



# **FACULTY OF LAW POSTGRADUATE DEGREES AND DIPLOMAS 2015**



## **FACULTY OF LAW**

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

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

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

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

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

**The faculty is proud of its association of alumni who remain loyal to the faculty, and the *Collegium Iurisprudentium*, which serves as an advice panel for the faculty.**



## VISION

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

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

## MISSION

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

## **Student Code of Ethics**

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

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

**I shall maintain high moral and ethical standards.**

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

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

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

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

**I shall maintain a high standard of integrity.**

**I shall act objectively, fairly, and without bias.**

**I shall employ my working potential to the full.**

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

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

## 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.**

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**All correspondence regarding academic matters must 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: 051 401 3043  
E-mail: [duplessisa@ufs.ac.za](mailto:duplessisa@ufs.ac.za)**

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**Dean**

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

**Vice Dean**

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

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**PERMANENT ACADEMIC STAFF**

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**(Academic Departmental Heads 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]

Senior professor:

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

Extraordinary professors:

**Prof L de Koker** [Blur, LLB, LLM (*cum laude*) (UOFS), LLM (Cantab), LLD (UOFS), Deakin University]

**Prof JJ du Plessis** [Blur, LLB (*cum laude*), LLM (*cum laude*), LLD (UOFS), Deakin University]

**The Honourable Justice LTC Harms** [BA (Law) (*cum laude*), LLB (*cum laude*) (UP), Judge 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** [Blur (University of Zululand), LLB (NWU), LLM (UNISA), Judge of the High Court of South Africa (Free State)]



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

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

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

Academic Departmental Head:

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

Permanent lecturing staff:

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

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

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

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

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

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

**Me L Makapela** [LLB, LLM (UFS)]

**Dr HJ Moolman** [BCom, Blur, LLB, LLM (UOFS), PhD (Higher Education Studies) (UFS), 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]

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

**Mrs A Strampe** [BCom, LLB (*cum laude*), Postgraduate Diploma in Financial Planning Law, LLM (UFS), Attorney 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]

Senior professor:

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

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 Claassen (SC)** [BCom, LLB (UOFS), Drs Jur, Dr Jur (Leiden)]

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

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

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

**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), Judge of the High Court of South Africa (Western Cape)]

Academic Departmental Head:

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

Permanent lecturing staff:

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

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

**Ms AZT Mkhonza** [LLB (UFS), LLM (Wits), Attorney 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]

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

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### **Public Law: Criminal and Medical Law**

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Extraordinary professors:

**Dr P van den Heever** [Blur, 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)]

Academic Departmental Head:

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

Permanent lecturing staff:

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

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

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

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

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### **Public Law: Procedural Law and Law of Evidence**

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Extraordinary professor:

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

**Prof RD Mawdsley** [BA (Political Science) (Augustana College (IL), JD (Law) (Illinois), MA, PhD (Educational Administration) (Minnesota)]

Academic Departmental Head:

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

Permanent lecturing staff:

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

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

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

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### **Public Law: Constitutional Law and Philosophy of Law**

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Extraordinary professor:

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

**Prof YG Mokgoro** [Blur, LLB, LLM (Bophuthatswana), LLM (Pennsylvania), Judge of the Constitutional Court of South Africa]

Academic Departmental Head:

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

Permanent lecturing staff:

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

**Mrs G du Plessis** [LLB (*cum laude*), LLM (*cum laude*) (UFS)]

**Dr O Fuo** [LLB (Hons) University of Buea (Cameroon), LLM (NWU), LLD (NWU)]

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

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

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

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### **Dean's Office**

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

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

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## Centre for Business Law

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Prof JJ Henning (Head)  
Dr A du Plessis  
Prof E Snyman-van Deventer

Extraordinary professor:

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

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## Centre for Financial Planning Law

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Adv SA Hyland (Director)

Permanent lecturing staff:

**Dr L Alsemgeest** CFP<sup>®</sup> [BCom, BCom (Hons), M Com, PhD (UFS)]

**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]

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

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

Permanent support staff:

**Mrs JE Badenhorst** – Assistant Officer

**Mrs S Crous** – Officer

**Mrs JW de Jonge** – Messenger

**Mrs HJ Labuschagne** – Assistant Officer

**Ms J Leeuw** – Assistant Officer

**Mrs MJ Molete** – Assistant Officer

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## Centre for Labour Law

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Prof JV du Plessis (Head)

Permanent support staff:

**Mrs Y Pieters** – Assistant Officer

**Ms V Plaatjies** – Assistant Officer

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## **UFS Law Clinic**

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Adv IJ Bezuidenhout (Director)

Permanent lecturing staff:

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

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## **PERMANENT SUPPORT STAFF**

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**Mr JHP Erasmus** – E-Learning

**Mrs H Grobler** – Faculty Secretary

**Mrs C König** – Officer: Finance

**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

## ***Collegium Iurisprudentium***

### **Introduction**

As part of its objective to constantly improve upon the quality of its activities, the Faculty of Law at the University of the Free State strives to ensure ample opportunities for its staff and students to keep abreast of 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, 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 at the University of the Free State. Its purpose is to provide advice on the development of programmes, modules or disciplines, on new programmes, modules or disciplines and on revisions to existing programmes, 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; and
- ❑ such other matters as the Dean of Law deems appropriate.

## President

**The Honourable Justice JF Hefer (SC)** [BA, LLB (UOFS), LLM (*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** [LLB (Honours) (London), PhD (Law) (London), PhD (Law) (Cantab), LL.D (*Honoris Causa*) (Dickinson), LL.D (*Honoris Causa*) (UFS), Master of the Bench of the Inner Temple, London]

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**Prof JJ du Plessis** [Blur, LLB (*cum laude*), LL.M (*cum laude*), LL.D (UOFS), Deakin University]

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**The Honourable Justice BC Mocumie** [Blur (University of Zululand), LLB (NWU), LLM (UNISA), Judge of the High Court of South Africa (Free State)]

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## **Private Law**

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*Senior professor:*

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## **Criminal and Medical Law**

*Extraordinary professors:*

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

*Extraordinary professor:*

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**Prof RD Mawdsley** [BA (Political Science) (Augustana College (IL), JD (Law) (Illinois), MA, PhD (Educational Administration) (Minnesota)]

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**Prof YG Mokgoro** [Blur, LLB, LLM (Bophuthatswana), LLM (Pennsylvania), Judge of the Constitutional Court of South Africa]

## **Centre for Business Law**

*Extraordinary professor:*

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

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## POSTGRADUATE DEGREES AND DIPLOMAS

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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 Financial Planning	1 year	PGDip (Financial Planning)	3200
Advanced Postgraduate Diploma in Financial Planning	1 year	AdvPGDip (Financial Planning)	3201
Postgraduate Diploma in Labour Law	1 year	PGDip (Labour Law)	3202

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## DOCTORAL DEGREE

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The following doctoral 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>

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### **Rule E13 DOCTOR LEGUM AND DOCTOR PHILOSOPHIAE**

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The LLD and PhD graduate will have:

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

The LLD and PhD graduate will be able to:

- Conduct independent and original research in the field of law;
- Produce a thesis that places the research within the broader context of the field of research, and which withstands international intellectual scrutiny;
- Contribute to original knowledge in the field of research, and undertake further research on an advanced level;
- Deal with complexity, and/or contradictions in the knowledge base; and select appropriate tools and research methods with confidence;
- Synthesise and evaluate information autonomously;
- Make sound evaluations on the basis of independently generated criteria;
- Communicate fully and professionally with other colleagues in relevant fields;
- Understand legal problems and provide appropriate solutions;
- Publish research results in accredited journals;
- Present research findings at discipline-specific congresses;
- Apply new knowledge and findings in the field of law.

