



FACULTY OF LAW POSTGRADUATE DEGREES AND DIPLOMAS 2018



FACULTY OF LAW

The Faculty of Law at the University of the Free State is situated near the Supreme Court of Appeal and is one of the oldest law faculties in South Africa.

The Faculty of Law is committed to excellence in teaching and to delivering jurists with qualifications of international renown to the professions.

Legal education provides one with a wide variety of career options including gaining access to the advocate's and attorney's profession as well as working as legal advisors, labour consultants, prosecutors, magistrates, and being an employee in the insurance and banking industries.

The faculty is internationally renowned for the quality of its research and is also involved with community engagement, where the UFS Law Clinic and several centres in the faculty play a major role.

The faculty enjoys close ties with several international law schools and law faculties, especially in Britain, Europe and the USA.

The faculty is proud of its association of alumni who remain loyal to the faculty.



VISION

Within the broader context of the University of the Free State's vision to be a university of excellence, equity and innovation, the Faculty strives to:

- ❑ Continually maintain and improve the recognition and acknowledgement accorded to the quality of its activities and the achievements of its students and staff both nationally and internationally;
- ❑ Continually maintain a national and regional perspective in its activities; and
- ❑ Contribute, within the faculty's context, towards the rebuilding and development of the entire community.

MISSION

Using the vision, mission and values of the UFS as point of departure, the **mission** of the faculty is to practice, promote and teach constitutionally-based jurisprudence.

Student Code of Ethics

I pledge loyalty to the Constitution of the Republic of South Africa and undertake to respect its laws and to maintain and develop its legal system.

I shall observe all the rules of the University of the Free State and the Faculty of Law.

I shall maintain high moral and ethical standards.

I shall strive towards ensuring that my actions are always in the interest of the public and directed towards improving the good name of the university and the faculty.

I shall uphold the dignity, traditions and culture of the legal profession.

My behaviour shall be such that at all times I may be regarded as a person fit and suitable to be admitted as a legal practitioner.

As a prospective jurist, I shall display impeccable honesty at all times.

I shall maintain a high standard of integrity.

I shall act objectively, fairly, and without bias.

I shall employ my working potential to the full.

I bind myself to the code of conduct of the university and the faculty, and to any disciplinary measures should I fail to comply with my commitment to this code.

If a student fails to comply with the above-mentioned code, it could result in suspension of all legal studies at the University of the Free State or in the refusal to issue the certificate of good conduct required for admission to all legal professions.

Lecturer Code of Ethics

I pledge loyalty to the Constitution of the Republic of South Africa and I undertake to respect its laws and to maintain and develop its legal system.

I shall observe all the rules of the University of the Free State and the Faculty of Law.

I shall maintain high moral and ethical standards.

I shall strive towards ensuring that my actions are always in the interests of the public and directed towards improving the good name of the university and the faculty.

I shall uphold the dignity, traditions and culture of the legal profession.

My behaviour shall be such that at all times I may be regarded as a person fit and proper to be admitted as a legal practitioner.

As a jurist, I shall display impeccable honesty at all times.

I shall maintain a high standard of integrity.

I shall act objectively, fairly and without bias.

I shall employ my working potential to the full.

I bind myself to the code of conduct of the university and the faculty, and to any disciplinary measures should I fail to comply with my commitment to this code.

All correspondence regarding academic matters must be addressed to:

**The Applications Office
Applications, Admissions and Graduations Division
University of the Free State
PO Box 339
BLOEMFONTEIN
9300**

Telephone: +27(0) 51 401 9864

Fax: +27(0) 86 697 2604/+27 (0)51 401 9210

Further enquiries regarding studies in law can be addressed to:

**The Faculty Secretary
Faculty of Law
University of the Free State
PO Box 339
BLOEMFONTEIN
9300**

Telephone: +27 (0)51 401 2451 / 401 9777 / 401 2735

Fax: +27 (0)51 401 3043

OR

**The Programme Director: Postgraduate programmes
E-mail: mattheejl@ufs.ac.za**

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Dean

Prof CMA Nicholson [BProc, LLB (Wits), LLM, LLD (Unisa), Dipl ADR (*cum laude*) (UP/AFSA), Attorney and notary public of the High Court of South Africa]

PERMANENT ACADEMIC STAFF

Mercantile Law

Honorary professor:

Prof BAK Rider [LLB (Honours) (London), PhD (Law) (London), PhD (Law) (Cantab), LLD (*Honoris Causa*) (Dickinson), LLD (*Honoris Causa*) (UFS), Master of the Bench of the Inner Temple, London]

Senior professor:

Prof JJ Henning [Blur, LLB, LLD (UOFS), MASSAf, HFSALS, Hon. Coif, Attorney of the High Court of South Africa]

Extraordinary professors:

Prof DA Burdette [Blur, LLB (UNISA), LLD (UP), Nottingham Trent University]

Prof T van Wyk [BCom, LLB (Stell), LLM (SA), H Dip Tax (Witwatersrand), Advocate of the High Court of South Africa]

The Honourable Judge MJD Wallis [BCom, LLB (*cum laude*) (Natal), PhD (UKZN), Judge of the Supreme Court of Appeal]

Academic Departmental Head:

Dr HJ Moolman [BCom, Blur, LLB, LLM (UOFS), PhD (Higher Education Studies) (UFS), Advocate of the High Court of South Africa]

Permanent lecturing staff:

Mr PS Brits [BCom (*cum laude*) (UOFS), BCom (Hons), LLB (*cum laude*) (Pret), LLM (Cantab), Attorney of the High Court of South Africa]

Mr FQ Cilliers [LLB (*cum laude*), LLM (UV), Attorney of the High Court of South Africa]

Ms M Conradie [LLB, MA (Latin) (*cum laude*), LLM (*cum laude*) (UFS), Attorney of the High Court of South Africa]

Ms G du Toit [Blur, LLB, LLM (*cum laude*), Advanced Diploma in Disaster Management (UFS), Attorney, Notary and Conveyancer of the High Court of South Africa]

Ms L Fourie [LLB (*cum laude*), LLM, (UFS), Attorney of the High Court of South Africa]

Adv MGB Mokone [LLB, LLM (UFS), Advocate of the High Court of South Africa]

Ms BM Phore [BProc, LLB (UNIN), LLM, Certificate in Alternative Dispute Resolution (*cum laude*) (UFS), Attorney of the High Court of South Africa]

Mr MF Qumba [LLB (WSU), LLM (UP)]

Dr DM Smit [BLur, LLB (UOFS), Diploma in Labour Law (*cum laude*), Diploma in Public Relations (INTEC), LLM (Labour Law) (*cum laude*), LLD (UFS), Advocate of the High Court of South Africa]

Mr G Stopforth [LLB, LLM (Labour Law) (NWU)]

Prof E Snyman-van Deventer [BLur, LLB, LLM, LLM, LLD (UOFS), Advocate of the High Court of South Africa]

Mrs L Van Niekerk [LLB, Postgraduate Diploma in Financial Planning Law, LLM, MA HES (UFS), Attorney of the High Court of South Africa]

Permanent support staff

Ms V Plaatjies – Assistant Officer

Private Law

Honorary professor:

The Honourable Justice JJF Hefer (SC) [BA, LLB (UOFS), LLM (*cum laude*) (UNISA), LLD (*Honoris Causa*) (UFS), former Acting Chief Justice of the Republic of South Africa]

Extraordinary professors:

The Honourable Justice FDJ Brand (SC) [BA, LLB, LLM (*cum laude*) (US), Judge of the Supreme Court of Appeal of South Africa]

Adv JY Claasen (SC) [BCom, LLB (UOFS), Drs Jur, Dr Jur (Leiden)]

The Honourable Justice A Kruger (SC) [BA, LLB (US), Drs Jur (*cum laude*), Dr Jur (Leiden), Judge of the High Court of South Africa (Free State)]

The Honourable Justice CH Lewis [BA, LLB (*cum laude*), LLM (*cum laude*) (Wits), Judge of the Supreme Court of Appeal of South Africa]

Prof W van der Westhuizen [BLur, LLB (PU for CHE), CTL (UNISA), Attorney of the High Court of South Africa]

The Honourable Justice DH van Zyl (SC) [BA, LLB, MA (Pret), Dr Jur (Leiden), PhD, LLD (UCT), D Litt (UOFS), Judge of the High Court of South Africa (Western Cape)]

Academic Departmental Head:

Dr NJB Claassen [BLur, LLB, LLM (*cum laude*) (UOFS), LLD (UFS), Attorney of the High Court of South Africa]

Permanent lecturing staff:

Mrs M Bloem [LLB (UFS), Cert Advanced Labour Law, Attorney of the High Court of South Africa]

Mr JT Faber [BProc, LLB, LLM (*cum laude*) (UFS), Attorney of the High Court of South Africa]

Mrs JG Horn [BProc, LLB, LLM (UOFS), MA (HES) (UFS), Attorney of the High Court of South Africa]

Dr JL Matthee [LLB, LLM, LLD (NWU), Advocate of the High Court of South Africa]

Dr KL Mould [LLB, LLM, BA (Hons) (UFS), LLD (UP), Attorney and Conveyancer of the High Court of South Africa]

Mrs C Müller-Van der Westhuizen [LLB (*cum laude*), LLM (*cum laude*) (UFS), Attorney of the High Court of South Africa]

Ms RP Senokoane [LLB (UFS)]

Prof BS Smith [BCom (*cum laude*) (UOFS), LLB (*cum laude*), LLM (*cum laude*), LLD (UFS), Advocate of the High Court of South Africa]

Mrs A September van Huffel [LLB, LLM (UWC), Attorney of the High Court of South Africa]

Permanent support staff

Mrs SAM Viljoen – Senior Administrative Assistant

Public Law

Extraordinary professors:

Prof IT Benson [BA (Hons) (English Literature) (Queens University), BA (Law), MA (Cantab), LLB (Windsor), PhD (Wits)]

Academic Departmental Head:

Prof CF Swanepoel [BA LLB (US), LLM, LLD (UFS), Attorney of the High Court of South Africa]

Permanent lecturing staff:

Adv IJ Bezuidenhout [Blur (UOFS), LLB, LLM (UFS), Advocate of the High Court of South Africa]

Dr R Botha [Blur, LLB, LLM (UOFS), LLD (UFS), Advocate of the High Court of South Africa]

Prof SA de Freitas [BProc, LLB, LLM (*cum laude*), LLD (UFS)]

Dr A du Plessis [BProc (UOFS), LLB (*cum laude*), LLM (*cum laude*), LLD (UFS), Advocate of the High Court of South Africa]

Dr ME Marais [LLB (US), LLM (*cum laude*), LLD (UFS), Advocate of the High Court of South Africa]

Mr KB Motshabi [Dip Jur, LLB (Unibo, now NWU), LLM (Southern Methodist University, Texas)]

Mr EC Muller [BLur, LLB, LLM (UFS), Attorney of the High Court of South Africa]

Mr A Nell [LLB (*summa cum laude*), BA (Hons) (*summa cum laude*), LLM (*cum laude*) (UFS)]

Ms L Prinsen [LLB, LLM (*cum laude*), LLD (UP)]

Dr JM Reyneke [BCom (Law), LLB (PU for CHE), LLM (*cum laude*) (UFS), PhD (Tilburg), Advocate of the High Court of South Africa]

Mr C Vinti [Diploma in Business Economics and Commerce (*distinction*) (British College of Professional Management), LLB (*cum laude*) (UFH), LLM (UCT)]

Dr J-M Visser [BSc, B Med Sc (Hons) (UFS), M Sc Med Crim (UP), LLB (*cum laude*), LLD (UFS), Advocate of the High Court of South Africa]

Permanent support staff

Ms R Majola – Assistant Officer

Centre for Human Rights

Prof JL Pretorius (Head: Postgraduate and Research)

Centre for Labour Law

Programme Director:

Ms M Conradie

Permanent support staff:

Me U Jordan – Assistant Officer

Me L Maans – Assistant Officer

School for Financial Planning Law

Adv SA Hyland (Director) CFP® [LLB, LLM (*cum laude*), Postgraduate Diploma in Financial Planning (UFS), National Certificate in Investment Specialisation (AFM), Advocate of the High Court of South Africa]

Permanent lecturing staff:

Dr L Alsemgeest CFP® [BCom, BCom (Hons), M Com, PhD (UFS)]

Mrs H Steyn CFP® FPSA® [BCom, LLB, LLM, Postgraduate Diploma in Financial Planning Law, Advanced Postgraduate Diploma in Financial Planning (UFS), Attorney of the High Court of South Africa]

Adv R van Zyl CFP® [LLB, Postgraduate Diploma in Financial Planning, LLM (UFS), Advocate of the High Court of South Africa]

Permanent support staff:

Mrs JE Badenhorst – Assistant Officer

Mrs C Coetzer – Officer

Mrs S Crous – Officer

Mrs JW de Jonge – Office Assistant

Ms J Leeuw – Assistant Officer

Mrs MJ Molete – Assistant Officer

Mrs UC Thompson – Senior Assistant Officer

UFS Law Clinic

Adv IJ Bezuidenhout (Director)

Permanent lecturing staff:

Adv IJ Bezuidenhout [Blur (UOFS), LLB, LLM (UFS), Advocate of the High Court of South Africa]

Permanent support staff:

Mr RC Ishmail [LLB, LLM (UFS), Practising Attorney and Notary of the High Court of South Africa]

PERMANENT SUPPORT STAFF

Mr S Coangae – Office Assistant

Mrs H Grobler – Faculty Secretary

Mrs C König – Officer: Finance

Mrs A Lombard – Dean's Office Manager

Mrs SD Maasdorp – Administrative Assistant

Mrs NC Mohorehi – Messenger

Mrs MF Moshe-Bereng – Marketing Officer

Mrs C Nel – E-Learning

Mrs LJM Petersen – Senior Assistant Officer

Mrs A Pieters – Senior Assistant Officer

Mr RV van der Ross – E-Learning Office

POSTGRADUATE DEGREES AND DIPLOMAS

The following postgraduate degrees and diplomas are currently offered in the Faculty of Law:

Degree	Minimum period of study	Abbreviation	Academic plan code
Doctor of Laws	2 year	LLD	BC390100; BC390200; BC390300; BC390400; BC390500; or BC390600; BC392000; or BC392100
Doctor of Philosophy with specialisation in Law	2 years	PhD	BC390101; BC390102; BC390103; BC390104; BC390105; or BC390106; BC390120; or BC390121

Master of Laws: Dissertation	1 year	LLM	BC380100; BC380200; BC380300; BC380400; BC380500; BC382000; BC382100
By coursework and mini-dissertation			BC370200; BC370600; BC370800; BC371000; BC371200; BC371400; BC371600; BC371800; BC371900; BC372000; BC372100; BC372200
Master of Human Rights	1 year	MHR	BC370100
Postgraduate Diploma in Financial Planning	1 year	PGDip (Financial Planning)	BC350000
Postgraduate Diploma in Estate Planning	1 Year	PGDip (Estate Planning)	BC256000
Postgraduate Diploma in Investment Planning	1 Year	PGDip (Investment Planning)	BC356200
* Postgraduate Diploma in Personal Financial Risk Management	1 Year	PGDip (Personal Financial Risk Management)	n/a
Postgraduate Diploma in Employee Benefits	1 Year	PGDip (Employee Benefits)	BC35610
Postgraduate Diploma in Labour Law	1 year	PGDip (Labour Law)	BC350200

* This programme will not be offered in 2018.

