL2000W	Constitutional Law
PBL3001F	International Law
PBL3801W	Criminal Law
PBL4802F	Criminal Procedure
PBL4001W	Administrative Law
PBL4801F	Law of Evidence
PVL1003W	Foundations of South African Law
PVL1004F	South African Private Law: System and Context
PVL1008H	Law of Persons and Family
PVL2002H	Law of Property
PVL2003H	Law of Succession
PVL3003S	African Customary Law
PVL3003F	Law of Delict
PVL3005W	Law of Contract
PVL3006S	Jurisprudence
PVL4008H	Civil Procedure

### **B. John Kotze Medal**

The late Sir John Gilbert Kotze, formerly a judge of the Supreme Court of Appeal (formerly the Appellate Division), bequeathed a sum of money to the University for a medal to be awarded annually to the Final Level LLB graduate who obtained the highest marks in Roman Law and Private Law. (Note: As Roman Law is no longer a compulsory course in the LLB curriculum, South African Private Law: System and Context is substituted as the equivalent.)

## ADDITIONAL INFORMATION

### Distinguished Teachers in the Faculty

The University has instituted a Distinguished Teacher Award in recognition of the importance of excellence in teaching at all levels in the University. The following members of staff of the Faculty of Law have received the award:

Professor D B Hutchison (Roman Dutch and Private Law)	1982
Judge D M Davis (Commercial Law)	1983
Professor J Hare (Commercial Law)	2000
EJS Steyn (Criminal Justice)	2001
Associate Professor W Schärf (Criminal Justice)	2002
Professor M Paleker (Private Law)	2005
Associate Professor J Yeats (Commercial Law)	2018

### Fellows in the Faculty

The Council of the University has established Fellowships for members of the permanent academic staff in recognition of original distinguished academic work of such quality as to merit special recognition. The following members of staff of the Faculty of Law have received Fellowships:

Professor T W Bennett  
 Professor J Burchell  
 Professor H M Corder  
 Professor W de Vos  
 Professor C N Himonga  
 Distinguished Professor Ph-J Salazar  
 Professor C D Shearing  
 Professor D P Visser

### UCT Book Award

The University Book Award recognises the publication of books, written by University staff, that brings credit to the University. The following members of staff of the Faculty of Law have received the award:

Professor M S Blackman	<i>Companies (in Law of South Africa, first re-issue Vol 4, parts 1, 2 and 3)</i>	1998
Professor J I Glazewski	<i>Environmental Law in South Africa</i>	2002
Professor M S Blackman, G K Everingham, R D Jooste	<i>Companies Act: Commentary</i>	2004

### Publications

#### Acta Juridica

*Acta Juridica* is published under the auspices of the Faculty of Law of the University of Cape Town. It has appeared annually since 1958 and is the successor to Butterworths South African Law Review (1954-1957). The General Editor is Associate Professor G Bradfield and the Treasurer is S Lutchman.

#### Responsa Meridiana

*Responsa Meridiana* is an annual law review published under the auspices of the Student Law Societies of the Universities of Cape Town and Stellenbosch. It first appeared in 1964. It is purely a

student publication and contains articles of legal interest from both within and outside the Faculty of Law.

### Law Students' Council

**The Law Students' Council (LSC)** consists of nine UCT Law students. Students are chosen to represent the Law Faculty through democratic elections held annually and which occur independently of the Student Representative Council (SRC).

The LSC acts a bridge between staff and Law students on both academic and extra-curricular fronts. We strive to develop a healthy student life above and beyond academic learning.

In achieving these aims, the LSC represents the student body in various aspects of the Law Faculty. Our members echo the student voice on the Faculty Board, Academic Planning Committee, Moots Committee, Community Service Committee, Health and Safety Board, Orientation Committee, Information Technology and Equipment Committee, and Timetable Committee.

Our **Mission** going forward is:

**Communication:** to facilitate consistent and helpful dialogue between staff and students

**Integration:** to culture a sense of genuine community within the Law Faculty

**Representation:** to elevate student-related issues to relevant faculty committees and to create new platforms conducive to hearing and tackling student-related issues

**Service:** to meeting the academic and social needs of students

**Leadership:** to build on the foundations laid by past Councils in order to realise long-term goals

**Legitimacy:** to gain confidence from the student body as an integral part of academic and social life

Our **Vision** going forward is to meet diverse student needs through healthy communication, effective representation and thoughtful leadership.

### Postgraduate Law Students' Council

**The PGLSC** consists of ten UCT postgraduate law students, elected through annual democratic elections, to represent the postgraduate law students.

The PLSC acts as a link between the Law Faculty staff and the postgraduate law students on both academic and extra-curricular fronts. We strive to develop a healthy student life, above and beyond academic learning.

In achieving these aims, the PGLSC represents the student body in the following Faculty fora: the Faculty Board, IT Committee, Library Committee, Orientation Committee, Teaching and Learning Committee, Timetable Committee, and Transformation Committee.

Our **Mission Statement** consists of the following:

- Advancing the University's values of promoting inclusivity, transformation, and engaging with the key issues of our natural and social worlds, in a diverse student body,
- Recognising the cultural diversity of the student body and the need for mutual respect and tolerance,
- Facilitating cooperation and constant communication between the Faculty and students,
- Creating an environment that encourages student engagement with challenging issues beyond the confines of their specific academic programmes,
- Ensuring that there are ongoing opportunities for postgraduate students to enhance their academic experience, for example by organising career workshops, and other relevant seminars,



- Empowering students to become transformative and ethical leaders by facilitating and encouraging opportunities for co-curricular learning, and skills development,
- Encouraging, initiating, and supporting active participation of students in community engagement initiatives;
- Promoting research by creating peer-review mechanisms for students, and encouraging networking between students and the Faculty

Our **Vision** is to enhance student representation with the objective of not only ensuring the personal and professional wellbeing of the students, but also preparing them to be active contributors to the growth and development of their communities through the different roles they will play in society, beyond UCT. We also strive to continue being a leading student leadership council at UCT, that meets the needs of the student body in a timely and effective manner.

### **Ethics Clearance**

Research that involves human participants or animal use for research or teaching must undergo ethics review, according to faculty-specific guidelines. Review generally entails prior approval of a research proposal by a Research Ethics or Animal Ethics Committee. In cases where prior approval is not appropriate, the research proposal should be subjected to appropriate deliberative procedures, according to faculty-specific guidelines. Research papers, research projects, dissertations or theses that involve human participants or animal use may not be submitted for examination if they have not undergone any ethics review process.

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