The LLD and PhD graduate will demonstrate the following:

- Mature and sound judgement, accountability and reliable

assessment of the views of others;

- Transcendence of personal prejudice and/or parochial views;
- High levels of critical self-reflexivity and adaptability;
- An enquiring and innovative spirit;
- Adherence to professional and self-defined ethics, academic integrity; and
- Dedication to the ideals of scholarship.

## **RULES**

The General Rules of the UFS regarding Doctoral Degrees apply *mutatis mutandis* to the LLD and PhD in this faculty.

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

(a) Subject to Rule A102.1, in order to be admitted to the LLD or PhD, a candidate must have obtained an LLM and a final mark of at least 65 percent.

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

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

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

A thesis for the LLD and PhD must deal with a subject pertaining to juridical science, which is approved by the Faculty Board. In the case of the PhD, the thesis must not exceed 80 000 words.

### **Rule E13.3 Assessment**

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

### **CURRICULA: LLD**

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

A thesis and defence (code LMED 9100)

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

A thesis and defence (code LPRD 9100)

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

A thesis and defence (code LCRD 9100)

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

A thesis and defence (code LRLD 9100)

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

A thesis and defence (code LCOD 9100)

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

A thesis and defence (code LPED 9100)

### **CURRICULA: PhD**

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

A thesis and defence (code LMEP 9100)

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

A thesis and defence (code LPRP 9100)

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

A thesis and defence (code LCRP 9100)

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

A thesis and defence (code LRLP 9100)

#### **Rule E13.14 CONSTITUTIONAL LAW AND PHILOSOPHY OF LAW**

A thesis and defence (code LCOP 9100)

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

A thesis and defence (code LPEP 9100)

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**MASTERS DEGREE**

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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>Master's Degree by dissertation</b>	<b>1 year</b>	<b>LLM</b>	<b>3701</b>
<b>Master's Degree by coursework and mini-dissertation</b>	<b>1 year</b>	<b>LLM</b>	<b>3702</b>
<b>Master's Degree by coursework and mini-dissertation in Administrative Law</b>	<b>1 year</b>	<b>LLM</b>	<b>3706</b>
<b>Master's Degree by coursework and mini-dissertation in Financial Planning Law</b>	<b>1 year</b>	<b>LLM</b>	<b>3708</b>
<b>Master's Degree by coursework and mini-dissertation in Law of Business Entities</b>	<b>1 year</b>	<b>LLM</b>	<b>3710</b>
<b>Master's Degree by coursework and mini-dissertation in Labour Law</b>	<b>1 year</b>	<b>LLM</b>	<b>3712</b>
<b>Master's Degree by coursework and mini-dissertation in International Economic Law</b>	<b>1 year</b>	<b>LLM</b>	<b>3714</b>
<b>Master's Degree by coursework and mini-dissertation in Jurisprudence</b>	<b>1 year</b>	<b>LLM</b>	<b>3716</b>
<b>Master's Degree by coursework and mini-dissertation in Private Law</b>	<b>1 year</b>	<b>LLM</b>	<b>3718</b>

<b>Master's Degree by coursework and mini-dissertation in Criminal and Medical Law</b>	<b>1 year</b>	<b>LLM</b>	<b>3719</b>
<b>Master's Degree by coursework and mini-dissertation in Environmental Law</b>	<b>1 year</b>	<b>LLM</b>	<b>3722</b>

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### **Rule E12 MAGISTER LEGUM**

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The LLM graduate will have:

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

The LLM graduate will be able to:

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

The LLM student will be able to:

- Produce a mini-dissertation that must, at a minimum, provide a competent synthesis and analysis of the relevant materials on a research topic of limited scope and must be satisfactory as regards style and presentation and organise and synthesize information in a coherent and logical manner;
- Engage with and critique current research or practice in law and demonstrate advanced scholarship or research ability in a particular legal discipline or practice;
- Evaluate and apply advanced subject-based knowledge of a specific discipline in law;
- Design, select and justify appropriate methods, techniques, processes, systems or technologies and to apply these to complex practical and theoretical problems in law;
- Design and implement a strategy to critically review, process,



analyse and manage information in a field of law to produce meaningful insights;

- Use academic and professional discourse to appropriately communicate information on the field of law;
- Operate independently and take responsibility for their own work;
- Apply their knowledge to authentic professional or career contexts and to realise the potential of alternative conclusions for particular situations; and
- Promote the ethical administration of justice.

## **RULES**

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

### **Rule E12.1 Admission**

- (a) For admission to LLM degree studies, a candidate must, subject to Rule A72.1, be in possession of a LLB degree or an equivalent four year law degree and must have obtained an average of at least 60 percent in the undergraduate programme.
- (b) Foreign students must successfully pass a relevant or prescribed UFS language proficiency test or equivalent thereof with a mark of at least 65 percent except where the student has completed the four year law degree in English. Admittance to any modules will only be on approval of the relevant department.
- (c) 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 (LNAV7910) during the first semester; and
  - (ii) candidates in the LLM (Master's Degree by dissertation) programme must, before completion of the module LNAV7910 submit a comprehensive reading list and a research proposal of eight to twelve typed pages to the supervisor. Within a month after

completion of LNAV7910 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 via the Faculty Committee for approval.

- (iii) candidates in the LLM (Master's Degree by coursework and mini-dissertation) programme must, within a month after completion of LNAV7910 submit a research topic to the department and the Faculty Committee, for approval. Candidates must, at the beginning of the academic year, submit the compilation of their curricula from the modules listed below to the department and the Faculty Committee for approval.
- (d) Candidates who do not have a four year law degree, may be admitted to the LLM in Labour Law if they have passed the Postgraduate Diploma in Labour Law with an average of at least 60 percent, have at least ten years' experience in middle management, and pass an essay of ten to fifteen pages on a labour law topic, 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	Modules
<b>LLM (Master's Degree by dissertation) in terms of Rule E12.5(a)</b>				
1	3701	LLM (Master's Degree by dissertation)	LMER8900; or LPRV8900; or LCRM8900; or LPEV8900; or LCON8900	None
<b>LLM (structured coursework programme) in terms of Rule E12.5(b)</b>				
2	3702	LLM (Master's Degree by coursework and mini-dissertation)	Mini-dissertation in one of the following: LFPL7900; or	Own choice of three from list under Rule E12.7 CURRICULA (Study Code 3702-3717)