Note that even though the South African Qualifications Authority (SAQA) prescribes the minimum number of credits required for obtaining a specific qualification and the Higher Education Qualifications Sub-Framework (HEQSF) aligned programme qualifications mix (PGM) prescribes the total number of credits required for obtaining a qualification, the UFS reserves the right to prescribe the total minimum number of credits required for programmes leading to UFS qualifications. This means that there may be instances where the total minimum number of credits prescribed by the UFS for a specific programme leading to a UFS qualification may differ from the number of credits prescribed by either SAQA or the HESQF-aligned PQM. In such event, the total minimum number of credits required by the UFS and specified by the UFS in the relevant UFS Faculty Rule Book will take precedence over the SAQA and the HESQF-aligned PQM number of credits determination. All students wishing to qualify for a UFS qualification will thus have to attain the total prescribed minimum number of credits determined by the UFS and published in the relevant UFS Faculty Rule Book.

DOCTORAL DEGREES

The following Doctoral Degrees are offered in the Faculty of Law:

Degree	Minimum period of study	Abbreviation	Academic Plan Code
Doctor of Laws	2 years	LLD	BC390100; BC390200; BC390400; BC390500; BC390600; BC392000; or BC392100
Doctor of Philosophy with specialisation in Law	2 years	PhD	BC390101; BC390102; BC390104; BC390105; BC390106; BC390120; or BC390121

Rule E13 DOCTOR OF LAWS AND DOCTOR OF PHILOSOPHY

The LLD or PhD graduate will have:

- Expert and advanced knowledge of a field of law;
- An in-depth understanding of the complexity of the problems involved and cognisance of the latest developments on the global research scene.

The LLD or PhD graduate will be able to:

- Conduct independent and original research in the field of law;
- Produce a thesis that places the research within the broader context of the field of research, and which withstands international intellectual scrutiny;
- Contribute to original knowledge in the field of research, and undertake further research on an advanced level;
- Deal with complexity, and/or contradictions in the knowledge

base; and select appropriate tools and research methods with confidence;

- Synthesise and evaluate information autonomously;
- Make sound evaluations on the basis of independently generated criteria;
- Communicate fully and professionally with other colleagues in relevant fields;
- Understand legal problems and provide appropriate solutions;
- Publish research results in accredited journals;
- Present research findings at discipline-specific congresses;
- Apply new knowledge and findings in the field of law.

The LLD or PhD graduate will demonstrate the following:

- Mature and sound judgement, accountability and reliable assessment of the views of others;
- Transcendence of personal prejudice and/or parochial views;
- High levels of critical self-reflectivity and adaptability;
- An enquiring and innovative spirit;
- Adherence to professional and self-defined ethics, academic integrity; and
- Dedication to the ideals of scholarship.

RULES

The 2018 General Rules for Undergraduate Qualifications, Postgraduate Diplomas, Bachelor Honours Degrees, Master's Degrees, Doctoral Degrees, Higher Doctorates, Honorary Degrees and the Convocation (hereafter referred to as the 2018 General Rules) of the UFS regarding Doctoral Degrees apply *mutatis mutandis* to the LLD and PhD in this faculty.

Rule E13.1 Admission

(a) Subject to 2018 General Rule A102.1, in order to be admitted to the LLD or PhD, a candidate must have obtained an LLM and a final mark of at least 65 percent. Students who obtained the Master in Human Rights with a final mark of at least 65 percent may be admitted to the PhD programme.

(b) The Faculty may require the applicant to write a language

proficiency test, at his own cost, the results of which will be used in the application assessment process.

(c) Before a title registration may take place, an LLD- or PhD candidate must, within the first six months after registration, firstly complete and submit a research proposal in the prescribed form to his/her promoter which must subsequently be approved by the Faculty Research Committee; and secondly, a defence of the title and research proposal must take place, during which the candidate, promoter, and a panel consisting of two external experts, the academic head of the department, as well as the Chair of the Research Committee of the Faculty of Law (or his/her representative) must be present. After a successful defence, the title registration and research proposal must be referred to the Faculty Board, via the Faculty Committee, for approval.

(d) In addition to approval of the research proposal at the Faculty Research Committee, the student will be required to obtain ethical clearance from the relevant University ethics committee.

(e) Should a candidate not complete the thesis for the LLD or PhD within the prescribed two years, such a candidate will only be allowed to re-register if the requirements of 2018 General Rule A102.3 are fulfilled.

(f) Students must re-register annually until the degree is obtained.

(g) The language of tuition and supervision is English.

Rule E13.2 Mode of presentation

A Doctoral Degree (LLD or PhD) may be presented in the form of one of the following options:

- (a) A doctoral thesis that deals with a subject pertaining to juridical science, which is approved by the Faculty Board. In the case of the PhD, the thesis must not exceed 80 000 words
- (b) Three academic interrelated, publishable manuscripts / published articles which deal with a subject pertaining to juridical science, which is approved by the Faculty Board.

Rule E13.3 Assessment

No mark is awarded for the defence of the title and research proposal, or for the LLD or PhD thesis. The assessors must only indicate whether a candidate passes or not. See 2018 General Rules A113.

For purposes of obtaining a Doctoral Degree, the student must present a minimum of one article in a publishable format to his/her promoter within 8 weeks of formally submitting the thesis or interrelated, publishable manuscript for assessment.

CURRICULA: LLD

Rule E13.4 MERCANTILE LAW (BC390100)

A thesis and defence (code LMED9100) or three academic interrelated, publishable manuscripts/published articles and defence (LMDA9100)

Rule E13.5 PRIVATE LAW (BC390200)

A thesis and defence (code LPRD9100) or three academic interrelated, publishable manuscripts/published articles and defence (LPDA9100)

Rule E13.6 ROMAN LAW AND LEGAL HISTORY (BC390600)

A thesis and defence (code LRLD9100) or three academic interrelated, publishable manuscripts/published articles and defence (LRDA9100)

Rule E13.7 CONSTITUTIONAL LAW AND PHILOSOPHY OF LAW (BC390400)

A thesis and defence (code LCOD9100) or three academic interrelated, publishable manuscripts/published articles and defence (LLDA9100).

Rule E13.8 PROCEDURAL LAW AND LAW OF EVIDENCE (BC390500)

A thesis and defence (code LPED9100) or three academic interrelated, publishable manuscripts/published articles and defence (LEDA9100)

Rule E13.9 MEDICAL LAW (BC392000)

A thesis and defence (code LCRD9100) or three academic interrelated, publishable manuscripts/published articles and defence (LCDA9100)

Rule E13.10 CRIMINAL LAW (BC392100)

A thesis and defence (code LCRD9100) or three academic interrelated, publishable manuscripts/published articles and defence (LCDA9100)

CURRICULA: PhD

Rule E13.11 MERCANTILE LAW (BC390101)

A thesis and defence (code LMED9100) or three academic interrelated, publishable manuscripts/published articles and defence (LMPA9100)

Rule E13.12 PRIVATE LAW (BC390102)

A thesis and defence (code LPRP9100) or three academic interrelated, publishable manuscripts/published articles and defence (LPPA9100)

Rule E13.13 ROMAN LAW AND LEGAL HISTORY (BC390106)

A thesis and defence (code LRLP9100) or three academic interrelated, publishable manuscripts/published articles and defence (LRPA9100)

Rule E13.14 CONSTITUTIONAL LAW AND PHILOSOPHY OF LAW (BC390104)

A thesis and defence (code LCOP9100) or three academic interrelated, publishable manuscripts/published articles and defence (LLPA9100)

Rule E13.15 PROCEDURAL LAW AND LAW OF EVIDENCE (BC390105)

A thesis and defence (code LPEP9100) or three academic interrelated, publishable manuscripts/published articles and defence (LEPA9100)

Rule E13.16 MEDICAL LAW (BC390120)

A thesis and defence (code LCRP9100) or three academic interrelated, publishable manuscripts/published articles and defence (LCPA9100)

Rule E13.17 CRIMINAL LAW (BC390121)

A thesis and defence (code LCRP9100) or three academic interrelated, publishable manuscripts/published articles and defence (LCPA9100)

MASTER'S DEGREES

The following Master's Degrees are presented in the Faculty of Law:

Master of Laws	Min period of study	Abbreviation	Academic Plan Code
Master's Degree by dissertation	1 year	LLM	BC380100; BC380200; BC380400; BC380500; BC382000; BC382100
Master's Degree by coursework and mini-dissertation	1 year	LLM	BC370200
Master's Degree by coursework and mini-dissertation specialising in Financial Planning Law	1 year	LLM	BC370800
Master's Degree by coursework and mini-dissertation specialising in Law of Business Entities	1 year	LLM	BC371000
Master's Degree by coursework and mini-dissertation specialising in Labour Law	1 year	LLM	BC371200
Master's Degree by coursework and mini-dissertation specialising in International Economic Law	1 year	LLM	BC371400
Master's Degree by coursework and mini-dissertation specialising in Private Law	1 year	LLM	BC371800
Master's Degree by coursework and mini-	1 year	LLM	BC372000

dissertation specialising in Medical Law			
Master's Degree by coursework and mini-dissertation specialising in Criminal Law	1 year	LLM	BC372100
Master's Degree by coursework and mini-dissertation specialising in Environmental Law	1 year	LLM	BC372200
Master of Human Rights	1 year	MHR	BC370100

The total minimum credits for the LLM is 240.

Rule E12 MASTER OF LAWS

The LLM graduate will have:

- An advanced theoretical and intellectual competence to engage at a high level and to apply theoretical knowledge to legal practice.

The LLM graduate will be able to:

- Participate in high level theoretical-intellectual engagement that can be applied in legal practice, including research ability;
- Enter advanced and specialised professional employment in a knowledge-driven, research-oriented, legal sciences context;
- Reflect critically on the theory and practice of law;
- Engage in research activities to contribute to the development of knowledge at an advanced level and make a contribution to the development of legal science.

The LLM graduate will be able to:

- Produce a mini-dissertation that must, at a minimum, provide a competent synthesis and analysis of the relevant materials on a research topic of limited scope and must be satisfactory as regards style and presentation and organise and synthesise information in a coherent and logical manner;
- Engage with and critique current research or practice in law and demonstrate advanced scholarship or research ability in a particular legal discipline or practice;
- Evaluate and apply advanced subject-based knowledge of a specific discipline in law;

- Design, select and justify appropriate methods, techniques, processes, systems or technologies and to apply these to complex practical and theoretical problems in law;
- Design and implement a strategy to critically review, process, analyse and manage information in a field of law to produce meaningful insights;
- Use academic and professional discourse to appropriately communicate information on the field of law;
- Operate independently and take responsibility for their own work;
- Apply their knowledge to authentic professional or career contexts and to realise the potential of alternative conclusions for particular situations; and
- Promote the ethical administration of justice.

RULES

The 2018 General Rules of the UFS regarding Master's Degrees apply *mutatis mutandis* to the LLM in this faculty.

