

UNIVERSITY OF THE
FREE STATE
UNIVERSITEIT VAN DIE
VRYSTAAT
YUNIVESITHI YA
FREISTATA



UFS
LAW

FACULTY OF LAW POSTGRADUATE DEGREES AND DIPLOMAS 2020



FACULTY OF LAW

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

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

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

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

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

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



VISION

It is the vision of the University of the Free State (UFS) Faculty of Law to provide broad access to academically excellent, relevant, innovative, and research led undergraduate and postgraduate legal programmes that place transformative constitutionalism and social justice at the core of a regionally and nationally relevant and globally competitive and responsive curriculum.

MISSION

The UFS Faculty of Law remains committed to the following:

- Establishing itself as a centre of excellence in the heart of the country, promoting and engaging in the scholarships of legal research, teaching and learning, as well as community service learning and engagement.
- Imbuing our graduates and staff with a sensitivity to the contribution they can make to the regional, national and continental development needs of the wider community.
- Delivering graduates committed to the imperatives of constitutional transformation, who will promote the realisation of a society characterised by justice, fairness, non-discrimination and non-racialism.
- Developing context sensitive, globally competitive undergraduate and postgraduate programmes and short

learning programmes tailored to address the needs of the local community, the province and the Southern African region, which will enable our graduates to make a meaningful contribution regionally, nationally and internationally.

- Engaging in research, teaching and learning and community engagement in the furtherance of our mission and vision.
- Embracing and accepting diversity and harnessing its potential to enhance and enrich our programmes, paradigms and scholarship.
- Taking cognisance of the global environment in which the South African legal system is applied and internationalising both our programmes and our scholarship, through incorporation of international elements in our academic programmes and developing networks and collaborations to widen the exchange of knowledge, ideas and impact of our scholarship.
- Providing South African society and the international community with graduates who are active citizens equipped for the world of work, lifelong learning and contributing to the professional workplace and to the broader community.
- Promoting a sense of social responsibility amongst both staff and students.

VALUES

Informed by the constitutional values and the values of the University of the Free State, the Faculty's values are academic freedom, excellence, professionalism and integrity, non-racialism, non-sexism, inclusivity and fairness, Ubuntu and civic responsibility.

Student Code of Ethics

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

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

I shall maintain high moral and ethical standards.

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

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

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

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

I shall maintain a high standard of integrity.

I shall act objectively, fairly, and without bias.

I shall employ my working potential to the full.

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

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

Lecturer Code of Ethics

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

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

I shall maintain high moral and ethical standards.

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

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

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

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

I shall maintain a high standard of integrity.

I shall act objectively, fairly and without bias.

I shall employ my working potential to the full.

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

CONTENTS

| | |
|---|-----------|
| ADDRESS | 8 |
| STAFF | 9 |
| POSTGRADUATE DEGREES AND DIPLOMAS | 15 |
| DOCTORAL DEGREES | 20 |
| MASTER'S DEGREES | 27 |
| POSTGRADUATE DIPLOMAS | 50 |
| RULE E17 FACULTY READMISSION APPEALS COMMITTEE RULES | 62 |
| RULE E18 CURRICULA OF MODULES | 64 |

ADDRESS

All correspondence regarding application matters must be addressed to:

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

Telephone: +27 51 401 9111

Fax: +27 86 697 2604 or +27 51 401 9210

Further enquiries regarding Master's and Doctoral studies in law can be addressed to:

Ms Lizelle Petersen
Postgraduate office
Telephone: +27 51 401 2408
Email: Petersenljm@ufs.ac.za

Further enquiries regarding Postgraduate Diplomas in Financial Planning, Estate Planning and Investment Planning can be addressed to:

Me Mpho Macheu
School of Financial Planning Law
Telephone: +27 51 401 2823
Email: macheuem@ufs.ac.za

Further enquiries regarding Postgraduate Diploma in Labour Law can be addressed to:

Mr Simbarashe Tavuyanago
Department of Mercantile Law
Telephone: +27 51 401 7333
Email: tavuyanagos@ufs.ac.za

MEMBERS OF STAFF

Dean

Prof JC Mubangizi [Dip Educ (Makerere University), LLB (Makerere University), Dip Legal Practice (Law Development Centre), LLM (UCT), LLD (University of Durban-Westville, now UKZN)]

PERMANENT ACADEMIC STAFF

Mercantile Law

Honorary professor:

