

UNIVERSITY OF THE  
FREE STATE  
UNIVERSITEIT VAN DIE  
VRYSTAAT  
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FREISTATA



**UFS·UV**

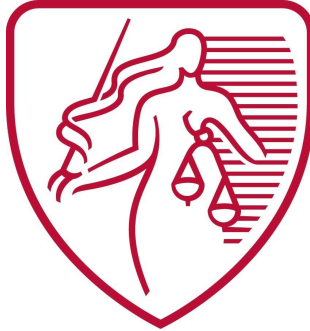
**LAW  
REGSGELEERDHEID**

# **FACULTY OF LAW POST GRADUATE DEGREES AND DIPLOMAS 2013**



**DEAN  
PROF JJ HENNING**





## **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.**

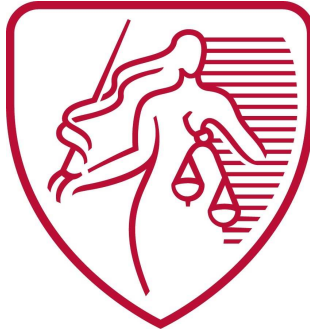
**The Faculty of Law is committed to excellence in teaching and to delivering jurists with qualifications of international renown to the professions.**

**Legal qualifications open doors to a wide variety of occupations, including the advocate's profession, attorney's profession, legal advisors, labour consultants, prosecutors, magistrates, and the insurance and banking industries.**

**The Faculty is renowned for research of international standard, and its high level of dedicated community service, where the UFS Legal Clinic and several centres in the Faculty play a major roll.**

**The Faculty enjoys close ties with several law schools and law faculties internationally, in especially Britain, Europe and the USA.**

**The Faculty is proud of its alumni association, former law students which remain loyal to the Faculty, and the *Collegium Iurisprudentium*, an advisory panel for the Faculty, consisting of its honorary and extraordinary professors.**



## **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 afforded to the quality of its activities and the achievements of its students and staff both nationally and internationally.
- To continually maintain a national and regional perspective in its activities.
- To 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 justice 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 and regulations 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 abovementioned code, it may result in the student's suspension from legal studies at the University of the Free State or the refusal of a certificate of good conduct, which is a prerequisite for admission to the 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 and regulations 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.**

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**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.**

## **ADDRESS**

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All correspondence regarding academic matters should be addressed to:

**The Registrar  
University of the Free State  
PO Box 339  
BLOEMFONTEIN  
9300**

**Telephone: 051 401 9111  
Fax: 051 401 2117**

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: 051 401 2451/401 9777/401 2735  
Fax: 051 444 5013  
E-mail: [snymane@ufs.ac.za](mailto:snymane@ufs.ac.za)**

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**Dean:**

**Prof JJ Henning\*\***

[B Iur, LLB, LLD (UOFS), MASSAf, HFSALS, Hon. Coif, Attorney of the High Court of South Africa]

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**PERMANENT ACADEMIC STAFF**

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**(Departmental chairpersons are indicated with an asterisk\*)**

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**Mercantile Law**

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**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]

**Extraordinary professors:**

**The Honourable Justice LTC Harms** [BA (Law) (*cum laude*), LLB (*cum laude*) (UP), Deputy-President of the Supreme Court of Appeal of South Africa]

**The Honourable Judge FR Malan** [BA (Law) (*cum laude*), LLB (*cum laude*), LLD (Pret), Judge of the Supreme Court of Appeal of South Africa]

**The Honourable Justice BC Mocumie** [B Iur (University of Zululand), LLB (University of Northwest), LLM (UNISA), Judge of the Supreme Court of Appeal of South Africa]

**Prof MB Ndulo** [LLB (Zambia,) LLM (Harvard), D Phil (Oxford), Advocate of the High Court of Zambia]

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

**Permanent lecturing staff:**

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

**Ms M Conradie** [LLB, MA (Latyn) (*cum laude*) (UFS), 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 G du Toit** [B Iur, 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]

**Mrs LM Jacobs** [LLB (*summa cum laude*), LLM (UFS), Attorney of the High Court of South Africa]

**Ms A Koorsen** [B Com, LLB (*cum laude*), Postgraduate Diploma in Financial Planning Law (UFS), Attorney of the High Court of South Africa]

**Ms MGB Mokone** [LLB, LLM (*cum laude*) (UFS)]

**Adv HJ Moolman** [B Com, B Iur, LLB, LLM (UOFS), Advocate of the High Court of South Africa]

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

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

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

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## Private Law

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### Honorary professor:

**The Honourable Justice JF 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)** [B Com, LLB (UOFS), Dr Jur, LLD (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** [B Iur, LLB (PU for CHE), CTL (UNISA), Attorney of the High Court of South Africa]

**Prof CW van Wyk** [BA (Stell), LLB (*cum laude*), LLM (*cum laude*), LLD (UNISA), Advocate 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), Former Judge of the High Court of South Africa (Western Cape)]

**Senior professor:**

**Prof J Neethling** [BA, LLB (UOFS), LLM (McGill), LLD (UNISA)]

**Permanent lecturing staff:**

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

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

**Prof GH Fick** [B Jur, B Com, LLB (PU for CHE), LLM, DCL (McGill), Advocate of the High Court of South Africa]

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

**Prof R-M Jansen** [B Soc.Sc (Hons) (Nursing), B Jur, LLB (*cum laude*), LLM (*cum laude*) (UOFS), LLD (UFS), Advocate of the High Court of South Africa]

**Mr KL Mould** [LLB, LLM, BA (Hons) (UFS), 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]

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

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**Criminal and Medical Law**

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**Extraordinary professors:**

**The Honourable Justice BJ van Heerden** [BA (*magna cum laude*), LLB (*magna cum laude*) (US), BA Honn., MA (Oxon), Judge of the Supreme Court of Appeal of South Africa]

**Dr P van den Heever** [B Jur, LLB (UFS), LLM (UCT), LLD (UP), Advocate of the High Court of South Africa, Member of the Cape Bar, Accredited Civil and Commercial Mediator (CD and ACDS)]

**Prof T Verschoor** [B Jur, LLB, LLD (Pret), Advocate of the High Court of South Africa]

**Permanent lecturing staff:**

**Dr R Botha** [B Jur, LLB, LLM, LLD (UOFS), Advocate of the High Court of South Africa]

**Dr HB Kruger** [BA (Law), LLB, LLM (UOFS), LLD (UFS), Advocate of the High Court of South Africa]

**Prof H Oosthuizen\*** [B Jur, LLB, LLD, LLD (UOFS), Advocate of the High Court of South Africa]

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## Procedural Law and Law of Evidence