Rule E12.1 Admission

- (a) For admission to LLM degree studies, a candidate must, subject to 2018 General Rule A72.1, be in possession of a LLB degree or an equivalent four-year law degree and must have obtained an average of at least 60 percent in the undergraduate programme. Preferably candidates must have obtained at least 60 percent for the final year research report. If the candidate did not register and pass the research report in the final year LLB studies, other evidence must be presented of research and writing competencies.
- (b) Foreign students must successfully pass a relevant or prescribed UFS language proficiency test or equivalent thereof with a mark of at least 65 percent except where the student has completed the four-year law degree in English. Admission to any module will be subject to approval by the relevant department. The Faculty may require any applicant to write a language proficiency test, at his own cost, the results of which will be used in the application assessment process.
- (c) To continue with LLM studies, the candidate should comply with the following requirements within the first year of registration:

- (i) Attend the prescribed module in Legal Research Methodology (LNAV7910) during the first semester; and
 - (ii) Candidates in the LLM (Master's Degree by dissertation) programme must, before completion of the module LNAV7910 submit a comprehensive reading list and a research proposal of eight to twelve typed pages to the supervisor. An acceptable research proposal and title must be approved by the Faculty Research Committee within the first three months after registration. A defence of the title, the reading list and the research proposal, must subsequently take place. This defence must be attended by the candidate, supervisor, two external specialist/s, the academic head of department, as well as the Director: Research of the Faculty of Law (or his/her representative). After a successful defence of the title and the research proposal, it is referred to the Faculty Board via the Faculty Committee for approval.
 - (iii) Candidates in the LLM (Master's Degree by coursework and mini-dissertation) programme must, within a month after completion of LNAV7910, submit a research topic to the department and the Faculty Committee, for approval. Candidates must, at the beginning of the academic year, submit the compilation of their curricula from the modules listed below to the department and the Faculty Committee for approval.
- (d) Candidates who do not have a four-year law degree, may be admitted to the LLM in Labour Law if they have passed the Postgraduate Diploma in Labour Law with an average of at least 60 percent, have at least ten years' experience at middle management level, and pass an essay of ten to fifteen pages on a Labour Law topic, which is to be externally assessed. The relevance of the work experience will be determined by the programme director. The candidate will only be admitted if the recognition of prior learning process has been completed.
- (e) Candidates who do not have a four-year law degree, may be admitted to the LLM in Financial Planning Law if they have passed the UFS Postgraduate and Advanced Postgraduate Diploma in Financial Planning with an average of at least 60 percent in each qualification, have at least five years' experience in the financial planning industry, pass an essay of

ten to fifteen pages on a Financial Planning Law topic, which is to be externally assessed, successfully completed the recognition of prior learning process and passed the “Test for Academic Literacy for Postgraduate Students”.

- (f) The language of tuition and supervision is English.

Nr	Academic plan code	Programme name	Research module	Modules
LLM (Master’s Degree by dissertation) in terms of Rule E12.5(a)				
1	BC380100; BC380200; BC380300; BC380400; BC380500; BC382000; BC382100	LLM (Master’s Degree by dissertation)	LMER8900; or LPRV8900; or LCRM8900; or LCON8900; or LPEV8900; or LMED8900 LCRM8900	None
LLM (Master’s Degree by coursework and mini-dissertation) in terms of Rule E12.5(b)				
2	BC370200	LLM (Master’s Degree by coursework and mini-dissertation)	Mini-dissertation in one of the following: LFPL7900; or LMER7900; or LBUE7900 or LLAB7900 or LIEL7900; or LINR7900; or LHUM7900; or LPVT7900; or LJUR7900; or LCRM7900; or LPEV7900; or LCON7900; or LENV7900; or LMED7900	Own choice of three from list under Rule E12.7 CURRICULA (Degree Code 37021)
4	BC370800	LLM with specialisation in Financial Planning Law	LFPL7900	LPRM7900, LFEP7900; LPRT7900; LPRV7920; or LPRE7920

5	BC371000	LLM with specialisation in Law of Business Entities	LBUE7900	LPSN7910; LMCT7920; LCOM7900; LGOV7900; or LMBC7920
6	BC371200	LLM with specialisation in Labour Law	LLAB7900	LLDE7910; LLCO7910; LLDS7920; LLPE7920; or LLRL7920
7	BC371400	LLM with specialisation in International Economic Law	LIEL7900	LIPL7910; LIFT7920; LIIL7910; LISL7920; or LITD7920
*8	BC371600	LLM with specialisation in Jurisprudence	LJUR7900	LJUJ7900; LJUE7900
9	BC371800	LLM with specialisation in Private Law	LPVT7900	LPRT7900; LPRV7920; LPRE7920; LPRC7920; LPDD7910; or LPPL7910
10	BC372000	LLM with specialisation in Medical Law	LMED7900	LCRS7900; LCRI7900; LMBC7920; LPEJ7920; or LPES7920
11	BC372100	LLM with specialisation in Criminal Law	LCRM7900	LCRS7900; LCRI7900; LMBC7920; LPEJ7920; or LPES7920
12	BC372200	LLM with specialisation in	LENV7900	LENE7900; LENI7910;

		Environmental Law		and LENM7910
13	BC370100	Master of Human Rights	LHMD7900	LCPR7906; LSER7906; LTFH7906; LIHS7906; LHRR7906; LHRE7906; LHRD7906; LHPS7906; LHRG7906; LHRG7906; or LHEM7906

Rule E.12.2 Progression rule and readmission

(a) Students who are admitted to postgraduate programmes are generally expected to pass all the modules for which they registered in a particular study year. A student will normally only be allowed to proceed with a programme if she/he has passed at least 75 percent of the modules and/or mini-dissertation required in an academic year.

(b) If a student has not obtained the Master’s Degree after the minimum study period, she/he may only continue the study on the strength of academic progress in terms of 2018 General Rules A72.2 and A72.3.

Rule E.12.3 Duration of study

See 2018 General Rule A76.

Rule E.12.4 Admission to the examination

To gain admission to the examination in a module in the Master’s Degree by coursework and mini-dissertation, a module mark of at least 50 percent is required. How the module mark is calculated in each module is set out in the module guide or its addendum and is the result of both the continuous and the summative assessments which are conducted in a decentralised manner during the course of the module term. The weight assigned to the module mark is 40 percent of the final mark.

The pass mark for each individual paper is at least 50 percent. The academic head of department may grant permission for an oral examination.

Rule E12.5 Pass requirements and passing with distinction

(See 2018 General Rules A83.7.2, A83.7.3 and A84)

(a) Pass requirements, passing with distinction: Master's Degree by coursework and mini-dissertation:

See 2018 General Rules A83.7.1, A83.7.2 and A84.

(b) Pass requirements, passing with distinction: Master's Degree by dissertation:

See 2018 General Rules A83.7.3 and A84.

Rule E12.6 Mode of presentation

In order to obtain the LLM degree, the following two possibilities exist:

(a) LLM (Master's Degree by dissertation) (total minimum credits: 240)

The curriculum consists of a dissertation of a limited scope of between 40 000 and 50 000 words which deals with a subject pertaining to juridical science, approved by the Faculty Board. The student is also required to successfully complete the Legal Research Methodology module. The student must register and complete the Legal Research Methodology module at the first offering after his/her first registration for the programme.

(b) LLM (Master's Degree by coursework and mini-dissertation) (total minimum credits: 240)

- (i) The curriculum consists of a prescribed advanced study programme.
- (ii) The examination on the prescribed study programme consists of:
(3 modules – 37 credits each)
 - (a) At least a three hour examination paper in each of the three modules.
 - (b) A mini-dissertation of between 22 000 and 25 000 words of a publishable standard. **(total minimum credits: 129)**
 - (c) The student is also required to successfully complete the Legal Research Methodology module. The student must

register and complete the Legal Research Methodology module in the same year as his/her first registration for the mini-dissertation.

Rule E12.7 CURRICULA (Degree Code 38001)

(a) MERCANTILE LAW

A dissertation (code LMER8900)

(b) PRIVATE LAW

A dissertation (code LPRV8900)

(c) CRIMINAL LAW (BC382100)

A dissertation (code LCRM8900)

(d) CONSTITUTIONAL LAW AND LEGAL PHILOSOPHY (BC380400)

A dissertation (code LCON8900)

(e) PROCEDURAL LAW AND LAW OF EVIDENCE (BC380500)

A dissertation (code LPEV8900)

(f) MEDICAL LAW (BC382000)

A dissertation (code LMED8900)

Rule E12.8 CURRICULA (Degree Code 37021)

Modules presented from which the advanced study programme may be compiled:

Code	Module name	Year or semester course	Credits
LADF7900	Foundations and Principles of Procedural Administrative Law and Justice	Year	37
LADT7900	Theory and Practice of Administrative Justice in terms of the 1996 Constitution	Year	37
LADI7900	International Comparative Administrative Law	Year	37
LADH7900	Administrative Law Reform	Year	37
LADR7900	Administrative Law (Mini-dissertation)	Year	129
LPRM7900	Personal Risk Management	Year	37

LFEP7900	Estate Planning	Year	37
LFPL7900	Financial Planning Law (Mini-dissertation)	Year	129
LPSN7910	Law of Partnership	1 st Semester	37
*LCCS7910	Law of Close Corporations	1 st Semester	37
LMCT7920	Corporate Insolvency	2 nd Semester	37
LLDE7910	Development of South African Labour Law and the Individual Labour Law	1 st Semester	37
LLCO7910	Collective Labour Law and Industrial Democracy	1 st Semester	37
LCOM7900	Company Law	Year	37
LGOV7900	Corporate governance	Year	37
LLDS7920	Discrimination and Labour Dispute Resolution	2 nd Semester	37
LLPE7920	Protection of Employees with regard to Work and Livelihood	2 nd Semester	37
LLRL7920	The Law with regard to Retirement Provision in South Africa	2 nd Semester	37
LMBC7920	Business Crimes	2 nd Semester	37
* LMTI7920	International Taxation of Individuals	2 nd Semester	37
* LMTE7910	Taxation of Estates	1 st Semester	37
LMCR7920	Copyright Law	2 nd Semester	37
LMER7900	Mercantile Law (Mini-dissertation)	Year	129
LBUE7900	Law of Business Entities (Mini-dissertation)	Year	129
LLAB7900	Labour Law (Mini-dissertation)	Year	129
LIPL7910	International Public Law Aspects of International Economic Law	1 st Semester	37
LIFT7920	Free Trade and Free Trade Agreements	2 nd Semester	37
LIIL7910	International Investment Law	1 st Semester	37
LISL7920	International Law of Sales	2 nd Semester	37
LITD7920	International Trade Dispute Settlement	2 nd Semester	37
LIEL7900	International Economic Law (Mini-dissertation)	Year	129
LINN7920	International Law	2 nd Semester	37
LINH7920	International Humanitarian Law	2 nd Semester	37

LINR7900	International Law (Mini-dissertation)	Year	129
LHUE7910	Advanced Study in Equality Law	1 st Semester	37
LHUA7910	Advanced Study in Fundamental Rights: Social and Economic Rights	1 st Semester	37
LHUC7920	Advanced Study in Fundamental Rights: Civil and Political Rights	2 nd Semester	37
LHUM7900	Human Rights (Mini-dissertation)	Year	129
LNAV7910	Legal Research Methodology	1 st Semester	
LENE7900	National Environmental Law	Year	37
LENI7910	International and National Measures for the Protection of the Environment	1 st Semester	37
LENM7910	National Mining Law	1 st Semester	37
LENV7900	Environmental Law (Mini-dissertation)	Year	129
LPRT7900	Trust Law	Year	37
LPRV7920	Law of Succession	2 nd semester	37
*LPRE7920	Administration of Estates	2 nd semester	37
*LPFL7900	Advanced Family Law	Year	37
LPRC7920	Advanced Law of Contract	2 nd Semester	37
LPRD7920	Law of Delict	2 nd Semester	37
*LPRP7920	Law of Persons	2 nd Semester	37
LPDD7910	Law of Damages	1 st Semester	37
LPPL7900	Advanced Law of Property	Year	37
LCRI7900	Capita Selecta from Medicina Forensis	Year	37
LPVT7900	Private Law (Mini-dissertation)	Year	129
LMED7900	Medical Law (Mini-dissertation)	Year	129
LSLP7910	School for Legal Practice: Free State	1 st Semester	37
LCRS7900	Capita Selecta from Criminal Law	Year	37
LCRM7900	Criminal and Medical Law (Mini-dissertation)	Year	129
LPES7920	Capita Selecta from Law of Evidence	2 nd Semester	37
LPEJ7900	International Criminal Law and Justice	Year	37

LPEV7900	Procedural Law and Law of Evidence (Mini-dissertation)	Year	129
LJUJ7900	Jurisprudence and Justice	Year	37
LJUE7900	Ideology and Jurisprudence	Year	37
LJUR7900	Jurisprudence (Mini-dissertation)	Year	129
LCON7900	Constitutional Law (Mini-dissertation)	Year	129
LINS7920	Sources and Theory of Public International Law	2 nd Semester	37
LHMD7900	Mini-dissertation/published article/publishable manuscript	Year	92
LRMH7904	Research methodology	Year	24
LCPR7906	Advanced study of fundamental rights: civil and political rights		
LSER7906	Advanced study of fundamental rights: social and economic rights	Year	24
LTFH7906	Theoretical foundations of human rights and human rights critiques	Year	24
LIHS7906	International human rights standards and institutions	Year	24
LHRR7906	Human rights and religion	Year	24
LHRE7906	Human rights and education	Year	24
LHRD7906	Human rights and development	Year	24
LHPS7906	Human rights, politics and security	Year	24
LHRH7906	Human rights and health	Year	24
LHRG7906	Human rights and gender	Year	24
LHEM7906	Human rights and environmental management	Year	24

* Module not offered in 2018.

The Faculty of Law reserves the right not to offer selected modules in a given academic year. The relevant Department reserves the right to change its available offering in consultation with the Faculty Board. Not all the *capita selecta* above will necessarily be offered in any given year. These programmes will not be offered in 2018 if, in the sole discretion of the University of the Free State, a sufficient number

of enrolments cannot be secured to render the programme sustainable.

CURRICULA OF MODULES

Details concerning curricula of modules that fall under other faculties, are contained in the rulebook of the relevant faculty.

Rule E12.9 Curricula of modules

Where applicable, the contents of curricula for modules are in accordance with the minimum requirements of the Board for the Recognition of Examinations in Law.

The curricula offered by the various departments of the Faculty of Law are set out at the back of this Rulebook.