			LMER7900; or LBUE7900 or LLAB7900 or LIEL7900; or LINR7900; or LHUM7900; or LPVT7900; or LJUR7900; or LCRM7900; or LPEV7900; or LCON7900; or LENV7900	
3	3706	LLM (Administrative Law)	LADR7900	LADF7900; LADH7900; LADT7900; LADI7900
4	3708	LLM (Financial Planning Law)	LFPL7900	LPRM7900, LFPR7900; LFEP7900; LPRT7900; LPRV7920; or LPRE7920
5	3710	LLM (Law of Business Entities)	LBUE7900	LPSN7910, LCCS7910; LMCT7920; LCOM7900; LGOV7900; or LMBC7920
6	3712	LLM (Labour Law)	LLAB7900	LLDE7910; LLCO7910; LLDS7920; LLPE7920; or LLRL7920
7	3714	LLM (International Economic Law)	LIEL7900	LIPL7910; LIFT7920; LIIL7910; LISL7920; or LITD7920
8	3718	LLM (Private Law)	LPVT7900	LPRT7900; LPRV7920; LPRE7920; LPRC7920;

				LPDD7910; LPPL7910	or
9	3719	LLM (Criminal- and Medical Law)	LCRM7900	LCRS7900; LCRI7900; LMBC7920; LPEJ7920; LPES7900	or
10	3722	LLM (Environmental Law)	LENV7900	LENE7920; LENI7910; LINM7910	and

### **Rule E.12.2 Progression rule and readmission**

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

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

### **Rule E.12.3 Admission to the examination**

To gain admission to the examination in a module in the Master's Degree by coursework and mini-dissertation, a module mark of at least 50 percent is required. A module mark is set out in the module guide or its addendum and is the result of both the continuous and the summative assessments which are conducted in a decentralised fashion during the course of the module term.

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

**Rule E.12.4 Pass requirements and passing with distinction  
(See General Rule A83.7.2, A83.7.3 and A84)**

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

See General Rule A83.7.2 and A84.

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

See General Rule A83.7.3 and A84.

**Rule E12.5 Mode of presentation**

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

**(a) LL.M (Master's Degree by dissertation) (240 credits)**

The curriculum consists of a dissertation of a limited scope of between 40 000 and 50 000 words which deals with a subject pertaining to juridical science, approved by the Faculty Board.

**(b) LL.M (Master's Degree by coursework and mini-dissertation) (240 credits)**

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

(ii) The examination on the prescribed study programme consists of: **(3 modules – 37 credits each)**

(a) at least a three hour examination paper in each of the three modules;

(b) a mini-dissertation of a maximum of 25 000 words of a publishable standard. **(129 credits)**

**Rule E12.6 CURRICULA (Study Code 3701)**

**(a) MERCANTILE LAW**

A dissertation (code LMER8900)

**(b) PRIVATE LAW**

A dissertation (code LPRV8900)

**(c) PUBLIC LAW: CRIMINAL- AND MEDICAL LAW**

A dissertation (code LCRM8900)

**(d) PUBLIC LAW: CONSTITUTIONAL LAW EN LEGAL PHILOSOPHY**

A dissertation (code LCON8900)

**(e) PUBLIC LAW: PROCEDURAL LAW AND LAW OF EVIDENCE**

A dissertation (code LPEV8900)

## Rule E12.7 CURRICULA (Study Code 3702-3722)

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

Code	Module name	Year or semester course	Credits
LADF7900	Foundations and Principles of Procedural Administrative Law and Justice	Year	37
LADT7900	Theory and Practice of Administrative Justice in terms of the 1996 Constitution	Year	37
LADI7900	International Comparative Administrative Law	Year	37
LADH7900	Administrative Law Reform	Year	37
LADR7900	Administrative Law (Mini-dissertation)	Year	37
LPRM7900	Personal Risk Management	Year	37
LFEP7900	Estate Planning	Year	37
LFPL7900	Financial Planning Law (Mini-dissertation)	Year	129
LPSN7910	Law of Partnership	1 <sup>st</sup> Semester	37
LCCS7910	Law of Close Corporations	1 <sup>st</sup> Semester	37
LMCT7920	Corporate Insolvency	2 <sup>nd</sup> Semester	37
LLDE7910	Development of South African Labour Law and the Individual Labour Law	1 <sup>st</sup> Semester	37
LLCO7910	Collective Labour Law and Industrial Democracy	1 <sup>st</sup> Semester	37
LCOM7900	Company Law	Year	37
LGOV7900	Corporate governance	Year	37
LLDS7920	Discrimination and Labour Dispute Resolution	2 <sup>nd</sup> Semester	37
LLPE7920	Protection of Employees with regard to Work and Livelihood	2 <sup>nd</sup> Semester	37
LLRL7920	The Law with regard to Retirement Provision in South Africa	2 <sup>nd</sup> Semester	37
LMBC7920	Business Crimes	2 <sup>nd</sup> Semester	37
LMTI7920	International Taxation of Estates	2 <sup>nd</sup> Semester	37

LMTE7910	Taxation of Estates	1 <sup>st</sup> Semester	37
LMER7900	Mercantile Law (Mini-dissertation)	Year	129
LBUE7900	Law of Business Entities (Mini-dissertation)	Year	129
LLAB7900	Labour Law (Mini-dissertation)	Year	129
LIPL7910	International Public Law Aspects of International Economic Law	1 <sup>st</sup> Semester	37
LIFT7920	Free Trade and Free Trade Agreements	2 <sup>nd</sup> Semester	37
LIIL7910	International Investment Law	1 <sup>st</sup> Semester	37
LISL7920	International Law of Sales	2 <sup>nd</sup> Semester	37
LITD7920	International Trade Dispute Settlement	2 <sup>nd</sup> Semester	37
LIEL7900	International Economic Law (Mini-dissertation)	Year	129
LINT7920	Sources and Theory of Public International Law	2 <sup>nd</sup> Semester	37
LINH7920	International Humanitarian Law	2 <sup>nd</sup> Semester	37
LINR7900	International Law (Mini-dissertation)	Year	129
LHUE7920	Equality Issues	2 <sup>nd</sup> Semester	37
LHUA7910	Advanced study in fundamental rights: social and economic rights	1 <sup>st</sup> Semester	37
LHUC7920	Advanced study in fundamental rights: civil and political rights	2 <sup>nd</sup> Semester	37
LHUM7900	Human Rights (Mini-dissertation)	Year	129
LNAV7910	Legal Research Methodology	1 <sup>st</sup> Semester	
LENE7920	National Environmental Law	2 <sup>nd</sup> Semester	37
LENI7910	International and National Measures for the Protection of the Environment	1 <sup>st</sup> Semester	37
LENM7910	National Mining Law	1 <sup>st</sup> Semester	37
LENV7900	Environmental Law (Mini-dissertation)	Year	129
LPRT7900	Trust Law	Year	37
LPRV7920	Law of Succession	2 <sup>nd</sup> semester	37
LPRE7920	Estate Planning Law	2 <sup>nd</sup> semester	37
LPFL7900	Advanced Family Law	Year	37
LPRC7920	Advanced Law of Contract	2 <sup>nd</sup> Semester	37
LPRD7920	Law of Delict	2 <sup>nd</sup> Semester	37