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### Extraordinary professor:

**The Honourable Justice SPB Hancke (SC)** [B Com, LLB (UOFS), HFSALS, Judge of the High Court of South Africa (Free State)]

### Permanent lecturing staff:

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

**Adv JM Reyneke** [B Com (Law), LLB (PU for CHE), LLM (UFS), Advocate of the High Court of South Africa]

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

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

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## Constitutional Law and Philosophy of Law

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### Extraordinary professor:

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

**Prof YG Mokgoro** [B Iur, LLB, LLM (Bophuthatswana), LLM (Pennsylvania)]

### Permanent lecturing staff:

**Prof SA de Freitas** [B Proc, LLB, LLM (UOFS)]

**Dr I Keevy\*** [B Iur, LLB, LLD (UFS), Advocate of the High Court of South Africa]

**Prof JL Pretorius** [B Com, LLB, BA (Hons), LLD (UOFS) Advocate of the High Court of South Africa]

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## Dean's Office

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

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## **Centre for Labour Law**

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Prof JV du Plessis (Head)

Permanent support staff:

**Ms J Jonson** – Assistant Officer

**Mrs Y Pieters** – Assistant Officer

**Ms V Plaatjies** – Assistant Officer

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## **Centre for Estate Planning Law**

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**Adv WM Oosthuizen** (Head)

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## **Centre for Financial Planning Law**

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Permanent lecturing staff:

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

**Adv WM Oosthuizen\*** CFP<sup>®</sup> [B Proc, LLB (UOFS), LLM (PU for CHE), Postgraduate Diploma in Financial Planning (UFS), Advocate of the High Court of South Africa]

**Mrs H Steyn** CFP<sup>®</sup> [B Com, LLB (UFS), Postgraduate Diploma in Financial Planning Law, Advanced Postgraduate Diploma in Financial Planning, Attorney of the High Court of South Africa]

**Mrs R van Zyl** CFP<sup>®</sup> [LLB, Postgraduate Diploma in Financial Planning (UFS), Advocate of the High Court of South Africa]

Permanent support staff:

**Mrs JE Badenhorst** – Assistant Officer

**Mrs S Crous** – Officer

**Mrs JW de Jonge** – Messenger

**Mrs S de Kock** – Officer

**Mrs HJ Labuschagne** – Assistant Officer

**Ms J Leeuw** – Assistant Officer

**Mrs MJ Molete** – Assistant Officer

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## **Centre for Business Law**

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**Prof JJ Henning (Head)\*\***

**Prof E Snyman-van Deventer**

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Unit for Medical Law and Bio-ethics

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**Prof H Oosthuizen (Head)**

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Unit for Children's Rights

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**Adv JM Reyneke (Head)**

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**Research Unit for Serious Economic Crime**

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Extraordinary professor:

**Adv J Lubbe (SC)** [B Iur (UOFS), LLB (UNISA), Advocate of the High Court of South Africa]

Prof JJ Henning (Head)\*\*

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**UFS Law Clinic**

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Adv IJ Bezuidenhout (Head)

Permanent lecturing staff:

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

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**PERMANENT SUPPORT STAFF**

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**Mrs SJ Burger** – Senior Administrative Officer

**Mrs H Erasmus** – Faculty Secretary

**Mr JHP Erasmus** – E-Learning

**Mrs A Kotzé** – Faculty Manager

**Mrs A Lombard** – Dean's Office Manager

**Mrs C Nel** – E-Learning

**Mrs A Pieters** – Senior Assistant Officer

**Mrs SAM Viljoen** – Senior Administrative Assistant

### Introduction

As part of its objective to constantly improve on the quality of its activities, the Faculty of Law of the University of the Free State strives to ensure ample opportunity for its staff and students to keep abreast with legal questions arising from the ever changing statutory milieu and socio-economic order in South Africa. This is effected *inter alia* by tapping into the expertise and experience of its extraordinary and honorary professors who have all, whether as academics or practitioners or judges, made their mark in various spheres of legal practice.

### Purpose

The **Collegium Iurisprudentium** is the external Advisory Board of the Faculty of Law of the University of the Free State. Its purpose is to provide advice on the development of programs, modules or disciplines, on new programs, modules or disciplines and on revisions to existing programs, modules or disciplines and to ensure that relevant links are established with the communities that inform the course portfolio of the University. The **Collegium Iurisprudentium** may also work to establish opportunities for professional and industry-based placements, staff consultancies and the development of theoretical and applied research.

### Composition

- All the honorary and extraordinary professors of the Faculty of Law, as well as the Dean of Law, are *ex officio* members of the *Collegium Iurisprudentium*.
- Chair: An honorary or extraordinary professor of the Faculty appointed by the Dean of Law after consultation with the members of the *Collegium Iurisprudentium*.
- Secretary: The Faculty Manager of the Faculty of Law.

### Terms of Reference

To provide advice to the Faculty on:

- All aspects relevant to the quality of its activities.
- The courses and units taught by the Faculty including the development of new courses or units.

- ❑ Teaching and learning, including teaching and learning using on-line, distance education, or flexible delivery methods.
- ❑ The skills, knowledge and attributes sought by the employers of graduates who complete courses or units taught by the faculty.
- ❑ Research, including opportunities for securing research funding.
- ❑ The development by the Faculty of the disciplines it embraces.
- ❑ Professional and industry links and placements.
- ❑ Consultancy opportunities.
- ❑ Such other matters as the Dean of Law deems appropriate.