POSTGRADUATE DIPLOMAS

The following Postgraduate Diplomas are presented in the Faculty of Law and the School for Financial Planning Law

Rule E14 POSTGRADUATE DIPLOMA IN LABOUR LAW

The following Postgraduate Diploma is presented in the Faculty of Law.

Degree	Minimum period of study	Abbreviation	Academic Plan Code
Postgraduate Diploma in Labour Law	1 year	PGDip (Labour Law)	BC350200

RULES

The 2018 General Rules regarding postgraduate diplomas apply *mutatis mutandis* to students for the postgraduate diploma in this faculty.

Rule E14.1 Admission

For admission to the Postgraduate Diploma in Labour law one of the following is required:

- (a) An applicable Bachelor's Degree (NQF Level 7 or 8);
- (b) An applicable Advanced Diploma (NQF Level 7);
- (c) An applicable diploma (NQF Level 6), and the candidate –
 - (i) has at least 5 (five) years' relevant labour related (not administrative) work experience – the programme director will determine the relevance of the work experience;
 - (ii) successfully completed the following short learning programmes presented by the Centre for Labour Law, UFS: Certificate in Basic Principles of Labour Law (NQF Level 5), Certificate in Advanced Principles of Labour Law (NQF Level 7), and another certificate presented by the Centre for Labour Law; and
 - (iii) completed the recognition of prior learning process; or
- (d) A National Senior Certificate (as from 2008) or a School-leaving Certificate (prior to 2008), and the candidate –

- (i) has at least seven (7) years' relevant labour related (not administrative) work experience – the programme director will determine the relevance of the work experience,
- (ii) successfully completed the following 4 (four) short learning programmes presented by the Centre for Labour Law, UFS: Certificate in Basic Principles of Labour Law (NQF Level 5), Certificate in Advanced Principles of Labour Law (NQF Level 7), Certificate in Alternative Dispute Resolution (NQF Level 6), and Certificate in Basic Principles of Social Security Law (NQF Level 6); and
- (iii) completed the recognition of prior learning process.

Rule E14.2 Duration of study (2018 General Rule A24(a))

The duration of study for the Postgraduate Diploma in Labour law (degree code 35021) is a minimum of one year.

Curricula: Postgraduate Diploma in Labour Law (Degree code 35021)

Learning outcomes:

The student must be able to understand, evaluate and critically explain selected topics from Labour law.

Integrated knowledge:

The student needs to complete the following compulsory modules:

LLAA5815	Labour Law
LLAB5815	Labour Relations Act
LLAC5815	Labour Relations Act 2
LLAA5825	Labour Dispute Resolution
LLAB5825	Employment Equity Act
LLAC5825	Social Legislation

Attendance of all the workshops is compulsory for successful completion of the qualification. This includes successful completion of all additional assignments as part of the workshops. Workshops are presented as full-week contact sessions twice a year and are only presented on the Bloemfontein campus.

Rule E15 POSTGRADUATE DIPLOMAS IN FINANCIAL PLANNING LAW

The following Postgraduate Diplomas are presented in the School for Financial Planning Law:

Degree	Minimum period of study	Abbreviation	Academic plan code
Postgraduate Diploma in Financial Planning	1 year	PGDip (Financial Planning)	BC350000
Postgraduate Diploma in Estate Planning	1 year	PGDip (Estate Planning)	BC256000
Postgraduate Diploma in Investment Planning	1 year	PGDip (Investment Planning)	BC356200
* Postgraduate Diploma Personal Financial Risk Management	1 year	PGDip (Personal Financial Risk Management)	N/A
Postgraduate Diploma in Employee Benefits	1 year	PGDip (Employee Benefits)	BC35610

RULES

The 2018 General Rules concerning Postgraduate Diplomas apply *mutatis mutandis* to the Postgraduate Diploma in Financial Planning candidates in this faculty. Where any faculty rule is contradictory to the 2018 General Rules, the 2018 General Rules will apply.

Objectives of the Qualification

Students must acquire the ability to act as legal-professional practitioners in financial planning law.

The successful candidate will be able to:

- Be a lifelong student with the ability to be well informed of the most recent developments in financial planning.
- Participate as a responsible citizen in local, national and international communities.
- Be sensitive, as a financial planner or legal advisor, to cultural and ethnic diversity in the community.
- Explore educational and career possibilities and develop entrepreneurial skills.

The successful candidate will, more specifically, be able to:

- Identify and solve problems in the field of basic financial planning through critical and creative thought.
- Approach and manage personal and professional activities in a responsible, ethical and effective manner.
- Do effective legal research by gathering, analysing and critically evaluating information.
- Communicate effectively in writing and verbally.
- Cooperate effectively with other members of society.
- Use technology effectively and responsibly to the advantage of the community as a whole.
- See financial planning law as a component of a system of interdependent systems within the community where problem-solving cannot take place in isolation.

N.B.: Students' attention is drawn to 2018 General Rule A28.2(a) which *inter alia* provides that admission to the examination will be refused if a minimum semester mark of 40 percent has not been achieved. This rule is applicable to all students, irrespective of the year in which first registration took place.

Rule E15.1 Applicability

These faculty rules apply to candidates who register for the Postgraduate Diploma in Financial Planning for the first time during or after 2014.

Any candidate registered for the Postgraduate Diploma in Financial Planning before 2014 for the first time, will be subject to the rules and curricula as at date of registration, except where otherwise specified.

Rule E15.2 Special curricula

The Dean may prescribe special curricula and programmes for candidates, should he/she deem these to be necessary for academic purposes. The stipulations of the faculty rules apply *mutatis mutandis*.

Rule E15.3 Admission

For admission to the Postgraduate Diploma in Financial Planning one (1) of the following is required:

- (a) An applicable Bachelor's Degree (NQF Exit Level 7 or 8), or
- (b) An applicable Advanced Diploma (NQF Exit Level 7), or
- (c) A student, with the consent of the Dean, at the recommendation of the Education Committee (appointed by the School for Financial Planning Law), in consultation with the Registrar, can also be admitted on the basis of a qualification they regard as equivalent or on condition that the student, in some other way, achieved a standard of competence which they regard as adequate for purposes of the study.

Rule E 15.4 Duration of study (2018 General Rule A24(a))

- (a) The duration of study for the Postgraduate Diploma in Financial Planning (degree code 35001) is a minimum of one year.
- (b) The duration of study for the Postgraduate Diploma in Financial Planning (degree code 35001) is a maximum of two years from the date of first registration. For part time students, who meet the requirements of the UFS for part time students, the maximum residential period will be three years from the date of first registration (see definitions provided in the 2018 General Rules).

Rule E15.5 Diploma with distinction

The Postgraduate Diploma in Financial Planning is presented with distinction if a student:

- (a) Completed the curriculum for the Postgraduate Diploma in Financial Planning within the minimum prescribed period and never failed a module in this qualification.
- (b) Achieved a minimum weighted average of 75 percent in the following modules:

Module	Year module
Financial Planning Environment	LFPE5800
Personal Financial Planning	LFPP5800
Corporate Financial Planning	LFPC5800
Financial Planning Case Study	LFPS5800

Rule E15.6 The following modules should be passed to obtain the Postgraduate Diploma in Financial Planning (degree code 35001):

Module	Year module
Financial Planning Environment	LFPE5800
Personal Financial Planning	LFPP5800
Corporate Financial Planning	LFPC5800
Financial Planning Case Study	LFPS5800

Rule E15.7 Pass mark for the modules in the Postgraduate Diploma in Financial Planning

- (a) Student must achieve at least 40 percent semester mark in order to be granted admission to the examination. (2018 General Rule A28.2(a))
- (b) Students must achieve a mark of 50 percent in the examination in modules LFPE5800, LFPP5800 and LFPC5800 and a mark of 60 percent in LFPS5800 in order to pass the module. (2018 General Rule A28.4(a))
- (c) The final mark of a student is calculated by taking 30 percent of the semester mark and 70 percent of the examination mark into consideration. (Condonation of 2018 General Rule A28.4(b)(iv))

Rule E15.8 Examination result for the modules in the Postgraduate Diplomas in Financial Planning

- (a) Examination results in respect of the Postgraduate Diploma in Financial Planning are announced on the University's web page in terms of General Rule 28.12(a)(ii).
- (b) Graduates may appeal an examination result by requesting a remark in terms of 2018 General Rule 28.12(f) within 5 working days of the release of the results. Graduates will be given feedback with regard to the appeal within 3 weeks of requesting the remark.

Rule E15.9 Language of Tuition

The language of tuition for the Postgraduate Diploma in Financial Planning is English.

Rule E16 —POSTGRADUATE DIPLOMAS IN:

ESTATE PLANNING

Degree Code 35600 (Total minimum credits: 120)

INVESTMENT PLANNING

Degree Code 35620 (Total minimum credits: 120)

PERSONAL FINANCIAL RISK MANAGEMENT

Degree Code N/A

EMPLOYEE BENEFITS

Degree Code 35610 (Total minimum credits: 120)

The 2018 General Rules concerning Postgraduate Diplomas apply *mutatis mutandis* to the Postgraduate Diploma in Financial Planning candidates in this faculty. Where any faculty rule is contradictory to the 2018 General Rules for qualifications, the 2018 General Rules for qualifications will apply except where specific condonation is specified.

The Postgraduate Diploma in Personal Financial Risk Management and the Postgraduate Diploma in Employee Benefits will not be offered in 2018 if, in the sole discretion of the University of the Free State, a sufficient number of enrolments cannot be secured to render the programme sustainable.

Objectives of the Qualifications

Students must acquire the ability to act as legal-professional practitioners in financial planning law.

The successful candidate will be able to:

- Be a lifelong student with the skills to remain well-informed of the most recent developments in financial planning.
- Participate as a responsible citizen in local, national and international communities.
- Be sensitive, as a financial planner or legal advisor, to the cultural and ethnic diversity in the community.
- Explore educational and career possibilities and develop entrepreneurial skills.

The successful candidate will, more specifically, be able to:

- Identify and solve problems in the field of basic financial planning through critical and creative thought.
- Approach and manage personal and professional activities in a responsible, ethical and effective manner.
- Do effective legal research by gathering, analysing and critically evaluating information.
- Communicate effectively in writing and verbally.
- Cooperate effectively with other members of society.
- Use technology effectively and responsibly to the advantage of the community as a whole.
- See financial planning law as a component of a system of interdependent systems within the community where problem-solving cannot take place in isolation.

N.B.: Students' attention is drawn to 2018 General Rule A28.2(a) which *inter alia* provides that admission to the examination will be refused if a minimum semester mark of 40 percent has not been achieved. This rule is applicable to all students, irrespective of the year in which first registration took place.

Rule E16.1 Applicability

These faculty rules apply to candidates who register for the Postgraduate Diploma in Estate Planning, Investment Planning, Personal Financial Risk Management or Employee Benefits, for the first time during or after 2014, except where otherwise specified.

Rule E16.2 Special curricula

The Dean may prescribe special curricula and programmes for candidates, should he/she deem these to be necessary for academic purposes. The stipulations of the faculty rules apply *mutatis mutandis*.

Rule E16.3 Admission

For admission to the Postgraduate Diploma in Estate Planning, , Investment Planning, Personal Financial Risk Management or Employee Benefits, one (1) of the following is required:

- (a) An applicable Bachelor's Degree, or
- (b) An applicable Advanced Diploma, or
- (c) An applicable Postgraduate Diploma.

Rule E 16.4 Duration of study (2018 General Rule A24(a))

- (a) The minimum duration of study for the Postgraduate Diploma in Estate Planning, Investment Planning, Personal Financial Risk Management or Employee Benefits, is one year.
- (b) The maximum duration of study for the Postgraduate Diploma in Estate Planning, Investment Planning, Personal Financial Risk Management or Employee Benefits, is two years.

Rule E16.5 Postgraduate Diploma with distinction

The Postgraduate Diploma in Estate Planning, Investment Planning, Personal Financial Risk Management or Employee Benefits, is awarded with distinction if a student:

- (a) Completed the curriculum for the Postgraduate Diploma in Estate Planning, Investment Planning, Personal Financial Risk Management or Employee Benefits, within the minimum prescribed period and never failed a module in this qualification.
- (b) Achieved a minimum weighted average of 75 percent in a combination of the modules as set out in Rule E16.6.

Rule E16.6 The following combination of modules should be passed to obtain the following Postgraduate Diplomas:

- (a) Postgraduate Diploma in Estate Planning:

Module	Year module
Estate Planning	LFPB5800 (60 credits) and
Personal Financial Risk Management or	LFPR5800 (60 credits) or
Asset Types and Investment Planning	LFPA5800 (60 credits)

- (b) Postgraduate Diploma in Investment Planning:

Module	Year module
Asset Types and Investment Planning	LFPA5800 (60 credits)
Principles of Portfolio Planning and Management	LFPP5800 (60 credits)

- (c) Postgraduate Diploma in Personal Financial Risk Management :

Module	Year module
Personal Financial Risk Management	LFPR5800 (60 credits)
Asset Types and Investment Planning or	LFPA5800 (60 credits) or
Estate Planning	LFPB5800 (60 credits)

- (d) Postgraduate Diploma in Employee Benefits:

Module	Year module
Fund Governance and Maintenance	LFPG5800 (60 credits)
Fund design and Financing	LFPD5800 (60 credits)

Rule E16.7 Pass mark for the modules in the Postgraduate Diploma in Estate Planning, Investment Planning, Personal Financial Risk Management or Employee Benefits

(a) **N.B.: Students' attention is drawn to 2018 General Rule A28.2(a) which *inter alia* provides that admission to the examination will be refused if a minimum semester mark of 40 percent has not been achieved. This rule is applicable to all students, irrespective of the year in which first registration took place.**

(b) The semester mark counts 30 percent of the final mark and the examination mark counts 70 percent of the final mark. (Condonation of 2018 General Rule A28.4(b)(iv)) Maximum 60% see General Rule A28.4(b)(iv).