LPRP7920	Law of Persons	2 <sup>nd</sup> Semester	37
LPDD7910	Law of Damages	1 <sup>st</sup> Semester	37
LPPL7910	Advanced Law of Property	1 <sup>st</sup> Semester	37
LPVT7900	Private Law (Mini-dissertation)	Year	129
LSLP7910	School for Legal Practice: Free State	1 <sup>st</sup> or 2 <sup>nd</sup> Semester	37
LCRS7900	<i>Capita Selecta</i> from Criminal Law	Year	37
LCRI7900	<i>Capita Selecta</i> from Medicina Forensis	Year	37
LCRM7900	Criminal and Medical Law (Mini-dissertation)	Year	129
LPES7920	<i>Capita Selecta</i> from Law of Evidence	2 <sup>nd</sup> Semester	37
LPEJ7920	International Criminal Law and Justice	2 <sup>nd</sup> Semester	37
LPEV7900	Procedural Law and Law of Evidence (Mini-dissertation)	Year	129
LJUJ7900	Jurisprudence and Justice	Year	37
LJUE7900	Ideology and Jurisprudence	Year	37
LJUR7900	Jurisprudence (Mini-dissertation)	Year	129
LCON7900	Constitutional Law (Mini-dissertation)	Year	129
LINS7920	Sources and Theory of Public International Law	2 <sup>nd</sup> Semester	37

The Faculty of Law reserves the right that a specific module may not necessarily be offered in any given year.

## **SYLLABI**

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

### **Rule E12.8 Syllabi and modules**

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.

The syllabi offered by the various departments of the Faculty of Law are as follows:

### **LNAV7910 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.

**LNAV7910 (Research Methodology) is presented every Friday evening in March and April. Attendance of LNAV7910 is compulsory for all LLM students.**

## DEPARTMENT OF MERCANTILE LAW

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

### **LMER8900 (Master's Degree by dissertation)**

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

### **LPSN7910 Law of Partnership**

#### **Learning outcomes:**

The student will be introduced to the basic principles (rules) of the law of partnership, to build a solid scientific background and advanced insight 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 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.

## **LMCT7920 Corporate Insolvency**

### **Learning outcomes:**

The student must be able to:

- i) Identify and solve legal problems through critical and creative thought.
- ii) Approach and study personal and professional activities in a responsible, ethical and effective manner.
- iii) Do effective legal research by gathering, analysing and critically evaluating information.
- iv) View the law as a component of a system of interdependent systems within the community 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.

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

### **Learning outcomes:**

The student must be able to:

- i) Understand and explain the nature of Labour Law.
- ii) Explain the historical background and development of Labour Law in South Africa.
- iii) Understand the principles of the common law contract of employment and to distinguish it from and compare it with other contracts.

- iv) Identify and explain the rights and duties of employers and employees in terms of a contract of employment.
- v) Explain the freedom of association of employers and employees.
- vi) Identify the organisational rights of trade unions.
- vii) Understand and explain the historical background, the content and the development; of the Basic Conditions of Employment Act, 1997.

**Integrated knowledge:**

- i) The nature of Labour Law — different concepts and definitions.
- ii) The development of Labour Law in South Africa taking into account the difference between individual and collective labour law.
- iii) The development of 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.

**LLCO7910 Collective Labour Law and Industrial Democracy**

**Learning outcomes:**

The student must be able to:

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

**Integrated knowledge:**

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

**LCOM7900 Company Law****Learning outcomes:**

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

**Integrated knowledge:**

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

**LGOV7900 Corporate Governance****Learning outcomes:**

The student will be introduced to specific themes in company law to build a solid scientific background and to gain advanced insight

for the future application thereof and the advanced and integrated theoretical and practical knowledge of and insight into these topics.

**Integrated knowledge:**

Corporate governance and systems.

**LLDS7920 Discrimination and Labour Dispute Resolution**

**Learning outcomes:**

The student must be able to:

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

**LLPE7920 Protection of Employees with regard to Work and Livelihood**

**Learning outcomes:**

The student must be able to:

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

**LLRL7920 The Law with regard to Retirement Provision in South Africa**

**Learning outcomes:**

The student must be able to:

- i) Identify and evaluate the different means of retirement provision in South Africa.
- ii) Explain the registration and management of retirement funds.



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

**Integrated knowledge:**

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

**LMBC7920 Business Crimes**

**Learning outcomes:**

The student must be able to:

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

**Integrated knowledge:**

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

- i) Critically analyse and distinguish between the different forms of business crimes from a national and comparative perspective.
- ii) 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.

### **LMER7900 Mercantile Law (mini-dissertation)**

The mini-dissertation in Mercantile Law is facilitated in the Department of Mercantile Law. The theme is in the field of the student's choice in consultation with the prospective 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.

### **LLAB7900 Labour Law (mini-dissertation)**

The mini-dissertation in Labour Law is facilitated in the Department of Mercantile Law. The theme is in the field of the student's choice in consultation with the prospective 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.

### **LBUE7900 Law of Business Entities (mini-dissertation)**

The mini-dissertation in Law of Business Entities is facilitated in the Department of Mercantile Law. The theme is in the field of the student's choice in consultation with the prospective 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.

## **LFPM7900 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.

## **LFEP7900 Estate planning**

### **Learning outcomes:**

The student must be able to apply legal and tax solutions in the areas of accumulation, conservation and distribution planning. Students will be able to explain, understand and apply the objectives of estate planning and the estate planning process. 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.

### **LFPL7900 Financial Planning Law (mini-dissertation)**

The mini-dissertation 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.

## **LIPL7910 International Public Law Aspects of International Economic Law**

### **Learning outcomes:**

The student must be able to:

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

### **Integrated knowledge:**

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

## **LIL7910 International Investment Law**

### **Learning outcomes:**

The student must be able to:

- i) Critically explain the promotion and protection of international investment.
- ii) Structure an international investment transaction.
- iii) 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.

## **LISL7920 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.

## **LITD7920 International Trade Dispute Settlement**

### **Learning outcomes:**

The student must be able to:

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

**Integrated knowledge:**

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

**LIEL7900 International Economic Law (mini-dissertation)**

The mini-dissertation in International Economic Law is facilitated in the Department of Mercantile Law. The theme is in the field of the student's choice in consultation with the prospective 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 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.

### **LPRV8900 (Master's Degree by dissertation)**

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

### **LPRT7900 Trust Law**

#### **Learning outcomes:**

The student must be able to:

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

### **Integrated knowledge:**

- i) History of the origin of 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.
- vii) Selected topics.

### **LPRC7920 Advanced Law of Contract**

#### **Learning outcomes:**

The student must be able to:

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

#### **Integrated knowledge:**

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

### **LPDD7910 Law of Damages**

#### **Learning outcomes:**

The student must be able to:

- i) Explain the history, sources, nature, scope and the terminology of the law of damages.
- ii) Identify, distinguish and relate the elements of the modern concept of damage to that of wrongfulness, fault and causality.
- iii) Take a strong stand on the development of either the “abstract” approach or the “concrete” approach to damage.
- iv) Point out and explain the complexities and uncertainties pertaining to *lucrum cessans*, *damnum emergens*, general

and special damage, and pure economic loss in view of the concept patrimonial loss and the quantification thereof.