## **President**

**The Honourable Justice JJF Hefer (SC)** [B.A., LL.B. (UOFS), LL.M. (cum laude) (Unisa), LL.D. (Honoris Causa) (UFS)], former Acting Chief Justice of the Republic of South Africa]

## **Members**

### **Mercantile Law**

*Honorary professor:*

**Prof BAK Rider** [LL.B. (Honours) (London), Ph.D. (Law) (London), Ph.D. (Law) (Cantab), LL.D. (Honoris Causa) (Dickinson), LL.D. (Honoris Causa) (UFS)]

*Extraordinary professors:*

**The Honourable Justice LTC Harms** [B.A. Law (cum laude), LL.B. (cum laude)(UP), Deputy-President of the Supreme Court of South Africa]

**Prof MM Katz** [B.Com., LL.B. (Wits), LL.M. (Harvard)], Attorney of the High Court of South Africa]

### **Private Law**

*Honorary professor:*

**The Honourable Justice JJF Hefer (SC)** [B.A., LL.B. (UOFS), LL.M. (cum laude) (Unisa), LL.D. (Honoris Causa) (UFS)], former Acting Chief Justice of the Republic of South Africa]

*Extraordinary professors:*

**The Honourable Justice FDJ Brand (SC)** [B.A., LL.B., LL.M. (cum laude) (US)], Judge of the Supreme Court of Appeal of South Africa]

**Adv JY Claasen (SC)** [B.Com., LL.B. (UOFS), LL.D. (UP), Dr. Jur., LL.D. (Leiden)]

**The Honourable Justice CH Lewis** [B.A., LL.B. (cum laude), LL.M (cum laude) (Wits), Judge of the Supreme Court of Appeal of South Africa]

**Prof W van der Westhuizen** [B.lur., LL.B. (PU for CHE), CTL (Unisa)], Attorney of the High Court of South Africa]

**The Honourable Justice IG Farlam (SC)** [B.A., LL.B. (UCT)], Judge of the Supreme Court of Appeal of South Africa]

**The Honourable Justice A Kruger (SC)** [B.A., LL.B. (US), Drs. Jur. (cum laude), Dr. Jur. (Leiden)], Judge of the Free State High Court]

**The Honourable Justice DH van Zyl (SC)** [B.A., LL.B., M.A. (Pret), Dr. Jur. (Leiden), Ph.D., LL.D. (UCT), D.Litt. (UOFS)], Judge of the Cape High Court]

### **Criminal and Medical Law**

*Extraordinary professors:*

**The Honourable Justice BJ van Heerden** [B.A. (magna cum laude) (US), LL.B. (magna cum laude) (US), B.A. Honn. (Oxon), M.A. (Oxon), Judge of the Supreme Court of Appeal of South Africa]

**Prof T Verschoor** [B.lur., LL.B., LL.D. (Pret)], Advocate of the High Court of South Africa]

### **Procedural Law and Law of Evidence**

*Extraordinary professor:*

**The Honourable Justice SPB Hancke (SC)** [B.Com., LL.B. (UOFS), Hon. FSALS], Judge of the Free State High Court]

### **Constitutional Law and Legal Philosophy**

*Extraordinary professors:*

**Prof IT Benson** [B.A. M.A. (Cantab), LL.B. (University of Windsor, Ontario), Senior Associate Counsel, Miller Thomson LLP, Toronto, Ontario]



## **Centre for Judicial Excellence**

*Extraordinary professor:*

**The Honourable Justice BC Mocomie** [B.lur. (University of Zululand), LL.B. (University of Northwest), LL.M. (UNISA), Judge of the Free State High Court]

## **Research Unit for Serious Economic Crime**

*Extraordinary professor:*

**Adv J Lubbe (SC)** [B.lur. (UOFS), LL.B. (Unisa)], Advocate of the High Court of South Africa]

## POSTGRADUATE DEGREES

In addition to degrees and diplomas that may be instituted by the University in the future, the following postgraduate degrees and diplomas are currently awarded in the Faculty of Law:

<b>Degree</b>	<b>Minimum period of study</b>	<b>Abbreviation</b>	<b>Study Code</b>
Doctor Legum	2 year	LLD	3900
Doctor Philosophiae	2 years	PhD	3901
Magister Legum: Dissertation Structured	1 year	LLM	3701 3702- 3722
Postgraduate Diploma in Labour Law	1 year	PDLL	3202
Postgraduate Diploma in Financial Planning	1 year	PDFP	3200
Advanced Postgraduate Diploma in Financial Planning	1 year	Adv PDFP	3201

## **DOCTOR'S DEGREE**

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The following doctor's degrees are awarded in the Faculty of Law:

<b>Degree</b>	<b>Minimum period of study</b>	<b>Abbreviation</b>	<b>Study Code</b>
<b>Doctor Legum</b>	<b>2 years</b>	<b>LLD</b>	<b>3900</b>
<b>Doctor Philosophiae</b>	<b>2 years</b>	<b>PhD</b>	<b>3901</b>

### **Reg E13 DOCTOR LEGUM**

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Students must acquire the ability to act as legal-professional practitioners.

The successful candidate will be able to:

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

The successful candidate will specifically be able to:

- ❑ Identify and solve legal problems through critical and creative thought.
- ❑ Approach and study personal and professional activities in a responsible, ethical and effective manner.
- ❑ Do effective legal research by gathering, analysing and critically evaluating information.
- ❑ Communicate effectively and verbally in writing.
- ❑ Co-operate effectively with others in the society.
- ❑ Use technology effectively and responsibly to the advantage of the community as a whole.
- ❑ See the law as a component of a system of interdependent systems within the community within which problem-solving cannot occur in isolation.

## **RULES**

### **Rule E13 DOCTOR'S DEGREES**

The general rules of the UFS regarding doctor's degrees apply *mutatis mutandis* to LLD and PhD students in this faculty.

#### **Rule E13.1 Admission**

- (a) In order to be admitted to LLD or PhD degree studies, a candidate must be in possession of a LLM degree.
- (b) LLD: Candidates should submit a comprehensive research proposal that is approved by the Faculty Board (always subject to Rule A109), within a year after registration; failure to do so will result in the candidate not being permitted to re-register. If a candidate does not meet this requirement, such a candidate will only be allowed to re-register after a written request has been considered and approved by the Faculty Committee.
- (c) PhD: During a pre-registration period of not more than six months, candidates must submit a comprehensive reading list and research proposal of eight to twelve typed pages to the promoter. A candidate may also on completion of the research proposal and reading list submit same to the promoter in the absence of a prescribed pre-registration period. Before the candidate may be allowed to register, a defence must take place of the title and the research proposal. This defence must be attended by the candidate, the promoter, and a panel, consisting of members of the department, members of the Research Proposal and Ethics committee of the Faculty of Law, external specialist/s as well as the Director: Research Faculty of Law. After a successful defence, the title and the research proposal is referred by the departmental chair to the Faculty Board for approval via the Faculty Committee.
- (d) If a candidate does not complete the thesis for the PhD within the prescribed two years, such a candidate will only be allowed to re-register after a written request for re-registration and the extension of the period of study for one year have been considered and approved by the Faculty Committee.