Rule E16.8 Examination result for the modules in the Postgraduate Diploma in Estate Planning, Investment Planning, Personal Financial Risk Management or Employee Benefits

(a) Examination results in respect of the Postgraduate Diploma in Estate Planning, Postgraduate Diploma in Investment Planning, Postgraduate Diploma in Personal Financial Risk Management and the Postgraduate Diploma in Employee Benefits are announced on the University's web page in terms of General Rule 28.12(a)(ii).

(b) Graduates may appeal an examination result by requesting a remark in terms of 2018 General Rule 28.12(f) within 5 working days of the release of the results. Graduates will be given feedback with regard to the appeal within 3 weeks of requesting the remark.

Rule E16.9 Language of Tuition

The language of tuition for the Postgraduate Diplomas in Estate Planning, Investment Planning, Personal Financial Risk Management or Employee Benefits is English.

CURRICULA OF MODULES

The curricula of modules are listed at the back of this Rulebook.

FACULTY READMISSION APPEALS COMMITTEE

Rule E17 FACULTY READMISSION APPEALS COMMITTEE RULES

Rule E17.1 Functions of the Faculty Readmission Appeals Committee

(a) The function of the Faculty Readmission Appeals Committee is mainly to deal with readmission appeals from students.

(b) The Faculty Readmission Appeals Committee also deals with appeals regarding residential periods; permission for deviations; curriculum issues; permission to do certain modules at another higher education institution; credit accumulation, recognition and transfer; extension of registration periods; awarding of degrees; exemption from modules such as UFS101 and foundational/developmental modules; retroactive registrations; de-registrations; permission to repeat modules failed on two or more occasions; obtaining a qualification with distinction; early exit; graduating within a shorter period than the prescribed minimum; master's degree, LLD and PhD appeals relating to title registration and supervisor conflict; recognition of prior learning; and predicate marks.

Rule E17.2 Lodging an appeal to the Faculty Readmission Appeals Committee

(a) A student's appeal to the Faculty Readmission Appeals Committee will only be dealt with if the student has exhausted all internal processes to the relevant lecturer, Academic Head of Department, Vice-dean or Dean.

(b) A student who wants to lodge an appeal to the Faculty Readmission Appeals Committee must complete the student appeal form that is available on Blackboard and from the Office Manager of the Dean.

(c) The student must submit the student appeal form in para (b) above, together with comprehensive supporting documentation to the Office Manager of the Dean at least 5 (five) working days before the scheduled meeting of the Faculty Readmission Appeals Committee and within at least 15 working days after the student exhausted all internal procedures. The appeal form and documentation may only be submitted via email to the Office Manager of the Dean if the student does not reside in Bloemfontein. The dates of the Faculty Readmission

Appeals Committee meetings are available on Blackboard and on the Faculty of Law notice boards in the Equitas building.

(d) No additional documentation will be accepted after submission of the documents mentioned in para (c) above.

Rule E17.3 Decisions of the Faculty Readmission Appeals Committee

The decision by the Faculty Readmission Appeal Committee is final.

CURRICULA OF MODULES

LNAV7910 Legal Research Methodology

Compulsory for all LLM students!

Learning Outcomes:

The student must be able to:

- i) Explain and utilise the different legal research techniques and methods.
- ii) Explain the theoretical framework and core principles of legal research.
- iii) Understand the process of legal research and writing.
- iv) Write a research proposal.

LNAV7910 (Research Methodology) is presented during the first week of March. Lectures are scheduled from 08:00-17:00 daily. Attendance of LNAV7910 is compulsory for all LLM students.

DEPARTMENT OF MERCANTILE LAW

The Department of Mercantile Law reserves the right to change the composition, content and study material in accordance with the needs of the student, the number of students and the availability of well-equipped facilities.

LMER8900 (Master's Degree by dissertation)

The title of the Master's research dissertation is the choice of the student, in consultation with the relevant supervisor within the relevant academic department.

LPSN7910 Law of Partnership

Learning outcomes:

The student will be introduced to the basic principles (rules) of the law of partnership to build a solid scientific background and advanced insight thereof, for future application and the development of advanced and integrated theoretical and practical knowledge of and insight into the law of partnership as a whole. The module further provides broad perspectives on legal science, for instance on the application of the principles of the law of obligations within a partnership context.

Integrated knowledge:

- i) General description, historical and comparative background, sources and definition of partnership.
- ii) Specific types and forms of partnership.
- iii) Establishment, *essentialia* and *naturalia* of partnership.
- iv) Legal nature of partnership: Entity and aggregate theories.
- v) Partnership property.
- vi) Relationship between partners *inter se*.
- vii) Relationship between partners and third parties.
- viii) Dissolution, liquidation and distribution of assets.
- ix) Sequestration.
- x) Comparative study on the law of partnership.

LMCT7920 Corporate Insolvency

Learning outcomes:

The student must be able to:

- i) Identify and solve legal problems through critical and creative thought.
- ii) Approach and study personal and professional activities in a responsible, ethical and effective manner.
- iii) Do effective legal research by gathering, analysing and critically evaluating information.
- iv) View the law as a component of a system of interdependent systems within the community in which problem-solving cannot occur in isolation.

Integrated knowledge:

After completion of this module the student will be able to:

- i) Analyse and evaluate the process of corporate insolvency and corporate rescue from a national and comparative perspective.
- ii) To understand, evaluate and apply the principles regarding corporate insolvency.
- iii) To critically evaluate and analyse the international processes and principles pertaining to corporate insolvency.
- iv) To explain the grounds for liquidation.
- v) To explain the principles regarding judicial management of a corporation.

LLDE7910 Development of South African Labour Law and the Individual Labour Law

Learning outcomes:

The student must be able to:

- i) Understand and explain the nature of Labour Law.
- ii) Explain the historical background and development of Labour Law in South Africa.
- iii) Understand the principles of the Common law contract of employment and to distinguish it from and compare it with other contracts.
- iv) Identify and explain the rights and duties of employers and employees in terms of a contract of employment.
- v) Explain the freedom of association of employers and employees.
- vi) Identify the organisational rights of trade unions.
- vii) Understand and explain the historical background, the content and the development of the Basic Conditions of Employment Act, 1997.

Integrated knowledge:

- i) The nature of Labour Law — different concepts and definitions.
- ii) The development of Labour Law in South Africa, taking into account the difference between individual and collective labour law.
- iii) The development of labour law relations between employer, employee and the Government as set out in labour legislation.
- iv) Comparative study of the freedom of association and organisational rights.
- v) The Common law contract of employment, the distinction from other, similar contracts and the duty of good faith of an employee towards his employer.
- vi) The provisions, content and outstanding characteristics of the Basic Conditions of Employment Act, 1997.
- vii) Comparative study on individual labour law.

LLCO7910 Collective Labour Law and Industrial Democracy

Learning outcomes:

The student must be able to:

- i) Give an exposition of the origin and operation of collective labour law.

- ii) Describe and evaluate the right to strike, as well as strikes and lockouts and other forms of industrial action.
- iii) Understand and explain the operation and functions of workplace forums.
- iv) Give an overview of the state of affairs regarding worker participation in South Africa and to compare it with the position in other countries.

Integrated knowledge:

- i) The Labour Relations Act, 1995, the Constitution, 1996 and the Conventions of the International Labour Organisation with regard to:
 - (a) Collective entities.
 - (b) Collective bargaining.
 - (c) Strikes and lock-outs.
 - (d) Other forms of industrial action.
 - (e) Workplace forums.
- ii) Legislation with regard to worker participation in South Africa, Britain and Germany.

LCOM7900 Company Law

Learning outcomes:

The student will be introduced to the basic principles (rules) of corporate law to build a solid scientific background and to gain advanced insight for the future application thereof and the advanced and integrated theoretical and practical knowledge of and insight into the corporate law as a whole.

Integrated knowledge:

- i) History and development of company law.
- ii) Legal personality, types of companies, incorporation and constitution.
- iii) Division of powers and the general meeting.
- iv) Composition and functions of the board of directors.
- v) Appointment, discharge, disqualification, fiduciary duties, duty of care and personal liability of directors.
- vi) Entering into contracts on behalf of a company: Capacity and powers.
- vii) Capital maintenance and purchase of own shares.
- viii) Minority protection.
- ix) Comparative study on company law.

LGOV7900 Corporate Governance

Learning outcomes:

The student will be introduced to specific themes in company law to build a solid scientific background and to gain advanced insight for the future application thereof and the advanced and integrated theoretical and practical knowledge of and insight into these topics.

Integrated knowledge:

- i) Corporate governance and systems.
- ii) Corporate social responsibility.
- iii) Criminal liability of companies.

LLDS7920 Discrimination and Labour Dispute Resolution

Learning outcomes:

The student must be able to:

- i) Explain and evaluate the principles with regard to discrimination and unfair labour practices, as well as the practical implementation thereof.
- ii) Explain the bodies/structures created to handle and resolve labour disputes, as well as the functioning of such bodies.
- iii) Identify all the possible ways to dismiss an employee and to evaluate when a dismissal will be fair.

Integrated knowledge:

- i) The relevant provisions of the Labour Relations Act, 1995, the Basic Conditions of Employment Act, 1997 and the Employment Equity Act, 1998 with regard to:
 - (a) Fair and unfair discrimination.
 - (b) Unfair labour practices.
 - (c) Dismissal.
 - (d) Automatically unfair dismissals.
 - (e) Substantive fairness.
 - (f) Procedural fairness.
 - (g) CCMA and bargaining councils.
 - (h) Labour Courts.
- ii) Decisions of the CCMA and Labour Courts.
- iii) Opinions of writers in legal journals.
- iv) Comparative study on discrimination and labour dispute resolution.

LLPE7920 Protection of Employees with regard to Work and Livelihood

Learning outcomes:

The student must be able to:

- i) Give an explanation of legislation and Common law principles that provide for the protection of the work and livelihood of employees.
- ii) Explain the important provisions of the Compensation for Occupational Injuries and Diseases Act, 1993 with reference to the requirements that must be met in order to qualify for compensation.
- iii) Evaluate the important provisions of the Occupational Health and Safety Act, 1993 and the Mine Health and Safety Act, 1996.
- iv) Give an explanation of the important provisions of legislation that ensure training and the development of skills of employees.
- v) Identify and evaluate the benefits an employee may be entitled to in terms of legislation.

Integrated knowledge:

- i) Common law principles with regard to the protection of the work and livelihood of workers in South Africa.
- ii) Comparative study on protection of employees with regard to work and livelihood.
- iii) The relevant provisions of the following Acts:
 - (a) The Basic Conditions of Employment Act, 1997.
 - (b) The Compensation for Occupational Injuries and Diseases Act, 1993.
 - (c) The Occupational Diseases in Mines and Works Act, 1973.
 - (d) The Occupational Health and Safety Act, 1993.
 - (e) The Mine Health and Safety Act, 1996.
 - (f) The Unemployment Insurance Act, 1966.
 - (g) The Skills Development Act, 1998.

LLRL7920 The Law with regard to Retirement Provision in South Africa

Learning outcomes:

The student must be able to:

- i) Identify and evaluate the different means of retirement provision in South Africa.

- ii) Explain the registration and management of retirement funds.
- iii) Identify the fiduciary duties of board members of retirement funds.
- iv) Explain the benefits that members of retirement funds may be entitled to.
- v) Explain the consideration and adjudication of complaints by the Pension Funds Adjudicator.

Integrated knowledge:

- i) The Constitution, the Pension Funds Act, 1956 and other relevant legislation.
- ii) The development of the law with regard to retirement funds.
- iii) The management of funds.
- iv) The fiduciary duties of board members.
- v) The consideration and adjudication of complaints and disputes.
- vi) Study of benefits that members are entitled to.
- vii) Comparative study on retirement provision.

LMBC7920 Business Crimes

Learning outcomes:

The student must be able to:

- i) Identify and solve legal problems through critical and creative thought.
- ii) Approach and study personal and professional activities in a responsible, ethical and effective manner.
- iii) Do effective legal research by gathering, analysing and critically evaluating information.
- iv) View the law as a component of a system of interdependent systems within the community within which problem-solving cannot occur in isolation.

Integrated knowledge:

After completion of this module the student will be able to:

- i) Critically analyse and distinguish between the different forms of business crimes from a national and comparative perspective.
- ii) Understand, evaluate and apply the principles regarding the prevention and control thereof.
- iii) Critically evaluate and analyse the international initiatives to control and the international detection and exposure of business crime.

LMTI7920 International Taxation of Individuals

Learning outcomes:

The student must be able to demonstrate an advanced understanding of international taxation involved in the estates of individuals through the integrated application of theoretical knowledge in dealing with the taxation of the estates of individuals (living and deceased with exclusion of insolvent estates).

Integrated knowledge:

The student will be able to:

- i) Identify and define relevant concepts and principles of international tax applicable to the taxation of individual estates;
- ii) Apply the principles of international taxation to an estate making use of trusts;
- iii) Contrast the international taxation implications relating to estates within and outside of South Africa with reference to the OECD model;
- iv) Interpret tax legislation applicable to estates; and
- vi) Formulate appropriate solutions on the taxation of estates combining aspects of Income Tax, the taxation of trusts and international tax.

LMTE7910 Taxation of Estates

Learning outcomes:

The student must be able to demonstrate an advanced understanding of the different types of taxation involved in the estates of individuals through the integrated application of theoretical knowledge in dealing with the taxation of the estates of individuals (living and deceased with the exclusion of insolvent estates).