- v) Know and assess the function and determination of non-patrimonial loss whenever rights to personality are at stake and especially in view of contingencies.
- vi) Identify and systematically incorporate the collateral source rule and/or *res inter alios acta* as part of the basic damage problem.
- vii) Miscellaneous principles regarding the quantification and recovery of damages and satisfaction.
- viii) Assess damages, compensation and satisfaction in specific cases of breach of contract and certain forms of delict.
- ix) Apply private international law to issues of damage with a foreign element.

**Integrated knowledge:**

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

**LPPL7910 Advanced Law of Property**

**Learning outcomes:**

The learner must be able to assess, critique and make recommendations regarding certain legal principles and the different questions and problems experienced in legislation and the implementation of government programmes regarding the most recent developments in the field of Property Law and a comparative legal study regarding these developments where applicable.

**Integrated knowledge:**

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

### **LPVT7900 Private Law (Mini-dissertation)**

The mini-dissertation in Private Law is facilitated in the Department of Private Law. The theme is in the field of the student's choice in consultation with the prospective 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.

<p style="text-align: center;"><b>DEPARTMENT OF PUBLIC LAW: CONSTITUTIONAL LAW AND PHILOSOPHY OF LAW</b></p>
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**LCON8900 (Master's Degree by dissertation)**

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

**LADF7900 Foundations and Principles of Procedural Administrative Law and Justice**

**Learning outcomes:**

The student must be able to:

- i) Know and understand the principles and foundations of the South African common law.
- ii) Understand and apply the Constitutional mechanisms providing for remedies against the State and devised for the protection of legal subjects.
- iii) Apply and demonstrate the functional ability to integrate the various judicial and non-judicial mechanisms devised for review in South African Administrative Law.
- iv) Have an indepth understanding and practical knowledge of the principles of judicial and non-judicial review.

**Integrated knowledge:**

- i) The sources of English and South African Procedural Administrative Law.
- ii) The working of common law review.
- iii) The impact of the 1996 Constitution on judicial review.
- iv) The impact of the 1996 Constitution on non-judicial review.
- v) The various state institutions supporting constitutional democracy.
- vi) State liability on the basis of fault and risk in the South African law.

**LADT7900 Theory and Practice of Administrative Justice in terms of the 1996 Constitution**

**Learning outcomes:**

The student must be able to:

- i) Know and understand the historical and common law basis of the notions of equity and justice.
- ii) Demonstrate the ability to understand the heritage and basis of the principles of natural justice.
- iii) Appreciate the development of the concept Administrative Justice in our Constitutional dispensation since 1994.
- iv) Apply the principles of Administrative Justice and reasonableness to diverse cases and situations.

**Integrated knowledge:**

- i) The sources of Administrative Justice in common law systems and in our South African Administrative Law heritage.
- ii) The development of the rules of natural justice in the South African common law.
- iii) The impact of the interim Constitution on the principles of Administrative Justice.
- iv) The practical application of the various principles of Administrative Justice and reasonableness to solve complex legal problems.

**LINS7920 Sources and Theory of Public International Law**

**Learning outcomes:**

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

**Integrated knowledge:**

- i) Treaties
- ii) Customary International Law
- iii) Other sources
- iv) Realism
- v) Liberalism
- vi) International and Regional Courts
- vii) International Organisations
- viii) State Sovereignty versus Individual Rights

## **LINH7920 International Humanitarian Law**

### **Learning Outcomes:**

The student must be able to:

- i) Understand the philosophy, nature and scope of International Humanitarian Law (IHL).
- ii) Be able to identify and know the sources and general principles of IHL.
- iii) Understand the scope of application of IHL.
- iv) Know the inherent limits of IHL.
- v) Know the means of warfare.
- vi) Understand the relationship between IHL and International Human Rights.
- vii) 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.

## **LINR7900 International Law (Mini-dissertation)**

The mini-dissertation in International Law is facilitated by the Department of Public Law: Constitutional Law and Philosophy of Law. The student, in consultation with the prospective 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.

## **LHUE7920 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 organisations, discrimination in Family law; provision of goods, services and facilities, professions and bodies, housing, accommodation, land and property, health services and benefits, education, insurance, pensions .

### **LHUA7910 Advanced Study in Fundamental Rights: Social and Economic Rights**

#### **Learning outcomes:**

The student must be able to:

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

#### **Integrated knowledge:**

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

### **LHUC7920 Advanced Study in Fundamental Rights: Civil and Political**

#### **Learning outcomes:**

The student must be able to:

- i) Acquire an in-depth knowledge and understanding of a selection of civil and political rights (*inter alia*: the right to property, freedom of expression, access to information, religious freedom and children's rights).
- ii) Acquire an in-depth knowledge and understanding of the interpretation of, vertical and horizontal application of and obligations flowing from these rights.
- iii) Understand and explain the way in which these rights have been guaranteed in the most important international and regional bills of rights.
- iv) Understand and explain the approach to these rights in relevant comparative jurisdictions.
- v) Know the interpretation and application of the applicable provisions about the relevant rights in the Constitution of the Republic of South Africa.
- vi) Apply the constitutional provisions regarding these rights to practical cases.

#### **Integrated knowledge:**

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

### **LHUM7900 Human Rights (Mini-dissertation)**

The mini-dissertation in Human Rights is facilitated in the Department of Public Law: Constitutional Law and Philosophy of Law. The student will choose the topic of the mini-dissertation in consultation with the prospective 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.

## **LENE7920 National Environmental Law**

### **Learning outcomes:**

The student must be able to:

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

### **LENV7900 Environmental Law (Mini-dissertation)**

The mini-dissertation in Environmental Law is facilitated by the Department of Public Law: Constitutional Law and Philosophy of Law. The student will choose the topic of the mini-dissertation in consultation with the prospective 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.

### **LJUU7900 Jurisprudence and Justice**

#### **Learning outcomes:**

The student must be able to:

- i) Know, understand and appreciate the nature of law and justice.
- ii) Understand and critically reflect upon the relationship between law and justice.
- iii) Manifest the practical ability to evaluate the content and application of law and justice in the South African legal system and other legal systems.
- iv) Evaluate the level of justice in various legal paradigms.

**Integrated knowledge:**

Is law necessary?

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

**LJUE7900 Ideology and Jurisprudence**

**Learning outcomes:**

The student must be able to:

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

**Integrated knowledge:**

- i) The nature of jurisprudence within different ideological contexts.
- ii) The meaning of law and its ideological roots.

- iii) Appreciating the legal ideologies manifested in classical positivism, the pure theory of law, modern trends in analytical and normative jurisprudence, sociological jurisprudence and the realistic approach to law.
- iv) The practical effects of legal ideologies in various contexts.

### **LJUR7900 Jurisprudence (Mini-dissertation)**

The mini-dissertation in Jurisprudence is facilitated by the Department Public Law: Constitutional Law and Philosophy of Law. The student will choose the topic of the mini-dissertation in consultation with the prospective 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.

### **LCON7900 Constitutional Law (Mini-dissertation)**

The mini-dissertation in Constitutional Law is facilitated in the Department of Public Law: Constitutional Law and Philosophy of Law. The student will choose the topic of the mini-dissertation in consultation with the prospective 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 abovementioned *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 PUBLIC LAW: CRIMINAL AND MEDICAL LAW</b></p>
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**LCRM8900 (Master's Degree by dissertation)**

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

**LCRS7900 *Capita Selecta* from Criminal Law**

**Learning outcomes:**

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

**Integrated knowledge:**

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

**LCRI7900 *Capita Selecta* from Medicina Forensis**

**Learning outcomes:**

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

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

- v) Regulation of the pharmaceutical industry.