### **Rule E13.2 Thesis**

LLD: A thesis for the degree must deal with a subject pertaining to juridical science approved by the Faculty Board.

PhD: A thesis of not more than 80 000 words for the degree must deal with a subject pertaining to juridical science approved by the Faculty Board.

### **Rule E13.3 Doctoral examination**

- (i) Each candidate for the LLD degree and the PhD degree is subject to a doctoral examination which consists of a public defense of the thesis after submission.
- (ii) The candidate must pass both the thesis and the examination.

## **CURRICULUMS**

### **E13.4 MERCANTILE LAW**

A thesis and examination (code HRR 900)

### **E13.5 PRIVATE LAW**

A thesis and examination (code PRG 900)

### **E13.6 CRIMINAL AND MEDICAL LAW**

A thesis and examination (code SFR 900)

### **E13.7 ROMAN LAW AND LEGAL HISTORY**

A thesis and examination (code RRR 900)

### **E13.8 CONSTITUTIONAL LAW & PHILOSOPHY OF LAW**

A thesis and examination (code STR 900)

### **E13.9 PROCEDURAL LAW AND LAW OF EVIDENCE**

A thesis and examination (code PSR 900)

### **E13.10 MERCANTILE LAW**

A thesis and examination (code HRR 901)

### **E13.11 PRIVATE LAW**

A thesis and examination (code PRG 901)

### **E13.12 CRIMINAL AND MEDICAL LAW**

A thesis and examination (code SFR 901)

### **E13.13 ROMAN LAW AND LEGAL HISTORY**

A thesis and examination (code RRR 901)

**E13.14 CONSTITUTIONAL LAW & PHILOSOPHY OF LAW**

A thesis and examination (code STR 901)

**E13.15 PROCEDURAL LAW AND LAW OF EVIDENCE**

A thesis and examination (code PSR 901)

## MASTERS DEGREE

The following master's degrees are awarded in the Faculty of Law:

<b>Magister Legum</b>	<b>Min period of study</b>	<b>Abbreviation</b>	<b>Study Code</b>
<b>Dissertation</b>	<b>1 year</b>	<b>LL.M.</b>	<b>3701</b>
<b>Structured</b>	<b>1 year</b>	<b>LL.M.</b>	<b>3702</b>
<b>Financial Planning Law</b>	<b>1 year</b>	<b>LL.M.</b>	<b>3708</b>
<b>Law of Business Entities</b>	<b>1 year</b>	<b>LL.M.</b>	<b>3710</b>
<b>Labour Law</b>	<b>1 year</b>	<b>LL.M.</b>	<b>3712</b>
<b>International Economic Law</b>	<b>1 year</b>	<b>LL.M.</b>	<b>3714</b>
<b>Private Law</b>	<b>1 year</b>	<b>LL.M.</b>	<b>3718</b>
<b>Criminal and Medical Law</b>	<b>1 year</b>	<b>LL.M.</b>	<b>3719</b>
<b>Environmental Law</b>	<b>1 year</b>	<b>LL.M.</b>	<b>3722</b>

### REG E12 MAGISTER LEGUM

Students must acquire the ability to act as legal-professional practitioners.

The successful candidate will be able to:

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

The successful candidate will specifically be able to:

- ❑ Identify and solve legal problems through critical and creative thought.
- ❑ Approach and study personal and professional activities in a responsible, ethical and effective manner.
- ❑ Do effective legal research by gathering, analysing and critically evaluating information.
- ❑ Communicate effectively and verbally in writing.

- ❑ Co-operate effectively with others in the society.
- ❑ Use technology effectively and responsibly to the advantage of the community as a whole.
- ❑ See the law as a component of a system of interdependent systems within the community within which problem-solving cannot occur in isolation.

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## **REG E12 MAGISTER LEGUM**

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### **RULES**

The general regulations of the UFS regarding master's degrees apply *mutatis mutandis* to LL.M. candidates in this faculty, as from 2004.

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#### **Rule E.12.1 Admission and continuance**

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- (a) Foreign students must successfully pass a relevant or prescribed UFS language proficiency test or equivalent thereof with a mark of at least 65% except where the student has completed the four year law degree in English. Admittance to any modules will only be on approval of the relevant department.
- (b) To continue with LLM studies, the candidate should comply with the following requirements within the first year of registration:
  - (i) attended the prescribed module in Legal Research Methodology (NAV 714) during the first semester; and
  - (ii) Candidates in the LLM (dissertation) programme must, before completion of the module NAV714 submit a comprehensive reading list and a research proposal of 8 to 12 typed pages to the supervisor. Within a month after completion of NAV714 a defence of the title, the reading list and the research proposal, must take place. This defence must be attended by the candidate, supervisor, external specialist/s as well as the Director: Research of the Faculty of Law. After a successful defence of the title and the research proposal it is referred to the Faculty Board for approval via the Faculty Committee.



- (iii) Candidates in the LLM (structured) programme must submit the compilation of his/her curriculum from the modules listed below and a research topic to the department and the Faculty Committee, for approval.
- (c) Candidates who do not have a four year law degree, may be admitted to the LLM in Labour Law if the candidate has passed the Postgraduate Diploma in Labour Law with an average of at least 60%, has at least ten years experience in middle management, and pass an essay on a labour law topic of ten to fifteen pages which, is to be externally assessed. The candidate will only be admitted if the Recognition of Prior Learning process has been completed.

Nr	Study code	Programme name	Research module	Curriculum-modules
<b>LL.M. (dissertation) in terms of E12.3(i)</b>				
1	3701	LL.M. (dissertation)	HRR700; or PRG700; or RRR700; or SFR700; or SPR700; or STR700	None
<b>LL.M. (structured) in terms of E12.3(ii)</b>				
2	3702	LL.M. (structured)	FBR791; or HRR791; or IER791; or INR791; or MNR791; or PRG791; or RGL791; or SFR791; or SPR791; or STR791	Own choice
3	3708	LL.M. (Financial Planning Law)	FBR791	FBR701, FBR702, FBR703, FBR706, FBR707 or FBR708
4	3710	LL.M. (Law of Business Entities)	HRR791	HRR701, HRR703, HRR709 or HRR710
5	3712	LL.M. (Labour	HRR791	HRR704, HRR705,

		Law)		HRR711, HRR712 or HRR713
6	3714	LL.M. (International Economic Law)	IER791	IER701, IER702, IER703, IER704 or IER705
7	3718	LL.M. (Private Law)	PRG791	PRG701, PRG702, PRG703, PRG704, PRG705, PRG707 or PRG708
8	3719	LL.M. (Criminal- and Medical Law)	SFR791	SFR701, SFR703, SPR701, SPR705 or HRR716
9	3722	LL.M. (Environmental Law)	OGR791	OGR701, OGR702, or OGR703

### **Reg E.12.2 Degree with distinction (See General Regulation A93)**

The LL.M. degree is awarded *with distinction* if a candidate achieves a minimum combined average of 75% in the examinations and the extended research essay.