Integrated knowledge:

The student will be able to:

- i) Identify and define relevant concepts and principles of Income Tax applicable to the taxation of estates.
- ii) Explain the consequences of Estate Duty on an estate.
- iii) Apply the principles of Capital Gains Tax to an estate.
- iv) Explain how Value-Added Tax influences estates.
- v) Interpret tax legislation applicable to estates; and

- vi) Formulate and appropriate solutions on the taxation of estates combining aspects of Estate Duty, Capital Gains Tax and Value-Added Tax.

LMER7900 Mercantile Law (mini-dissertation)

The mini-dissertation in Mercantile Law is facilitated in the Department of Mercantile Law. The theme is in the field of the student's choice in consultation with the prospective supervisor(s) and the academic head of the department.

Learning outcomes:

The student must be able to:

- i) Demonstrate an advanced competence in practical and theoretical legal problem-solving.
- ii) Demonstrate an advanced understanding of the theoretical framework, key concepts, and core legal rules and principles of the particular research area.
- iii) Select and apply information relevant to the argument.
- iv) Formulate a complex and sustained legal argument.
- v) Evaluate the effectiveness of legal rules in dealing with a particular factual situation and suggest appropriate legal reform mechanisms where current rules are inadequate.
- vi) Where relevant, refer to the social, political, economic and international contexts within which the research is situated.
- vii) Demonstrate competence in comparative techniques where this is required.
- viii) Produce research that is original in the sense that it does not simply duplicate or reproduce existing studies.

LLAB7900 Labour Law (mini-dissertation)

The mini-dissertation in Labour Law is facilitated in the Department of Mercantile Law. The theme is in the field of the student's choice in consultation with the prospective supervisor(s) and the academic head of the department.

Learning outcomes:

The student must be able to:

- i) Demonstrate an advanced competence in practical and theoretical legal problem-solving.

- ii) Demonstrate an advanced understanding of the theoretical framework, key concepts, and core legal rules and principles of the particular research area.
- iii) Select and apply information relevant to the argument.
- iv) Formulate a complex and sustained legal argument.
- v) Evaluate the effectiveness of legal rules in dealing with a particular factual situation and suggest appropriate legal reform mechanisms where current rules are inadequate.
- vi) Where relevant, refer to the social, political, economic and international contexts within which the research is situated.
- vii) Demonstrate competence in comparative techniques where this is required.
- viii) Produce research that is original in the sense that it does not simply duplicate or reproduce existing studies.

LBUE7900 Law of Business Entities (mini-dissertation)

The mini-dissertation in Law of Business Entities is facilitated in the Department of Mercantile Law. The theme is in the field of the student's choice in consultation with the prospective supervisor(s) and the academic head of the department.

Learning outcomes:

The student must be able to:

- i) Demonstrate an advanced competence in practical and theoretical legal problem-solving.
- ii) Demonstrate an advanced understanding of the theoretical framework, key concepts, and core legal rules and principles of the particular research area.
- iii) Select and apply information relevant to the argument.
- iv) Formulate a complex and sustained legal argument.
- v) Evaluate the effectiveness of legal rules in dealing with a particular factual situation and suggest appropriate legal reform mechanisms where current rules are inadequate.
- vi) Where relevant, refer to the social, political, economic and international contexts within which the research is situated.
- vii) Demonstrate competence in comparative techniques where this is required.
- viii) Produce research that is original in the sense that it does not simply duplicate or reproduce existing studies. (see previous comment)

LPRM7900 Personal Risk Management

Learning outcomes:

Student must be able to apply a risk-based approach to distinguish between different levels of risk. They will be able to use a methodology in identifying, evaluating and selecting appropriate risk handling methods to mitigate risks. student will be proficient in applying the principles and methodology of personal risk management. Students will be able to differentiate between the creation and preservation of wealth. Students will understand the legal and regulatory environment pertaining to risk management.

Integrated knowledge:

- i) South African law and regulatory requirements.
- ii) Understanding the impact of other related legislation on personal risk management.
- iii) Creation and protection of wealth.
- iv) Personal risk management.
- v) Financial mathematics.
- vi) Principles of different types of insurance.
- vii) Handling tax risks i.e. Income Tax, Estate Duty, Capital Gains Tax, and Donations Tax.
- viii) Legislation and financial planning techniques relevant to wealth creation.
- ix) Apply the South African Common law, legislation and self-regulatory requirement to risk planning.

LFEP7900 Estate Planning

Learning outcomes:

The student must be able to apply legal and tax solutions in the areas of accumulation, conservation and distribution planning. Students will be able to explain, understand and apply the objectives of estate planning and the estate planning process. Graduates will understand that estate planning is an holistic study with many varying but interlinking components and that all of these components must be considered and addressed to produce an effective and practical estate plan.

Integrated knowledge:

- i) Relevant legislation e.g. Estate Duty Act, Income Tax Act, Wills Act.
- ii) Estate planning calculations.
- iii) Matrimonial property regimes.
- iv) Law and taxation of trust.
- v) Administration of estates.
- vi) Business entities.
- vii) Taxation principles with regards to estate planning.
- viii) Investment principles with regards to estate planning.
- ix) Comparative study regarding estate planning.

LFPL7900 Financial Planning Law (mini-dissertation)

The mini-dissertation in Financial Planning Law is facilitated in the Department of Mercantile Law. The theme is in the field of the student's choice in consultation with the prospective supervisor(s) and the academic head of the relevant department(s).

Learning outcomes:

The student must be able to:

- i) Demonstrate an advanced competence in practical and theoretical legal problem-solving.
- ii) Demonstrate an advanced understanding of the theoretical framework, key concepts, and core legal rules and principles of the particular research area.
- iii) Select and apply information relevant to the argument.
- iv) Formulate a complex and sustained legal argument.
- v) Evaluate the effectiveness of legal rules in dealing with a particular factual situation and suggest appropriate legal reform mechanisms where current rules are inadequate.
- vi) Where relevant, refer to the social, political, economic and international contexts within which the research is situated.
- vii) Demonstrate competence in comparative techniques where this is required.
- viii) Produce research that is original in the sense that it does not simply duplicate or reproduce existing studies. (see prior comment)

LIPL7910 International Public Law Aspects of International Economic Law

Learning outcomes:

The student must be able to:

- i) Identify and explain international public law rules applicable to international trade.
- ii) Understand and explain the Bretton Woods institutions and negotiations.
- iii) Explain and critically evaluate the role of the World Bank Group in international trade.
- iv) Explain and critically evaluate the role of the International Monetary Fund in international trade.
- v) Explain and critically evaluate the role of the World Trade Organization in international trade.
- vi) Analyse international trade negotiations, institutions and policy.

Integrated knowledge:

- i) International treaties and conventions.
- ii) The history, influence and role of these treaties and conventions in trade.
- iii) The composition and founding documents of the GATT.
- iv) The World Trade Organization.
- v) The World Bank.
- vi) The International Monetary Fund.

LIFT7920 Free Trade and Free Trade Agreements

Learning outcomes:

The student must be able to:

- i) Explain free trade and the theories and policies on free trade.
- ii) Explain and critically discuss the European Union, the North-American Free Trade Agreement and the Southern African Development Community as examples of economic groupings.
- iii) Critically discuss, compare and evaluate the dispute resolution mechanisms of the EU, NAFTA and SADC.
- iv) Critically discuss custom unions and other regional agreements.
- v) Critically evaluate, compare and discuss whether the EU, NAFTA and SADC are successful as regional economic groupings.

Integrated knowledge:

- i) The EU, SADC and NAFTA treaties.
- ii) Economic co-operation.
- iii) Custom unions.
- iv) Free movement of goods, services, people and capital.

LIL7910 International Investment Law**Learning outcomes:**

The student must be able to:

- i) Critically explain the promotion and protection of international investment.
- ii) Structure an international investment transaction.
- iii) Evaluate and analyse the instruments, policy and system for international investments of a host state.

Integrated knowledge:

- i) The principles and doctrines of international investment law.
- ii) The promotion of investment and the principles of investment policy.
- iii) The protection of international investment.
- iv) The Multilateral Agreement on Investment.
- v) The role of the OECD in international investment.
- vi) Investment incentives.
- vii) Trusts and project finance as vehicles for international investment.
- viii) Specific investment codes.
- ix) The role of OPIC in international investment.

LISL7920 International Law of Sales**Learning outcomes:**

The student must be able to:

- i) Structure an international sales transaction.
- ii) Structure an international purchase transaction.
- iii) Draft an agreement for the international sale of goods.
- iv) Apply international agreements and treaties applicable to an international sale of goods transaction.
- v) Critically discuss the adoption of the CISG in South Africa.

Integrated knowledge:

- i) The structure of an international sale of goods transaction.
- ii) The structure of a contract for the international sale of goods.
- iii) The international documents and conventions applicable to an international sale of goods transaction.
- iv) Protection of the seller/exporter of goods against non-performance by the buyer/importer.
- v) The protection of the buyer/importer of goods against non-performance by the seller/exporter.
- vi) The Vienna Convention on the International Sale of Goods (CISG).
- vii) Passing of the risk.
- viii) Bills of lading.
- ix) Letters of credit.
- x) The adoption of the CISG by South Africa.

LITD7920 International Trade Dispute Settlement

Learning outcomes:

The student must be able to:

- i) Understand international dispute settlement mechanisms and be able to determine the jurisdiction of the relevant institution in a specific dispute.
- ii) Explain the different dispute settlement mechanisms.
- iii) Introduce effective dispute settlement mechanisms in an international trade transaction.

Integrated knowledge:

- i) Dispute settlement mechanisms of the World Bank, IMF, World Trade Organization, EU, NAFTA and SADC.
- ii) The process of international dispute settlement and alternative dispute resolution methods.

LIEL7900 International Economic Law (mini-dissertation)

The mini-dissertation in International Economic law is facilitated in the Department of Mercantile Law. The theme is in the field of the student's choice in consultation with the prospective supervisor(s) and the academic head of the department.

Learning outcomes:

The student must be able to:

- i) Demonstrate an advanced competence in practical and theoretical legal problem-solving.
- ii) Demonstrate an advanced understanding of the theoretical framework, key concepts, and core legal rules and principles of the particular research area.
- iii) Select and apply information relevant to the argument.
- iv) Formulate a complex and sustained legal argument.
- v) Evaluate the effectiveness of legal rules in dealing with a particular factual situation and suggest appropriate legal reform mechanisms where current rules are inadequate.
- vi) Where relevant, refer to the social, political, economic and international contexts within which the research is situated.
- vii) Demonstrate competence in comparative techniques where this is required.
- viii) Produce research that is original in the sense that it does not simply duplicate or reproduce existing studies.

DEPARTMENT PRIVATE LAW

The Department of Private Law reserves the right to change the composition, content and study material in accordance with the needs of the graduate, the number of students and the availability of well-equipped facilities.

LPRV8900 (Master's Degree by dissertation)

The title of the **Master's research dissertation** is the choice of the student, in consultation with the relevant supervisor within the department.

LPRT7900 Trust Law

Learning outcomes:

The student must be able to:

- i) Demonstrate an advanced understanding of the various types of trust encountered in South African law.
- ii) Analyse the historical development and legal construction of the various types of trust encountered in South African law.
- iii) Explain the essential features of the South African law of trusts.
- iv) Explain the principles pertaining to the variation of trust deeds.
- v) Demonstrate an advanced understanding of the role, powers and duties and rights and obligations of the various parties to a trust.
- vi) Explain the practical application of the trust for various legal and commercial purposes.
- vii) Demonstrate an advanced understanding of the legal principles pertaining to business trusts and of the influence of corporate law on trusts.
- viii) Explain the legal principles pertaining to the taxation of trusts.
- ix) Demonstrate an understanding of the use of the trust as a financial planning tool.

Integrated knowledge:

- i) History of the origin of trusts.
- ii) Relevant case law, legislation and comparative law.
- iii) The impact of the Constitution on trust law.
- iv) The taxation of the trust.
- v) The trust as estate planning tool.

- vi) The content of trust deeds.
- vii) Selected topics.

LPRV7920 Law of Succession

Learning outcomes:

The student must be able to:

- i) Execute a will in terms of the formalities required.
- ii) Implement the various ways to revoke a will.
- iii) Interpret and rectify a will.
- iv) Apply the principle of accrual.

Integrated knowledge:

- i) The Wills Act.
- ii) Formalities required to execute a valid will.
- iii) The ways to revoke a will.
- iv) Content of wills.
- v) The *ius accrescendi*.
- vi) Interpretation and rectification of wills.
- vii) Legal-comparative study on the law of succession.

LPRC7920 Advanced Law of Contract

Learning outcomes:

The student must be able to:

- i) Understand and critically explain credit agreements.
- ii) Critically interpret the National Credit Act 34 of 2005 and to give advice thereon.
- iii) Understand and critically explain the sale agreement.
- iv) Understand and critically evaluate the element of *consensus*.

Integrated knowledge:

- i) Credit agreements.
- ii) Sale agreements.
- iii) Relevant legislation.
- iv) Case law.

LPDD7910 Law of Damages

Learning outcomes:

The student must be able to:

- i) Explain the history, sources, nature, scope and the terminology of the law of damages.

- ii) Identify, distinguish and relate the elements of the modern concept of damage to that of wrongfulness, fault and causality.
- iii) Take a strong stand on the development of either the “abstract” approach or the “concrete” approach to damage.
- iv) Point out and explain the complexities and uncertainties pertaining to *lucrum cessans*, *damnum emergens*, general and special damage and pure economic loss in view of the concept patrimonial loss and the quantification thereof.
- v) Know and assess the function and determination of non-patrimonial loss whenever rights to personality are at stake and especially in view of contingencies.
- vi) Identify and systematically incorporate the collateral source rule and/or *res inter alios acta* as part of the basic damage problem.
- vii) Miscellaneous principles regarding the quantification and recovery of damages and satisfaction.
- viii) Assess damages, compensation and satisfaction in specific cases of breach of contract and certain forms of delict.
- ix) Apply private international law to issues of damage with a foreign element.