**Integrated knowledge:**

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

**LCRM7900 Criminal and Medical Law (Mini-dissertation)**

The mini-dissertation in Criminal and Medical Law is facilitated by the Department of Public Law: Constitutional Law and Philosophy of Law. The student will choose the topic of the mini-dissertation in consultation with the prospective 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.

<p style="text-align: center;"><b>DEPARTMENT OF PUBLIC LAW: PROCEDURAL LAW AND LAW OF EVIDENCE</b></p>
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**LPEV8900 (Master's Degree by dissertation)**

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

**LPES7900 *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 regarding 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 regarding witnesses in trials.
- viii) Have a complete knowledge, understanding and be able to apply the standards of proof and burden of proof in criminal trials.

**Integrated knowledge:**

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

- vi) Knowledge of sentencing and the factors pertaining to all issues in this regard.

## **LPEJ7920 International Criminal Law and Justice**

### **Learning outcomes:**

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

### **Integrated knowledge**

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

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

The mini-dissertation in Procedural Law or Law of Evidence is facilitated by the Department of Public Law: Criminal and Medical Law. The student will choose the topic of the mini-dissertation 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.

## **POSTGRADUATE 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>

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### **Rule E14 – POSTGRADUATE DIPLOMA IN LABOUR LAW**

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#### **RULES**

The general rules 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:**

LLAA5815 History of the South African Labour Law, the impact of the Constitution on Labour Law; the contract of employment and the Basic Conditions of Employment Act, 1999; International Labour Organization (ILO).  
(First semester)

LLAB5815 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)

LLAC5815 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)

- LLAA5825 The relevant provisions of the Labour Relations Act, 1995 with regard to dispute resolution, the CCMA and the Labour Courts, and Representation.  
(Second semester)
- LLAB5825 The relevant provisions of the Employment Equity Act, 1998 with regard to discrimination and affirmative action, preparation of an employment equity plan.  
(Second semester)
- LLAC5825 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)



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## POSTGRADUATE DIPLOMA IN FINANCIAL PLANNING

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The following Postgraduate Diplomas are awarded in the faculty:

Degree	Minimum period of study	Abbreviation	Study code
Postgraduate Diploma in Financial Planning	1 year	PGDip (Financial Planning)	3200
Advanced Postgraduate Diploma in Financial Planning	1 year	PGDip (Financial Planning)	3201

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### Rule E15 — POSTGRADUATE DIPLOMA IN FINANCIAL PLANNING

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Study Code 3200 (Credits 160)

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#### **RULES**

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

#### **Objectives of the Qualification**

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

The successful candidate will be able to:

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

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

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

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

### **Rule E15.1 Applicability**

These faculty rules apply to candidates who register for the Postgraduate Diploma in Financial Planning Law from 2014 for the first time.

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

### **Rule E15.2 Special curricula**

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

### **Rule E15.3 Admission**

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

- (a) an applicable bachelor's degree, or
- (b) an applicable advanced diploma, or
- (c) an applicable qualification at NQF Level 6 with a minimum of 120 credits will allow admission to occasional studies for the module LFPE5800, should this module be passed in the first year, registration for the Diploma will be granted and recognition for LFPE5800 will be awarded (condonation of General Rule A22.1(a)), or
- (d) that a student, with the consent of the Dean, at the recommendation of the Education Committee (appointed by the Centre for Financial Planning Law), in consultation with the Registrar, can also be admitted on the basis of a qualification they regard as equivalent or on condition that the student, in some other way, achieved a standard of competence which they regard as adequate for the purposes of the study.

### **Rule E 15.4 Duration of study (Rule A24(a))**

The duration of study for the Postgraduate Diploma in Financial Planning Law (study code 3200) is a minimum of one year.

### **Rule E15.5 Diploma with distinction**

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

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

<b>Module</b>	<b>Year module</b>
Financial Planning Environment	LFPE5800
Personal Financial Planning	LFPP5800
Corporate Financial Planning	LFPC5800

Financial Planning Case Study	LFPS5800
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**Rule E15.6 The following modules should be passed to obtain the Postgraduate Diploma in Financial Planning Law (study code 3200):**

<b>Module</b>	<b>Year module</b>
Financial Planning Environment	LFPE5800
Personal Financial Planning	LFPP5800
Corporate Financial Planning	LFPC5800
Financial Planning Case Study	LFPS5800

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

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

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

- (a) Results will be posted on the webpage of the University of the Free State in line with the due dates and time schedules communicated with students. (Condonation of General Rule A28.12(a)(i))
- (b) Students may appeal an examination result by requesting a remark through the prescribed process within 7 days of the release of the results. Students will be given feedback with regard to the appeal within 3 weeks of requesting the remark. (Condonation of General Rule 28.12(f))

**N.B.:** Due to certain legislative changes the Advanced Postgraduate Diploma in Financial Planning shall be replaced by the Postgraduate Diploma in Estate Planning, Risk Management, Investment Planning and Employee Benefits. Should the various changes be accepted and approved by all the relevant bodies, the Advanced Postgraduate Diploma will no longer be presented and the Postgraduate Diplomas as set out hereunder in Rule E15 will be presented. Should it happen that the relevant acceptance and approvals are not obtained in time, the Advanced Postgraduate Diploma will be offered as set out under Rule E16.

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## **Rule E16 — ADVANCED DIPLOMAS IN FINANCIAL PLANNING**

Study Code 3201 (Credits 120)

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

### **Objectives of the Qualification**

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

The successful candidate will be able to:

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

- Explore educational and career possibilities and develop entrepreneurial skills.

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

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

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

### **Rule E16.1 Applicability**

These faculty rules apply to candidates who register for the Advanced Postgraduate Diploma in Financial Planning Law from 2014 for the first time, except where otherwise specified.

### **Rule E16.2 Special curricula**

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

### Rule E16.3 Admission

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

- (a) an applicable bachelor's degree, or
- (b) an applicable advanced diploma, or
- (c) an applicable postgraduate diploma.

### Rule E 16.4 Duration of study (Rule A24(a))

- (a) The minimum duration of study for the Advanced Postgraduate Diploma in Financial Planning is of one year.
- (b) The maximum duration of study for the Advanced Postgraduate Diploma in Financial Planning is two years.