The LL.M. degree (Dissertation) is awarded with distinction, if a candidate has achieved an average of at least 75% for the dissertation.

### **Reg E12.3 CURRICULUM**

In order to obtain the LL.M. degree, the following two possibilities exist:

#### **(i) LL.M. (Dissertation) (240 credits)**

- (a) The curriculum consists of a dissertation of a limited scope of a maximum of 40 000 words which deals with a subject pertaining to juridical science, approved by the Faculty Board.

#### **(ii) LL.M. (Structured) (240 credits)**

- (a) The curriculum consists of a prescribed advanced study programme.

- (b) The examination on the prescribed study programme consists of: **(3 modules – 37 credits each)**
- (i) at least a three hour examination paper in each of the three modules;
  - (ii) an extended research essay of a maximum of 25 000 words of a publishable standard. **(129 credits)**

The pass mark for each individual paper is at least 50%. The departmental chairperson may grant permission for an oral examination.

### **CURRICULA (Study Code 3701)**

#### **E12.4 MERCANTILE LAW**

A dissertation (code HRR 700)

#### **E12.5 PRIVATE LAW**

A dissertation (code PRG 700)

#### **E12.6 CRIMINAL- AND MEDICAL LAW**

A dissertation (code SFR 700)

#### **E12.7 ROMAN LAW AND LEGAL HISTORY**

A dissertation (code RRR 700)

#### **E12.8 CONSTITUTIONAL LAW EN LEGAL PHILOSOPHY**

A dissertation (code STR 700)

#### **E12.9 PROCEDURAL LAW AND LAW OF EVIDENCE**

A dissertation (code PSR 700)

### **CURRICULA (Study Code 3702-3717)**

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

Code	Module name	Year or semester course	Credits
FBR701	Employment Benefits I: Fund Governance and Maintenance	Year	37
FBR702	Employment Benefits II: Fund Design and Finance	Year	37

FBR703	Personal Risk Management	Year	37
FBR706	Asset Types and Investment Instruments	Year	37
FBR707	Principles of Portfolio Planning	Year	37
FBR708	Estate Planning	Year	37
FBR791	Financial Planning Law (extended research essay)	Year	129
HRR701	Law of Partnership	1 <sup>st</sup> Semester	37
HRR703	Corporate Insolvency	2 <sup>nd</sup> Semester	37
HRR704	Development of South African Labour Law and the Individual Labour Law	1 <sup>st</sup> Semester	37
HRR705	Collective Labour Law and Industrial Democracy	1 <sup>st</sup> Semester	37
HRR709	Company Law	Year	37
HRR710	Corporate governance	Year	37
HRR711	Discrimination and Labour Dispute Resolution	2 <sup>nd</sup> Semester	37
HRR712	Protection of Employees with regard to Work and Livelihood	2 <sup>nd</sup> Semester	37
HRR713	The Law with regard to Retirement Provision in South Africa	2 <sup>nd</sup> Semester	37
HRR714	Credit module (Mercantile Law)	1 <sup>st</sup> Semester	37
HRR716	Business Crimes	2 <sup>nd</sup> Semester	37
HRR791	Mercantile Law (extended research essay)	Year	129
IER701	International Public Law Aspects of International Economic Law	1 <sup>st</sup> Semester	37
IER702	Free Trade and Free Trade Agreements	2 <sup>st</sup> Semester	37
IER703	International Investment Law	1 <sup>st</sup> Semester	37
IER704	International Law of Sales	2 <sup>nd</sup> Semester	37
IER705	International Trade Dispute Settlement	2 <sup>nd</sup> Semester	37
IER791	International Economic Law (extended research essay)	Year	129
INR703	International Humanitarian Law	2 <sup>nd</sup> Semester	37

INR791	International Law (extended research essay)	Year	129
MNR702	Equality Issues	1 <sup>st</sup> Semester	37
MNR703	Advanced study in fundamental rights: social and economic rights	1 <sup>st</sup> Semester	37
MNR704	Advanced study in fundamental rights: civil and political rights	2 <sup>nd</sup> Semester	37
MNR791	Human Rights (extended research essay)	2 <sup>nd</sup> Semester	129
NAV714	Legal Research Methodology	1 <sup>st</sup> Semester	
OGR701	Environmental Law	2 <sup>nd</sup> Semester	37
OGR702	International and National Measures for the Protection of the Environment	1 <sup>st</sup> Semester	37
OGR791	Environmental Law (extended research essay)	Year	129
PRG701	Law of Succession	Year	37
PRG702	Trust Law	Year	37
PRG703	Law of Contract	2 <sup>nd</sup> Semester	37
PRG704	Administration of Estates	Year	37
PRG707	Law of Damages	1 <sup>st</sup> Semester	37
PRG791	Private Law (extended research essay)	Year	129
RSV713	School for Legal Practice: Free State	1 <sup>st</sup> or 2 <sup>nd</sup> Semester	37
SFR701	Capita Selecta from Criminal Law	Year	37
SFR703	Capita Selecta from Medicina Forensis	Year	37
SFR714	Credit module (Criminal law)		37
SFR791	Criminal and Medical Law (extended research essay)	Year	129
SPR701	Capita Selecta from the Law of Evidence	Year	37
SPR704	Credit Module (Law of Evidence and Procedural Law)		37
SPR791	Procedural Law and Law of Evidence (extended research essay)	Year	129

STR791	Constitutional Law (extended research essay)	Year	129
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## **SYLLABI**

Details concerning syllabi of modules that fall under other faculties are contained in the calendar of the relevant faculty.

### **Syllabi and modules**

#### **Reg E15**

**E15.1** Where applicable, the contents of syllabi for modules are in accordance with the minimum requirements of the Board for the Recognition of Examinations in Law.