Integrated knowledge:

- i) Terminology and general principles pertaining to the law of damages.
- ii) Patrimonial loss.
- iii) The *quantum* of patrimonial loss.
- iv) The nature and quantification of non-patrimonial loss.
- v) Principles pertaining to the recovery of damages, compensation, and satisfaction.
- vi) Damages and breach of contract.
- vii) Damages, compensation, and satisfaction in delictual liability.
- viii) The Private International law and damage with a foreign element.

LPPL7900 Advanced Law of Property

Learning outcomes:

The learner must be able to assess, critique and make recommendations regarding certain legal principles and the different questions and problems experienced in legislation in the field of Property Law. Students should further be able to assess, critique and make recommendations on the implementation of government

programmes regarding the most recent developments in the field of Property Law and a comparative legal study regarding these developments where applicable.

Integrated knowledge:

- i) Historical and constitutional development of the law of property.
- ii) Selected topics regarding the different property law relationships in South Africa.
- iii) Relevant case law, legislation and comparative law.

LPRE7920 Administration of Estates

Learning outcomes:

The student must be able to:

- i) Report a deceased estate in full at the Master of the Supreme Court.
- ii) Have knowledge of all the important parties in the administration process.
- iii) Know what the duties of an executor comprise.
- iv) Choose an effective method of liquidation.
- v) Draw a liquidation and distribution account and complete the administration process.
- vi) Calculate estate duty.

Integrated knowledge:

- i) Reporting procedure
- ii) Implementation of the important sections of the Administration of Estates Act 66 of 1965.
- iii) Administration process.
- iv) A study of the Estate Duty Act 45 of 1955 and the implementation thereof.
- v) Legal-comparative study on the administration of estates.
- vi) Implementation of various legal actions.

LCRI7900 *Capita Selecta* from Medicina Forensis

Learning outcomes:

The student must show knowledge and understanding of the development, legal nature, legislation, conventions, usage, functions, advantages and disadvantages, the legal issues, as well as a critical analysis of:

- i) Regulation of the Health Care Professions in South Africa.
- ii) Certain legal/ethical aspects of medicine.
- iii) Regulation of ethical research.
- iv) The doctrine of informed consent.
- v) Regulation of the pharmaceutical industry.

Integrated knowledge:

- i) The historical development.
- ii) Legal nature.
- iii) Legislation.
- iv) Regulations.
- v) Conventions.
- vi) Court cases, and legal questions of the South African Health Professions Council.
- vii) Medical records – keeping and access thereto.
- viii) HIV/AIDS – legal and ethical aspects.
- ix) Medical aid schemes – regulating.
- x) The doctrine of informed consent.
- xi) Blood and blood products.
- xii) Alcohol.
- xiii) Surrogate motherhood and in-vitro conception.
- xiv) Research on human beings – South African Medical Research Council.
- xv) The pharmaceutical industry – regulating and working.
- xvi) Cloning and genetic engineering.

LPVT7900 Private Law (Mini-dissertation)

The mini-dissertation in Private Law is facilitated in the Department of Private Law. The theme is in the field of the student's choice in consultation with the prospective supervisor(s) and the academic head of the department.

Learning outcomes:

The student must be able to:

- i) Demonstrate an advanced competence in practical and theoretical legal problem-solving.
- ii) Demonstrate an advanced understanding of the theoretical framework, key concepts, and core legal rules and principles of the particular research area.
- iii) Select and apply information relevant to the argument.
- iv) Formulate a complex and sustained legal argument.
- v) Evaluate the effectiveness of legal rules in dealing with a particular factual situation and suggest appropriate legal reform mechanisms where current rules are inadequate.
- vi) Where relevant, refer to the social, political, economic and international contexts within which the research is situated.
- vii) Demonstrate competence in comparative techniques where this is required.
- viii) Produce research that is original in the sense that it does not simply duplicate or reproduce existing studies.

DEPARTMENT OF PUBLIC LAW

The Department of Public Law reserves the right to change the composition, content and study material in accordance with the needs of the student, the number of students and the availability of well-equipped facilities.

LCON8900 (Master's Degree by dissertation)

The title of the **Master's research dissertation** is the choice of the student, in consultation with the concerned supervisor and the head of the relevant department.

LINS7920 Sources and Theory of Public International Law

Learning outcomes:

The student must know and understand the different sources of Public International law as well as know and understand the underlying principles and insights that are unique (yet in many instances problematic) to many of the subject disciplines within International law such as, International Humanitarian law, environmental law and human rights law.

Integrated knowledge:

- i) Treaties.
- ii) Customary International law.
- iii) Other sources.
- iv) Realism.
- v) Liberalism.
- vi) International and Regional Courts
- vii) International Organisations.
- viii) State sovereignty versus individual rights.

LINH7920 International Humanitarian Law

Learning Outcomes:

The student must be able to:

- i) Understand the philosophy, nature and scope of International Humanitarian law (IHL).
- ii) Be able to identify and know the sources and general principles of IHL.

- iii) Understand the scope of application of IHL.
- iv) Know the inherent limits of IHL.
- v) Know the means of warfare.
- vi) Understand the relationship between IHL and international human rights.
- vii) Distinguish between civilians and combatants.

Integrated knowledge:

- i) Nature and scope of IHL.
- ii) Sources.
- iii) Principles.
- iv) Treaties.
- v) Customary International law.
- vi) Human rights.
- vii) Means of warfare.
- viii) Combatants and civilians.
- ix) Right to go to war versus the right within war.

LINR7900 International Law (Mini-dissertation)

The mini-dissertation in International law is facilitated by the Department of Public Law: Constitutional Law and Philosophy of Law. The student, in consultation with the prospective supervisor(s) and the academic head of the department, chooses the theme.

Learning outcomes:

The student must be able to:

- i) Demonstrate an advanced competence in practical and theoretical legal problem-solving.
- ii) Demonstrate an advanced understanding of the theoretical framework, key concepts, and core legal rules and principles of the particular research area.
- iii) Select and apply information relevant to the argument.
- iv) Formulate a complex and sustained legal argument.
- v) Evaluate the effectiveness of legal rules in dealing with a particular factual situation and suggest appropriate legal reform mechanisms where current rules are inadequate.
- vi) Where relevant, refer to the social, political, economic and international contexts within which the research is situated.
- vii) Demonstrate competence in comparative techniques where this is required.

- viii) Produce research that is original in the sense that it does not simply duplicate or reproduce existing studies.

LHUE7910 Advanced Study in Equality Law

Learning outcomes:

A student must:

- i) Possess an understanding of important theories regarding equality and discrimination.
- ii) Understand the provisions of the Constitution, their interpretation by the Constitutional Court, including the Court's notion of substantive equality and its framework for applying section 9 of the Constitution.
- iii) Be able to understand and explain applicable equality law from comparative jurisdictions against the background of the particular constitutions.
- iv) Be familiar with the provisions of applicable equality legislation, e.g. the Employment Equity Act and the Promotion of Equality and Prevention of Unfair Discrimination Act.
- v) Be able to understand and apply the equality provisions of the Constitution and applicable legislation to selected fields, e.g. employment discrimination and affirmative action, discrimination in private clubs and organisations, discrimination in family law, provision of goods, services and facilities, professions and bodies, housing, accommodation, land and property, health services and benefits, education, insurance, pensions.

Integrated knowledge:

- i) Theories of equality and discrimination.
- ii) Constitutional provisions regarding equality and discrimination and their interpretation by the Constitutional Court and other comparative jurisdictions.
- iii) Equality legislation.
- iv) Application of the constitutional and legislative provisions to selected areas, e.g. employment discrimination and affirmative action, discrimination in private clubs and organisations, discrimination in Family Law; provision of goods, services and facilities, professions and bodies, housing, accommodation, land and property, health services and benefits, education, insurance, pensions .

LHUA7910 Advanced Study in Fundamental Rights: Social and Economic Rights

Learning outcomes:

The student must be able to:

- i) Demonstrate an understanding of the distinctive legal nature of social and economic rights (including its justiciability; its vertical and horizontal application; and the nature of the duties flowing from it); and its importance for the realisation of social justice in the South African socio-economic and socio-political system.
- ii) Understand and explain the way in which social and economic rights have been guaranteed in the most important international and regional bills of rights.
- iii) Know the interpretation and application of the applicable provisions about social and economic rights in the Constitution of the Republic of South Africa.
- iv) Apply the constitutional provisions regarding social and economic rights to specific areas of public service delivery, including housing, water provision, education, health, social security and children's rights.

Integrated knowledge:

Advanced study of the theories and principles regarding social and economic rights and their application to selected areas of economic and social service delivery.

LHUC7920 Advanced Study in Fundamental Rights: Civil and Political Rights

Learning outcomes:

The student must be able to:

- i) Acquire an in-depth knowledge and understanding of a selection of civil and political rights (inter alia, the right to property, freedom of expression, access to information, religious freedom and children's rights).
- ii) Acquire an in-depth knowledge and understanding of the interpretation of, vertical and horizontal application of and obligations flowing from these rights.

- iii) Understand and explain the way in which these rights have been guaranteed in the most important international and regional bills of rights.
- iv) Understand and explain the approach to these rights in relevant comparative jurisdictions.
- v) Know the interpretation and application of the applicable provisions about the relevant rights in the Constitution of the Republic of South Africa.
- vi) Apply the constitutional provisions regarding these rights to practical cases.

Integrated knowledge:

Advanced study of the theories and principles regarding the interpretation of selected civil and political rights and their application to practical cases.

LHUM7900 Human Rights (Mini-dissertation)

The mini-dissertation in Human Rights is facilitated in the Department of Public Law: Constitutional Law and Philosophy of Law. The student will choose the topic of the mini-dissertation in consultation with the prospective supervisor(s) and the academic head of the department.

Learning outcomes:

The student must be able to:

- i) Demonstrate an advanced competence in practical and theoretical legal problem-solving.
- ii) Demonstrate an advanced understanding of the theoretical framework, key concepts, and core legal rules and principles of the particular research area.
- iii) Select and apply information relevant to the argument.
- iv) Formulate a complex and sustained legal argument.
- v) Evaluate the effectiveness of legal rules in dealing with a particular factual situation and suggest appropriate legal reform mechanisms where current rules are inadequate.
- vi) Where relevant, refer to the social, political, economic and international contexts within which the research is situated.
- vii) Demonstrate competence in comparative techniques where this is required.
- viii) Produce research that is original in the sense that it does not simply duplicate or reproduce existing studies.

LENE7900 National Environmental Law

Learning outcomes:

The student must be able to:

- i) Understand the nature and scope of Environmental law.
- ii) Be able to identify and know the content of the most important national and international sources of Environmental law.
- iii) Know the content, scope of and restrictions on the constitutional right to the environment.
- iv) Know the provisions of the framework legislation on the environment.
- v) Know the law relating to specific environmental themes, e.g. nature conservation, water and air pollution, waste management, mining, etc.
- vi) Know and apply the general principles of environmental management.

Integrated knowledge:

- i) The nature and scope of Environmental law.
- ii) National and international sources of Environmental law.
- iii) The constitutional right to the environment.
- iv) Framework legislation on the environment.
- v) The law pertaining to specific environmental themes, e.g. nature conservation, water and air pollution, waste management, mining, etc.
- vi) General principles with regard to environmental management.
- vii) Comparative study of Environmental law.

LENI7910 International and National Measures for the Protection of the Environment

Learning outcomes:

The student must be able to:

- i) Understand and explain the main developments in International law with regard to the protection of the environment.
- ii) Identify, explain and evaluate the main International law principles governing the protection of the environment.
- iii) Understand the relevance of International Environmental law for South Africa.

Integrated knowledge:

- i) UN declarations and conventions on the protection of the environment.
- ii) The importance thereof for South African environmental law.
- iii) Other principles relevant to the enforcement of environmental laws.

LENV7900 Environmental Law (Mini-dissertation)

The mini-dissertation in Environmental Law is facilitated by the Department of Public Law: Constitutional Law and Philosophy of Law. The student will choose the topic of the mini-dissertation in consultation with the prospective supervisor(s) and the academic head of the department.

Learning outcomes:

The student must be able to:

- i) Demonstrate an advanced competence in practical and theoretical legal problem-solving.
- ii) Demonstrate an advanced understanding of the theoretical framework, key concepts, and core legal rules and principles of the particular research area.
- iii) Select and apply information relevant to the argument.
- iv) Formulate a complex and sustained legal argument.
- v) Evaluate the effectiveness of legal rules in dealing with a particular factual situation and suggest appropriate legal reform mechanisms where current rules are inadequate.
- vi) Where relevant, refer to the social, political, economic and international contexts within which the research is situated.
- vii) Demonstrate competence in comparative techniques where this is required.
- viii) Produce research that is original in the sense that it does not simply duplicate or reproduce existing studies.

LJUU7900 Jurisprudence and Justice**Learning outcomes:**

The student must be able to:

- i) Know, understand and appreciate the nature of law and justice.
- ii) Understand and critically reflect upon the relationship between law and justice.

- iii) Manifest the practical ability to evaluate the content and application of law and justice in the South African legal system and other legal systems.
- iv) Evaluate the level of justice in various legal paradigms.

Integrated knowledge:

Is law necessary?