### Rule E16.5 Diploma with distinction

The Advanced Postgraduate Diploma is awarded with distinction if a student:

- (a) Completed the curriculum for the Advanced Postgraduate Diploma in Financial Planning Law within the minimum prescribed period and never failed a module in this qualification.
- (b) Achieved a minimum weighted average of 75 percent in a combination of the following modules as set out in Faculty Rule E16.6:

	<b>Diploma</b>	<b>Module</b>	<b>Year module</b>
16.5.1	Postgraduate Diploma in Financial Planning (Estate Planning)	Estate Planning	LFPB5800
		Personal Risk Management; or	LFPR5800 or
		Asset Types and Investment Planning	LFPA5800
16.5.2	Postgraduate Diploma in Financial Planning (Risk Management)	Personal Risk Management	LFPR5800
		Asset Types and Investment Planning; or	LFPA5800 or
		Estate Planning	LFPB5800
16.5.3	Postgraduate Diploma in Financial Planning (Investment Planning)	Asset Types and Investment Planning	LFPA5800
		Principles of Portfolio	LFPP5800

		Planning and Management	
16.5.4	Postgraduate Diploma in Financial Planning (Employee Benefits)	Fund Governance and Maintenance	LFPG5800
		Fund Design and Financing	LFPD5800

**Rule E16.6 The following combination of modules should be passed to obtain the Advanced Postgraduate Diploma in Financial Planning:**

	Diploma	Module	Year module
16.6.1	Postgraduate Diploma in Financial Planning (Estate Planning)	Estate Planning	LFPB5800
		Personal Risk Management or	LFPR5800 or
		Asset Types and Investment Planning	LFPA5800
16.6.2	Postgraduate Diploma in Financial Planning (Risk Management)	Personal Risk Management	LFPR5800
		Asset Types and Investment Planning or	LFPA5800 or
		Estate Planning	LFPB5800
16.6.3	Postgraduate Diploma in Financial Planning (Investment Planning)	Asset Types and Investment Planning	LFPA5800
		Principles of Portfolio Planning and Management	LFPP5800
16.6.4	Postgraduate Diploma in Financial Planning (Employee Benefits)	Fund Governance and Maintenance	LFPG5800
		Fund design and Financing	LFPD5800

**Rule E16.7 Pass mark for the modules in the Advanced Postgraduate Diploma in Financial Planning**

- (a) Students must achieve at least 40 percent semester mark in order to be granted admission to the examination. (General Rule A28.2(a))
- (b) The final mark of a student is calculated by taking 30 percent of the semester mark and 70 percent of the



examination mark into consideration. (Condonation of General Rule A28.4(b)(iv))

### **Rule E16.8 Examination result for the modules in the Advanced Postgraduate Diploma in Financial Planning**

- (a) Results will be posted on the webpage of the University of the Free State in line with the due dates and time schedules communicated with students. (Condonation of General Rule A28.12(a)(i))
- (b) Students may appeal an examination result by way of requesting a remark through the prescribed process within 7 days of the release of the results. Students will be given feedback with regard to the appeal within 3 weeks requesting the remark. (Condonation of General Rule 28.12(f))

## **SYLLABI**

### **LFPE5800 The Financial Planning Environment**

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

#### **Description and purpose of course**

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

#### **Integrated knowledge and skills**

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

- i) Compliance and Legislation governing the Financial Services Industry
- ii) Taxation in South Africa
- iii) Time value of money
- iv) Economics
- v) Financial Management

## **Assessment**

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

## **LFPP5800 Personal Financial Planning**

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

### **Description and purpose of course**

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

### **Integrated knowledge and skills**

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

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

## **Assessment**

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

## **LFPC5800 Corporate Financial Planning**

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

### **Description and purpose of course**

Students will be introduced to the elements of corporate financial planning in order to advise a client with regard to all the aspects of a corporate financial planning and how to identify and achieve

the goals set by the client in the most effective and appropriate manner.

### **Integrated knowledge and skills**

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

- i) Employee Benefits
- ii) Health Benefits
- iii) Business insurance
- iv) Business Entities
- v) Reading and Interpreting Financial Ratios and Statements

### **Assessment**

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

## **LFPS5800 Financial Planning Case Study**

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

### **Description and purpose of course**

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

### **Integrated knowledge and skills**

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

- i) the Financial Planning Environment,
- ii) Personal Financial Planning, and
- iii) Corporate Financial Planning.

### **Assessment**

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

## **LFPG5800 Fund Governance and Maintenance**

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

### **Description and purpose of course**

Students will know, understand and apply all concepts relating to registered retirement fund vehicles (and ancillary benefit structures) and fully understand the roles and responsibilities of trustees, service providers and regulatory bodies in the industry. Students will be equipped to provide holistic employee benefits advice with 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 and skills**

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

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

### **Assessment**

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

## **LFPD5800 Fund Design and Financing**

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

### **Description and purpose of course**

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

### **Integrated knowledge and skills**

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

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

### **Assessment**

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

## **LFPR5800 Personal Risk Management**

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

### **Description and purpose of course**

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

### **Integrated knowledge and skills**

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

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

### **Assessment**

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

## **LFPA5800 Asset Types and Investment Planning**

The module LFPA5800 (60 Credits) is presented in the Centre for Financial Planning Law.

### **Description and purpose of course**

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

### **Integrated knowledge and skills**

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

- i) The analyses of the various asset types, and
- ii) The application of the various asset types in the investment planning of a client.

### **Assessment**

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

## **LFPF5800 Principles of Portfolio Planning and Management**

The module LFPF5800 (60 Credits) is presented in the Centre for Financial Planning Law.

### **Description and purpose of course**

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 and skills**

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

- i) Synthesis of the various asset types within an investment portfolio that suits the needs, goals, risk tolerance and time-lines of a specific client.

### **Assessment**

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

## **LFPB5800 Estate Planning**

The module LFPB5800 (60 Credits) is presented in the Centre for Financial Planning Law

### **Description and purpose of course**

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 an holistic study with many varying but interlinking components and that all of these components must be considered and addressed to produce an effective and practical estate plan.

### **Integrated knowledge and skills**

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

- i) The identification of goals and needs of a client, and
- ii) The formulation of an estate plan that is suitable to the goals and needs of that client.

### **Assessment**

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



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## LIST OF OLD AND NEW MODULE CODES

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<b>Module name</b>	<b>Old Code</b>	<b>New Code</b>	<b>Year or semester course</b>	<b>Credits</b>
Mercantile Law PhD Thesis	HRR901	LMEP9100		
Private Law PhD Thesis	PRG901	LPRP9100		
Procedural Law and Law of Evidence PhD Thesis	PSR901	LPEP9100		
Roman Law and Legal History PhD Thesis	RRR901	LRLP9100		
Criminal and Medical Law PhD Thesis	SFR901	LCRP9100		
Constitutional Law and Philosophy of Law PhD thesis	STR901	LCOP9100		
Mercantile Law LLD Thesis	HRR900	LMED9100		
Private Law LLD Thesis	PRG900	LPRD9100		
Procedural Law and Law of Evidence LLD Thesis	PSR900	LPED9100		
Roman Law, Legal History LLD Thesis	RRR900	LRLD9100		
Criminal and Medical Law LLD Thesis	SFR900	LCRD9100		
Constitutional Law and Philosophy of Law LLD Thesis	STR900	LCOD9100		
Foundations and Principles of Procedural Administrative Law and Justice	ADR702	LADF7900	Year	37
Theory and Practice of Administrative Justice in terms of the 1996 Constitution	ADR703	LADT7900	Year	37
International Comparative Administrative Law	ADR704	LADI7900	Year	37
Administrative Law Reform	ADR705	LADH7900	Year	37
Personal Risk Management	FBR703	LFPR7900	Year	37
Estate Planning	FBR708	LFEP7900	Year	37
Financial Planning Law (Mini-dissertation)	FBR791	LFPL7900	Year	129
Dissertation Mercantile Law	HRR700	LMER8900	Year	240
Law of Partnership	HRR701	LPSN7910	1 <sup>st</sup> Semester	37
Law of Close Corporations	HRR702	LCCS7910	1 <sup>st</sup> Semester	37
Corporate Insolvency	HRR703	LMCT7920	2 <sup>nd</sup> Semester	37
Development of South African Labour Law and the Individual Labour Law	HRR704	LLDE7910	1 <sup>st</sup> Semester	37
Collective Labour Law and Industrial Democracy	HRR705	LLCO7910	1 <sup>st</sup> Semester	37