**E15.2** The syllabi offered by the various departments of the Faculty of Law are as follows:

#### **NAV714 Legal Research Methodology**

##### **Compulsory for all LL.M students!**

##### **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.

**NAV 714 (Research Methodology) is presented every Friday evening in March and April. Attendance of NAV 714 is compulsory for all LL.M. students.**

## DEPARTMENT OF MERCANTILE LAW

### **HRR900 (Thesis)**

The title of the thesis is the choice of the student, in consultation with the concerned promoter of the relevant department.

### **HRR700 (Dissertation)**

The title of the dissertation is the choice of the student, in consultation with the concerned supervisor of the relevant department.

### **HRR701 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 upon, for the future application thereof and the advanced and integrated theoretical and practical knowledge of and insight into the law of partnership as a whole. The module further provides perspective on the legal science as a whole, for instance on the application of the principles of contractual and delictual obligations, agency, etc., in partnership context.

#### **Integrated knowledge:**

- i) General description, historical and comparative background, sources and definition of partnership.
- ii) Specific kinds 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 the 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.

### **HRR703 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 within 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 firm.

**HRR704 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 the labour law relations between employer, employee and the Government as set out in labour legislation.
- iv) Comparative study of the freedom of association and the organisational rights.
- v) The Common Law Contract of Employment, the distinction with 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.

**HRR705 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.

### **HRR709 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 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.

### **HRR710 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:**

Corporate governance and systems.

## **HRR711 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 it will be a fair dismissal.

### **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 CCMA and Labour Courts.
- iii) Opinions of writers in legal journals.
- iv) Comparative study on discrimination and labour dispute resolution.

## **HRR712 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 in terms of legislation an employee may be entitled to.

**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.

**HRR713 The Law with regard to Retirement Provision in South Africa**

**Learning outcomes:**

The student must be able to:

- i) Identify and evaluate the different ways 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 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.

**HRR714 Credit Module (Mercantile Law)**

This credit module in Mercantile Law is facilitated in the Department of Mercantile Law. It serves as a credit mechanism for programmes passed at foreign universities in terms of existing and future cooperation agreements.

**HRR716 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) To understand, evaluate and apply the principles regarding the prevention and control thereof.

- iii) To critically evaluate and analyse the international initiatives, control and the international detection and exposure of business crime.

### **HRR791 Mercantile Law (extended research essay)**

The extended research essay 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 study leader(s) and the 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.

### **FBR701 Employment benefits I: Fund Governance and Maintenance**

#### **Learning outcomes:**

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 regards to registered and approved retirement funds through thorough knowledge and understanding of both the legal

and practical governance and maintenance requirement 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:**

- i) The concept of Fund Governance and Maintenance and the Regulatory Landscape with specific reference to governance provisions for funds and trustees and governance provisions for service providers.
- ii) The different types of funds, the legislation that approves and recognises these funds and the classification of funds by the administrator.
- iii) The elements and requirements regarding maintenance and compliance of a retirement fund.
- iv) The understanding and practical knowledge of the establishment, maintenance and compliance of retirements funds and employee benefit schemes governed by legislation other than the Pension Fund Act and certain specialist funds.
- v) Different types of group schemes.
- vi) Comparative study regarding employment benefits.

**FBR702 Employment benefit II: Fund Design and Finance**

**Learning outcomes:**

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 trustee's fiduciary duties. Students will have in depth knowledge of the legal and governance aspects of the 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 on each other.

**Integrated knowledge:**

- i) Understand, interpret and apply the applicable legislation.
- ii) The financial and legal implications of different fund structures.
- iii) Identification and co-ordination of the different needs and obligations of all parties to a fund.



- iv) Design of appropriate fund structure that complies with applicable legislation and meets the needs of all parties.
- v) Effective consultation and communication with all parties.
- vi) Effective implementation of a new or revised fund structure.
- vii) Fund financing with relevance to all approved funds e.g. pension funds, provident funds
- viii) Benefit provisions.
- ix) Investment arrangements and the legal regulatory environment.
- x) Member communications.

### **FBR703 Personal Risk Management**

#### **Learning outcomes:**

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:**

- 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.

## **FBR706 Asset types and Investment instruments**

### **Learning outcomes:**

The student must be able to identify financial markets and investment instruments relevant in the current economic climates. Students must be able to understand the workings of the stock market and to compare, identify and differentiate between the different investment instruments available.

### **Integrated knowledge:**

- i) Financial markets.
- ii) Basic financial calculations with relevance to investment instruments.
- iii) Calculations regarding the foreign exchange market and the different opportunities available as well as a good understanding of collective investments schemes.
- iv) Financial instruments.
- v) Analysis and interpretation of financial statements.
- vi) Legal comparative study regarding assets and investment instruments.

## **FBR707 Principles of portfolio planning**

### **Learning outcomes:**

The student must be able to differentiate between the two main objectives that distinguish investment portfolios – income generation and capital growth. Students must be able to develop an investment strategy that will incorporate the investment objective with personal circumstances. Student must be able to identify investment solutions that will minimize risk and maximize return.

### **Integrated knowledge:**

- i) Investment management and the economy.
- ii) Investment portfolio.
- iii) Comparative study regarding fund management.
- iv) Explain and discuss what a portfolio of investment is and risk and return principles of investments.
- v) Explain the different asset classes available to investors and the concept of international diversification.

- vi) Determine and interpret the standard deviation of an investment and the expected return on a portfolio.
- vii) Discuss the various sectors of the economy and their influence on the financial markets as well as the inflation and its' link with the financial markets.
- viii) Define and explain the economic fundamentals and their influence on investment markets.
- ix) Illustrate the reports that an investor should receive from a portfolio manager.
- x) Discuss the controls and procedures that should be instituted internally by a portfolio manager to mitigate investment risks.
- xi) Apply the fundamentals of the investment strategies to a portfolio and certain techniques used in a fund management environment.

## **FBR708 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. Students will understand that estate planning is a 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 state planning.
- ix) Comparative study regarding estate planning.

## **FBR791 Financial Planning Law (extended research essay)**

The extended research essay and research essay in Financial Planning Law is facilitated in the Mercantile Department. The theme is in the field of the student's choice in consultation with the prospective study leader(s) and the 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.