- i) Law and force.
- ii) Law and morals.
- iii) Natural law and natural rights.
- iv) Legal positivism.
- v) Law and justice.
- vi) Law and freedom.
- vii) Law, sovereignty and the State.
- viii) Law and society.
- ix) Law and custom.
- x) The judicial process.
- xi) Conceptual thinking in law.
- xii) Some leading legal concepts.

LJUE7900 Ideology and Jurisprudence

Learning outcomes:

The student must be able to:

- i) Understand the meaning of ideology and legal ideology.
- ii) Identify the major fields of ideology in Jurisprudence and Philosophy of law.
- iii) Appreciate the contents, effects and practical results of various ideological approaches to law and jurisprudence.
- iv) Investigate legal texts and formulations and critically reflect on the theoretical underpinnings and practical implications of legal ideologies.

Integrated knowledge:

- i) The nature of jurisprudence within different ideological contexts.
- ii) The meaning of law and its ideological roots.
- iii) Appreciating the legal ideologies manifested in classical positivism, the pure theory of law, modern trends in analytical and normative jurisprudence, sociological jurisprudence and the realistic approach to law.
- iv) The practical effects of legal ideologies in various contexts.

LJUR7900 Jurisprudence (Mini-dissertation)

The mini-dissertation in Jurisprudence is facilitated by the Department Public Law: Constitutional Law and Philosophy of Law. The student will choose the topic of the mini-dissertation in consultation with the prospective supervisor(s) and the academic head of the department.

Learning outcomes:

The student must be able to:

- i) Demonstrate an advanced competence in practical and theoretical legal problem-solving.
- ii) Demonstrate an advanced understanding of the theoretical framework, key concepts, and core legal rules and principles of the particular research area.
- iii) Select and apply information relevant to the argument.
- iv) Formulate a complex and sustained legal argument.
- v) Evaluate the effectiveness of legal rules in dealing with a particular factual situation and suggest appropriate legal reform mechanisms where current rules are inadequate.
- vi) Where relevant, refer to the social, political, economic and international contexts within which the research is situated.
- vii) Demonstrate competence in comparative techniques where this is required.
- viii) Produce research that is original in the sense that it does not simply duplicate or reproduce existing studies.

LCON7900 Constitutional Law (Mini-dissertation)

The mini-dissertation in Constitutional Law is facilitated in the Department of Public Law: Constitutional Law and Philosophy of Law. The student will choose the topic of the mini-dissertation in consultation with the prospective supervisor(s) and the academic head of the department.

Learning outcomes:

The student must be able to:

- i) Demonstrate an advanced competence in practical and theoretical legal problem-solving.
- ii) Demonstrate an advanced understanding of the theoretical framework, key concepts, and core legal rules and principles of

- the particular research area.
- iii) Select and apply information relevant to the argument.
 - iv) Formulate a complex and sustained legal argument.
 - v) Evaluate the effectiveness of legal rules in dealing with a particular factual situation and suggest appropriate legal reform mechanisms where current rules are inadequate.
 - vi) Where relevant, refer to the social, political, economic and international contexts within which the research is situated.
 - vii) Demonstrate competence in comparative techniques where this is required.
 - viii) Produce research that is original in the sense that it does not simply duplicate or reproduce existing studies.

LCRM8900 (Master's Degree by dissertation)

The title of the **Master's research dissertation** is the choice of the student, in consultation with the relevant supervisor within the department.

LCRS7900 *Capita Selecta* from Criminal Law

Learning outcomes:

The student must be able to integrate the basic principles of Criminal law with advanced knowledge on a selection of crimes, as well as analyse, apply and evaluate these crimes. The student must also be able to analyse and apply the guidelines in sentencing.

Integrated knowledge:

- i) Legal developments on sexual offences.
- ii) Trafficking in persons from an international and South African perspective.
- iii) Domestic violence from a South African and legal comparative perspective.
- iv) Legal developments in cyber-crime.
- v) Corruption from an international and South African perspective.
- vi) Guidelines for sentencing.

LCRM7900 Criminal and Medical Law (Mini-dissertation)

The mini-dissertation in Criminal and Medical Law is facilitated by the Department of Public Law: Constitutional Law and Philosophy of Law. The student will choose the topic of the mini-dissertation in consultation with the prospective supervisor(s) and the academic head of the department.

Learning outcomes:

The student must be able to:

- i) Demonstrate an advanced competence in practical and theoretical legal problem-solving.
- ii) Demonstrate an advanced understanding of the theoretical framework, key concepts, and core legal rules and principles of the particular research area.
- iii) Select and apply information relevant to the argument.
- iv) Formulate a complex and sustained legal argument.
- v) Evaluate the effectiveness of legal rules in dealing with a particular factual situation and suggest appropriate legal reform mechanisms where current rules are inadequate.
- vi) Where relevant, refer to the social, political, economic and international contexts within which the research is situated.
- vii) Demonstrate competence in comparative techniques where this is required.
- viii) Produce research that is original in the sense that it does not simply duplicate or reproduce existing studies.

LPEV8900 (Master's Degree by dissertation)

The title of the **Master's research dissertation** is the choice of the student, in consultation with the relevant supervisor within the department.

LPES7920 *Capita Selecta* from Law of Evidence

Learning outcomes:

The student must be able to:

- i) Understand the function of the law of Evidence in the structure of a court system.
- ii) Integrate and apply the constitutional rights in criminal and civil trials.

- iii) Apply the various aspects regarding the admissibility of relevant evidence to a set of facts.
- iv) Be in a position to handle the various aspects regarding the inclusion of evidence.
- v) Have theoretical and practical knowledge regarding admissions and confessions in civil and criminal trials.
- vi) Be in a position to arrange, establish and apply various kinds of evidence in a trial.
- vii) Apply all aspects regarding witnesses in trials.
- viii) Have a complete knowledge, understanding and be able to apply the standards of proof and burden of proof in criminal trials.

Integrated knowledge:

- i) A general knowledge and insight into the history and theory of the law of Evidence.
- ii) Draw a distinction between principles.
- iii) Knowledge of the function of evidence and all forms of exclusion of such evidence.
- iv) Knowledge of the proceedings in a trial.
- v) Knowledge and also the practical application of pre-trial, trial, and post-trial procedure.
- vi) Knowledge of sentencing and the factors pertaining to all issues in this regard.

LPEJ7900 International Criminal Law and Justice

Learning outcomes:

The student undertakes an advanced study of the basic principles applicable in International Criminal law and Justice. Through this study, the student forms a scientific understanding and approach to the practical application of measures aimed at ensuring accountability for perpetrators of international crimes. An historical analysis is made from a former situation of state liability for international crimes to one of individual accountability for international crimes in situations of internal and external conflicts. The programme particularly provides an African perspective on International Criminal law and Justice by studying the processes in terms of which crimes are prosecuted before the International Criminal Court (ICC) and the role of the

Security Council, when it, in the interests of international peace and security, refers situations to the ICC.

Integrated knowledge

- i) The sources and formation of International Criminal law and Justice.
- ii) Crimes in terms of International Criminal law.
- iii) Jurisdiction and the prosecution of international crimes.
- iv) The formation of International Criminal law and Justice through the Nuremberg/Tokyo trials and the prosecutions before the ad hoc tribunals.
- v) The International Criminal Court, jurisdiction crimes and international co-operation.
- vi) International criminal justice in the African context.
- vii) Immunities and amnesties.

LPEV7900 Procedural Law and Law of Evidence (Mini-dissertation)

The mini-dissertation in Procedural law or law of Evidence is facilitated by the Department of Public Law. The student will choose the topic of the mini-dissertation in consultation with the prospective supervisor(s) and the academic head of the department.

Learning outcomes:

The student must be able to:

- i) Demonstrate an advanced competence in practical and theoretical legal problem-solving.
- ii) Demonstrate an advanced understanding of the theoretical framework, key concepts, and core legal rules and principles of the particular research area.
- iii) Select and apply information relevant to the argument.
- iv) Formulate a complex and sustained legal argument.
- v) Evaluate the effectiveness of legal rules in dealing with a particular factual situation and suggest appropriate legal reform mechanisms where current rules are inadequate.
- vi) Where relevant, refer to the social, political, economic and international contexts within which the research is situated.

- vii) Demonstrate competence in comparative techniques where this is required.
- viii) Produce research that is original in the sense that it does not simply duplicate or reproduce existing studies.

SCHOOL OF FINANCIAL PLANNING LAW

LFPE5800 The Financial Planning Environment

The module LFPE5800 (40 Credits) is presented in the School for Financial Planning Law.

Description and purpose of course

The student will be introduced to the regulatory environment and legislation that governs the financial services industry. Taxation and time value of money will be mastered. Students will be acquainted with basic economics and financial management.

Integrated knowledge and skills

After having successfully completed this module, the student should be able to assimilate the relevant concepts and principles and to formulate solutions regarding:

- i) Compliance and legislation governing the financial services industry.
- ii) Taxation in South Africa
- iii) Time value of money.
- iv) Economics.
- v) Financial Management.

Assessment

Assessment to determine whether the student has attained the module outcomes takes place in a formative (quizzes) and summative (examination) manner.

LFPP5800 Personal Financial Planning

The module LFPP5800 (40 Credits) is presented in the School for Financial Planning Law.

Description and purpose of course

Students will be introduced to the elements of personal financial planning in order to advise a client with regard to all the aspects of an individual's financial planning and how to identify and achieve the goals set by the client in the most effective and suitable manner.

Integrated knowledge and skills

After having successfully completed this module, the student should be able to assimilate the relevant concepts and principles and to formulate solutions regarding:

- i) Estate planning.
- ii) Retirement planning.
- iii) Investment planning.
- iv) Long-term insurance.
- v) Short-term insurance.

Assessment

Assessment to determine whether the student has attained the module outcomes takes place in a formative (quizzes) and summative (examination) manner.

LFPC5800 Corporate Financial Planning

The module LFPC5800 (40 Credits) is presented in the School for Financial Planning Law.

Description and purpose of course

Students will be introduced to the elements of corporate financial planning in order to advise a client with regard to all the aspects of corporate financial planning and how to identify and achieve the goals set by the client in the most effective and appropriate manner.

Integrated knowledge and skills

After having successfully completed this module, the student should be able to assimilate the relevant concepts and principles and to formulate solutions regarding:

- i) Employee benefits.
- ii) Health benefits.
- iii) Business insurance.
- iv) Business entities.
- v) Reading and interpreting financial ratios and statements.

Assessment

Assessment to determine whether the student has attained the module outcomes takes place in a formative (quizzes) and summative (examination) manner.

LFPS5800 Financial Planning Case Study

The module LFPS5800 (40 Credits) is presented in the School for Financial Planning Law.

Description and purpose of course

Students will be expected to draft a financial plan for a client that aligns with compliance and legislative requirements. The student must analyse the information and devise a suitable and cost and tax efficient plan to achieve the goals and objectives of the client.

Integrated knowledge and skills

After having successfully completed this module, the student should be able to assimilate the relevant concepts and principles and to formulate solutions regarding:

- i) The financial planning environment,
- ii) Personal financial planning, and
- iii) Corporate financial planning.

Assessment

Assessment to determine whether the student has attained the module outcomes takes place in summative (examination) manner only.

LFPG5800 Fund Governance and Maintenance

The module LFPG5800 (60 Credits) is presented in the School for Financial Planning Law.

Description and purpose of course

Students will know, understand and apply all concepts relating to registered retirement fund vehicles (and ancillary benefit structures) and fully understand the roles and responsibilities of trustees, service providers and regulatory bodies in the industry. Students will be equipped to provide holistic employee benefits advice with regard to registered and approved retirement funds through thorough knowledge and understanding of both the legal and practical governance and maintenance requirements for all types of funds and schemes. Students will know the authority, administration, rules, registration, approval, board, officers, fund indemnity, investment manager, other service providers, risk benefits and communication of a retirement fund.

Integrated knowledge and skills

After having successfully completed this module, the student should be able to assimilate the relevant concepts and principles and to formulate solutions regarding:

- i) The governance of registered and approved employee benefit funds; and
- ii) The maintenance of registered and approved employee benefit funds.

Assessment

Assessment to determine whether the student has attained the module outcomes takes place in a formative (assignments) and summative (examination) manner.

LFPD5800 Fund Design and Financing

The module LFPD5800 (60 Credits) is presented in the School for Financial Planning Law.

Description and purpose of course

Students will have sufficient knowledge to provide advice on the structure of retirement fund arrangements taking into account cost, practicality, efficiency as well as the trustees' fiduciary duties. Students will have in-depth knowledge of the legal and governance aspects of designing and setting up a new fund, revising the structure of an existing fund, and of the relevant factors and how these interrelate and impact each other.

Integrated knowledge and skills

After having successfully completed this module, the student should be able to assimilate the relevant concepts and principles and to formulate solutions regarding:

- i) The design of registered and approved employee benefit funds; and
- ii) The financing of registered and approved employee benefit funds.

Assessment

Assessment to determine whether the student has attained the module outcomes takes place in a formative (assignments) and summative (examination) manner.

LFPR5800 Personal Financial Risk Management

The module LFPR5800 (60 Credits) is presented in the School for Financial Planning Law.

Description and purpose of course

Students must be able to apply a risk-based approach to distinguish between different levels of risk. They will be able to use a methodology in identifying, evaluating and selecting appropriate risk handling methods to mitigate risks. Students will be proficient in applying the principles and methodology of personal risk management. Students will be able to differentiate between the creation and preservation of wealth. Students will understand the legal and regulatory environment pertaining to risk management.

Integrated knowledge and skills

After having successfully completed this module, the student should be able to assimilate the relevant concepts and principles and to formulate solutions regarding:

- i) The legal and financial risks of a client,
- ii) The identification of a client's risks,
- iii) The management of a client's financial and personal risk, and
- iv) The minimisation of a client's financial and personal risk.