Company Law	HRR709	LCOM7900	Year	37
Corporate Governance	HRR710	LGOV7900	Year	37
Discrimination and Labour Dispute Resolution	HRR711	LLDS7920	2 <sup>nd</sup> Semester	37
Protection of Employees with regard to Work and Livelihood	HRR712	LLPE7920	2 <sup>nd</sup> Semester	37
The Law with regard to Retirement Provision in South Africa	HRR713	LLRL7920	2 <sup>nd</sup> Semester	37
Business Crimes	HRR716	LMBC7920	2 <sup>nd</sup> Semester	37
International Taxation of Estates		LMTI7920	2 <sup>nd</sup> Semester	37
Taxation of Estates		LMTE7910	1 <sup>st</sup> Semester	37
Mercantile Law (Mini-dissertation)	HRR791	LMER7900	Year	129
Law of Business Entities (Mini-dissertation)		LBUE7900	Year	129
Labour Law (Mini-dissertation)		LLAB7900	Year	129
International Public Law Aspects of International Economic Law	IER701	LIPL7910	1 <sup>st</sup> Semester	37
Free Trade and Free Trade Agreements	IER702	LIFT7920	2 <sup>st</sup> Semester	37
International Investment Law	IER703	LIIL7910	1 <sup>st</sup> Semester	37
International Law of Sales	IER704	LISL7920	2 <sup>nd</sup> Semester	37
International Trade Dispute Settlement	IER705	LITD7920	2 <sup>nd</sup> Semester	37
International Economic Law (Mini-dissertation)	IER791	LIEL7900	Year	129
International Law: Sources and Theory	INR702	LINT7920	2 <sup>nd</sup> Semester	37
International Humanitarian Law	INR703	LINH7920	2 <sup>nd</sup> Semester	37
International Law (Mini-dissertation)	INR791	LINR7900	Year	129
Equality Issues	MNR702	LHUE7920	2 <sup>nd</sup> Semester	37
Advanced study in fundamental rights: social and economic rights	MNR703	LHUA7910	1 <sup>st</sup> Semester	37
Advanced study in fundamental rights: civil and political	MNR704	LHUC7920	2 <sup>nd</sup> Semester	37
Human Rights (Mini-dissertation)	MNR791	LHUM7900	Year	129
Legal Research Methodology	NAV714	LNAV7910	1 <sup>st</sup> Semester	
National Environmental Law	OGR701	LENE7920	2 <sup>nd</sup> Semester	37
International and National Measures for the Protection of the Environment	OGR702	LENI7910	1 <sup>st</sup> Semester	37
National Mining Law		LENM7910	1 <sup>st</sup> Semester	37
Environmental Law (Mini-dissertation)	OGR791	LENV7900	Year	129
Dissertation Private Law	PRG700	LPRV8900	Year	240
Law of Succession	PRG701	LPRV7920	2 <sup>nd</sup> semester	37
Trust Law	PRG702	LPRT7900	Year	37
Advanced Law of Contract	PRG703	LPRC7920	2 <sup>nd</sup> Semester	37
Estate Planning Law		LPRE7920	2 <sup>nd</sup> semester	37

Administration of Estates	PRG704	LPRE7920	2 <sup>nd</sup> Semester	37
Advanced Family Law	PRG705	LPFL7900	Year	37
Law of Delict	PRG706	LPRD7920	2 <sup>nd</sup> Semester	37
Law of Damages	PRG707	LPDD7910	1 <sup>st</sup> Semester	37
Advanced Law of Property	PRG708	LPPL7910	1 <sup>st</sup> Semester	37
Law of Persons	PRG709	LPRP7920	2 <sup>nd</sup> Semester	37
Private Law (Mini-dissertation)	PRG791	LPVT7900	Year	129
Dissertation Procedural Law and Law of Evidence	PSR700	LPEV8900	Year	240
School for Legal Practice: Free State	RSV713	LSLP7900	1 <sup>st</sup> or 2 <sup>nd</sup> Semester	37
Jurisprudence and Justice	RGL702	LJUJ7900	Year	37
Ideology and Jurisprudence	RGL703	LJUE7900	Year	37
Jurisprudence (Mini-dissertation)	RGL791	LJUR7900	Year	129
Dissertation Roman Law and Legal History	RRR700	LROM8900	Year	240
Criminal Law: Dissertation	SFR700	LCRM8900	Year	240
Capita Selecta from Criminal Law	SFR701	LCRS7900	Year	37
Capita Selecta from Medicina Forensis	SFR703	LCRI7900	Year	37
Criminal and Medical Law (Mini-dissertation)	SFR791	LCRM7900	Year	129
Capita Selecta from Law of Evidence	SPR701	LPES7920	2 <sup>nd</sup> Semester	37
International Criminal Law and Justice	SPR705	LPEJ7920	2 <sup>nd</sup> Semester	37
Procedural Law and Law of Evidence (Mini-dissertation)	SPR791	LPEV7900	Year	129
Constitutional Law: Dissertation	STR700	LCON8900	Year	240
Constitutional Law (Mini-dissertation)	STR791	LCON7900	Year	129
Sources and Theory of Public International Law		LINS7920	2 <sup>nd</sup> Semester	37
Capita Selecta from Modern Philosophical Approaches to International Criminal Law		LINI7920	2 <sup>nd</sup> Semester	37
	ABR711	LLAA5815	1 <sup>st</sup> Semester	20
	ABR712	LLAB5815	1 <sup>st</sup> Semester	20
	ABR713	LLAC5815	1 <sup>st</sup> Semester	20
	ABR714	LLAA5825	2 <sup>nd</sup> Semester	20
	ABR715	LLAB5825	2 <sup>nd</sup> Semester	20
	ABR716	LLAC5825	2 <sup>nd</sup> Semester	20
Financial Planning Environment	FBR711	LFPE5800	Year	40
Personal Financial Planning	FBR712	LFPP5800	Year	40

Corporate Financial Planning	FBR713	LFPL5800	Year	40
Financial Planning Case Study	FBR714	LFPS5800	Year	40
Fund Governance and Maintenance	FBR801	LFPG5800	Year	60
Fund Design and Financing	FBR802	LFPD5800	Year	60
Personal Risk Management	FBR803	LFPR5800	Year	60
Asset Types and Investment Planning	FBR806	LFPA5800	Year	60
Principles of Portfolio Planning and Management	FBR807	LFPP5800	Year	60
Estate Planning	FBR808	LFPE5800	Year	60