## **IER701 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 in trade.
- iii) The composition, founding documents of the GATT.
- iv) World Trade Organization.
- v) World Bank.
- vi) International Monetary Fund.

**IER702 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 Development Community as examples of economic groupings.
- iii) Critically discuss, compare and evaluate the dispute settlement 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.

**IER703 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) To 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.

**IER704 International Law of Sales**

**Learning outcomes:**

The student must be able to:

- i) Structure an international sales transaction.
- ii) To structure an international purchase transaction.
- iii) Draft an agreement for the international sale of goods.
- iv) To apply international agreements and treaties applicable to an international sale of goods transactions.
- 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.

### **IER705 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 settlement methods.

### **IER791 International Economic Law (extended research essay)**

The extended research essay and research essay 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 study leader(s) and the 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 student, the number of students and the availability of well-equipped facilities. Not all the following *capita selecta* will necessarily be offered in any given year. The Department reserves the right to change it in consultation with the Faculty Board.

### **PRG900 (Thesis)**

The title of the thesis is the choice of the student, in consultation with the concerned promoter of the relevant department.

### **PRG700 (Dissertation)**

The title of the dissertation is the choice of the student, in consultation with the concerned supervisor of the relevant department.

### **PRG701 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) Study the Wills Act.
- ii) Formalities required to execute a valid will.
- iii) The ways to revoke a will.
- iv) Content of wills.
- v) Study the *ius accrescendi*.
- vi) Interpretation and rectification of wills.
- vii) Legal-comparative study on the law of succession.

### **PRG702 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 trust.
- 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.
- viii) Selected topics.

**PRG703 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.

**PRG704 Administration of Estates**

**Learning outcomes:**

The student must be able to:

- i) Report a deceased estate in full at the Master of the High 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) Implementation of various legal institutions.
- v) A study of the Estate Duty Act 45 of 1955 and the implementation there-of.
- vi) Legal-comparative study on the administration of estates.

**PRG707 Law of Damages**

**Learning outcomes:**

The student must be able to:

- i) Understand and 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 rules to issues of damage with a foreign element.

#### **Integrated knowledge:**

- i) Terminology and general principles pertaining to the law of damage.
- 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.

#### **PRG791 Private Law (extended research essay)**

The extended research essay and research essay 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 study leader(s) and the 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.

<b>DEPARTMENT OF CONSTITUTIONAL LAW AND PHILOSOPHY OF LAW</b>
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### **STR900 (Thesis)**

The title of the thesis is the choice of the student, in consultation with the concerned promoter of the relevant department.

### **STR700 (Dissertation)**

The title of the dissertation is the choice of the student, in consultation with the concerned supervisor of the relevant department.

### **INR702 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
- i) Liberalism
- ii) International and Regional Courts
- iii) International Organisations
- iv) State Sovereignty versus Individual Rights

### **INR703 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.
- v) Know the distinction between civilians and combatants.

**Integrated knowledge:**

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

**INR791 International Law (extended research essay)**

The extended research essay and research essay in International Law is facilitated by the Department of Constitutional Law and Philosophy of Law. The student, in consultation with the prospective study leader(s) and the 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.

## **MNR702 Equality Issues**

### **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 fully familiar with the provisions of applicable equality legislation, e.g. the Employment Equity Act, 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 organizations, 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 .

### **MNR703 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; 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.

### **MNR 704 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 (amongst which: 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.

### **MNR791 Human Rights (extended research essay)**

The extended research essay and research essay in Human Rights is facilitated in the Department of Constitutional Law. The theme is in the field of the student's choice in consultation with the prospective study leader(s) and the 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.

## **OGR701 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.

## **OGR702 International and National Measures for the Protection of the Environment**

### **Learning outcomes:**

The student must be able to:

- i) Understand and be able to 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.

## **OGR791 Environmental Law (extended research essay)**

The extended research essay and research essay in Environmental Law is facilitated by the Department of Constitutional Law and Philosophy of Law. The student, in consultation with the prospective study leader(s) and the 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.

### **STR791 Constitutional Law (extended research essay)**

The extended research essay and research essay in Constitutional Law is facilitated in the Department of Constitutional Law and Philosophy of Law. The theme is in the field of the student's choice in consultation with the prospective study leader(s) and the 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.

NB: Not all the above mentioned *capita selecta* will necessarily be offered in any given year. The Department reserves the right to change it in consultation with the Faculty Board.

## **DEPARTMENT OF CRIMINAL AND MEDICAL LAW**

### **SFR900 (Thesis)**

The title of the thesis is the choice of the student, in consultation with the concerned promoter of the relevant department.

### **SFR700 (Dissertation)**

The title of the dissertation is the choice of the student, in consultation with the concerned supervisor of the relevant department.

### **SFR701 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.

### **SFR703 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.

**SFR714 Credit Module (Criminal Law)**

This credit module in Criminal Law is facilitated by the Department of Criminal and Medical Law. It serves as a credit mechanism for programmes passed at foreign universities in terms of existing and future co-operation agreements.

**SFR791 Criminal and Medical Law (extended research essay)**

The extended research essay and research essay in Criminal and Medical Law is facilitated by the Department of Criminal and Medical Law. The theme is in the field of the student's choice in consultation with the prospective study leader(s) and the head(s) 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.

NB: Not all the above-mentioned *capita selecta* will necessarily be offered in any given year. The department reserves the right to change it in consultation with the Faculty Board.



<p style="text-align: center;"><b>DEPARTMENT OF PROCEDURAL LAW AND LAW OF EVIDENCE</b></p>
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**SPR900 (Thesis)**

The title of the thesis is the choice of the student, in consultation with the concerned promoter of the relevant department.

**SPR700 (Dissertation)**

The title of the dissertation is the choice of the student, in consultation with the concerned supervisor of the relevant department.

**SPR701 (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 the theoretical and practical knowledge in regards to admissions and confessions in civil and criminal trials.
- vi) Be in a position to arrange, establish and apply the kinds of evidence in a trial.
- vii) Apply all aspects in regards to 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 distinction between principles.
- iii) Knowledge of the function of evidence and all forms of exclusions 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.

## **SPR705 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. A 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 and the role of the Security Council, when it in the3 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 Africa context.
- vii) Immunities and amnesties.

## **SPR791 Procedural Law and Law of Evidence (extended research essay)**

The extended research essay and research essay in Procedural Law or Law of Evidence is facilitated by the Department of Procedural Law and Law of Evidence. The theme is in the field of the student's choice in consultation with the prospective study leader(s) and the head(s) 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.

**NB:** Not all the above mentioned *capita selecta* will necessarily be offered in any given year. The department reserves the right to change it in consultation with the Faculty Board.

## **Post Graduate Diploma in Labour Law**

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The following postgraduate diploma is awarded in the Faculty of Law.

<b>Degree</b>	<b>Minimum period of study</b>	<b>Abbreviation</b>	<b>Study Code</b>
<b>Postgraduate Diploma in Labour Law</b>	<b>1 year</b>	<b>PDLL</b>	<b>3202</b>

### **Reg E14 – Postgraduate Diploma in Labour Law**

#### **Regulations**

The general regulations regarding postgraduate diplomas apply *mutatis mutandis* to students for the postgraduate diploma in this faculty.

#### **Syllabi**

#### **Postgraduate diploma in Labour Law (Study code 3202)**

##### **Learning outcomes:**

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

##### **Integrated knowledge:**

- ABR711 History of the South African Labour Law, the impact by the Constitution on Labour Law; the contract of employment and the Basic Conditions of Employment Act, 1999; International Labour Organization (ILO).  
(First semester)
- ABR712 The relevant provisions of the Labour Relations Act, 1995 with regard to freedom of association; trade unions and employer organizations, bargaining councils and dismissal.  
(First semester)

- ABR713 The relevant provisions of the Labour Relations Act, 1995 with regard to strikes, other industrial action and lock-outs, the transfer of business, and unfair labour practices.  
(First semester)
- ABR714 The relevant provisions of the Labour Relations Act, 1995 with regard to dispute resolution, the CCMA and the Labour Courts, and Representation.  
(Second semester)
- ABR715 The relevant provisions of the Employment Equity Act, 1998 with regard to discrimination and affirmative action, preparation of an employment equity plan.  
(Second semester)
- ABR716 Social legislation *inter alia* relevant provisions of the Skills Development Act, 1998; the Unemployment Insurance Act, 1996; the Compensation for Occupational Injuries and Diseases Act, 1993 and the Occupational Health and Safety Act, 1993.  
(Second semester)

## **Post Graduate Diploma in Financial Planning**

The following postgraduate diploma is awarded in the Faculty of Law.

<b>Degree</b>	<b>Minimum period of study</b>	<b>Abbreviation</b>	<b>Study Code</b>
<b>Postgraduate Diploma in Financial Planning</b>	<b>1 year</b>	<b>PDFP</b>	<b>3200</b>

### **Reg E14 – Postgraduate Diploma in Financial Planning**

#### **Regulations**

The general regulations regarding postgraduate diplomas apply *mutatis mutandis* to students for the postgraduate diploma in this faculty.

#### **Post Graduate Diploma in Financial Planning: Study Code 3200**

The financial services industry has undergone significant changes over the years, particularly in the last five years, and continues to evolve today. Financial planning - a distinct element within the spectrum of financial industry services - is still relatively young. However, it is an increasingly important part of the service mix and South Africans seeks to maximise the potential of their hard-earned money.

Professional financial planning takes a holistic approach to an individual's financial needs a qualified financial planner will consider a client's goals, stage in life, personal circumstances and risk tolerance. They will make recommendations for growing and preserving wealth, minimising tax, estate planning, insurance - and more, depending on the individual they are working with.

The Faculty of Law was the first Higher Education Institution in South Africa to present a programme in Financial Planning Law.

## **Curriculum:**

### **FBR711 The financial planning environment**

The regulatory environment and legislation that governs the financial services industry. Taxation (Income Tax, Donations Tax, Capital Gains Tax, Transfer Duty and Estate Duty). General legislation pertaining to financial planning environment. Ethics and Compliance. Personal financial management. Time value of money.

### **FBR712 Personal financial planning**

Personal Risk Management, Estate Planning, Retirement Planning and Investment Planning

### **FBR713 Corporate financial planning**

Business entities. Business insurance. Health care. Employee benefits. Practice management. Reading and interpretation of financial statements.

### **FBR714 Practical case study**

This module consists of a four hour examination, testing a student's knowledge and ability to draw up a comprehensive financial plan and to write a report to the client.

## Advanced Post Graduate Diploma in Financial Planning

The following postgraduate diploma is awarded in the Faculty of Law.

<b>Degree</b>	<b>Minimum period of study</b>	<b>Abbreviation</b>	<b>Study Code</b>
<b>Advanced Postgraduate Diploma in Financial Planning</b>	<b>1 year</b>	<b>Adv PDFP</b>	<b>3201</b>

### **Reg E14 – Advanced Post Graduate Diploma in Financial Planning**

#### **Regulations**

The general regulations regarding postgraduate diplomas apply *mutatis mutandis* to students for the advanced postgraduate diploma in financial planning law in this faculty.

#### **Advanced Post Graduate Diploma in Financial Planning: Study Code 3201**

The advanced qualification provides professional financial planners with academic and professional expertise to practice successfully in the specialised field of financial planning of their choice. The module consists of two subjects grouped together.

The Diploma consists of the following modules;

**FBR 801** 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 regards to registered and approved retirement funds through thorough knowledge and understanding of both the legal and practical governance and maintenance requirement



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.

**FBR 802** 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 trustee's fiduciary duties. Students will have in depth knowledge of the legal and governance aspects of the 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 on each other.

**FBR 803** 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.

**FBR 806** The student must be able to identify financial markets and investment instruments relevant in the current economic climates. Students must be able to understand the workings of the stock market and to compare, identify and differentiate between the different investment instruments available.

**FBR 807** The student must be able to differentiate between the two main objectives that distinguish investment portfolios – income generation and capital growth. Students must be able to develop an investment

strategy that will incorporate the investment objective with personal circumstances. Student must be able to identify investment solutions that will minimize risk and maximize return.

**FBR 808** 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. Students will understand that estate planning is a 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.

The candidate can make his own choice of subjects.

FBR803 Personal Risk Management  
FBR806 Asset Types and Investment Planning

**OR**

FBR803 Personal Risk Management  
FBR808 Estate Planning

**OR**

FBR808 Estate Planning  
FBR806 Asset Types and Investment Planning

**OR**

FBR806 Asset Types and Investment Planning  
FBR807 Principles of Portfolio Planning and Management

**OR**

FBR801 Fund Governance and Maintenance  
FBR802 Fund Design and Financing