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

Extraordinary professors:

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

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

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

Academic Departmental Head:

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 (UFS), 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, Postgraduate Diploma in Financial Planning (UFS), Attorney of the High Court of South Africa]

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

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

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

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

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

Mr S Tavuyanago [LLB, LLM (UP), Attorney of the High Court of South Africa]

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

Permanent support staff

Ms V Plaatjies – Senior Assistant Officer

Private Law

Extraordinary professors:

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

Academic Departmental Head:

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

Permanent lecturing staff:

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

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

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

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

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

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

Ms RP Senokoane [LLB, LLM (UFS)]

Mrs A September van Huffel [LLB, LLM (UWC), 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]

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

Permanent support staff:

Mrs SAM Viljoen – Senior Assistant Officer

Public Law

Extraordinary professors:

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

Prof JWG van der Walt [BLC; BA (Hons) (Philosophy) (*cum laude*), MA (*cum laude*), LLB (*cum laude*) UP), LLD (RAU)]

Academic Departmental Head:

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

Permanent lecturing staff:

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

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

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

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

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

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

Ms L Prinsen [LLB, LLM (UP)]

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

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

Prof K Van Marle [BLC, LLB (UP), LLM (UNISA) (*cum laude*) LLD (UNISA) Advocate of the High Court of South Africa]

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

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

Permanent support staff:

Ms R Majola – Senior Assistant Officer

Free State Centre for Human Rights

Extraordinary professors:

The Honourable Judge DM Davis [B Comm LLB (*cum laude*), M Phil, Judge President of the Competition Appeal Court, Judge of the High Court, Western Cape, Acting Judge of the Supreme Court of Appeal]

Prof SA Djoyou Kamga [LLB LLM LLD]

Prof G Laauwers [Lic Iur Lic Arts PhD]

Prof LA Williams [BA JD]

Prof KE Klare [BA (*cum laude*) MA JD (*magna cum laude*) LLD (*honoris causa*)]

Research associates:

Dr GE Kamden Kamga [BA LLB LLM LLD]

Dr ME Marais [LLB LLM LLD]

Prof HB Kruger [BA (*cum laude*) LLB (*cum laude*) LLM (*cum laude*) LLD]

Prof N Angel Cabo [JD LLM]

Director:

Prof JFD Brand [BLC LLB (UP) LLM (Emory) (*cum laude*) LLD (Stellenbosch) Advocate of the High Court of South Africa]

Academic members of staff

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

Dr A de Man [B Com (Law) (*cum laude*), LLB, LL.M (*cum laude*) (UFS),
EMA (EIUC), LL.D (UFS), Admitted Attorney of the High Court of South
Africa]

Permanent support staff:

Ms MSM Serasengwe – Assistant Officer

Centre for Labour Law

Programme Director:

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

Permanent support staff:

Ms U Jordan – Assistant Officer

Ms L Maans – Assistant Officer

School for Financial Planning Law

Director:

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

Permanent lecturing staff:

Dr L Aisemgeest CFP® [BCom, Postgraduate Diploma in Financial
Planning, BCom (Hons), M Com, PhD (UFS)]

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

Permanent support staff:

Mrs JE Badenhorst – Senior Assistant Officer

Mrs C Coetzer – Officer

Mrs S Crous – Senior Officer

Mrs JW de Jonge – Office Assistant

Ms J Leeuw – Assistant Officer

Mrs MJ Molete – Senior Assistant Officer

Mrs EM Macheu – Assistant Officer

UFS Law Clinic

Acting Director:

Prof JFD Brand [BLC LLB (UP) LLM (Emory) (*cum laude*) LLD (Stellenbosch) Advocate of the High Court of South Africa]

Permanent support staff: Office of the Dean

Mr William Awusi – Faculty Manager

Mr S Coangae – Messenger

Ms H Grobler – Senior Officer

Ms C Jooste – Senior Officer

Ms A Lombard – Dean's Office Manager

Ms SD Maasdorp – Assistant Officer

Ms NC Mohorehi – Messenger

Ms MF Moshe-Bereng – Marketing Officer

Mr T Motsoeneng – Officer

Ms C Nel – e-Learning Office

Ms LJM Petersen – Senior Assistant Officer

Mr RV Van der Ross – e-Learning Office

POSTGRADUATE DEGREES AND DIPLOMAS

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

| Degree | Minimum period of study | Abbreviation | Academic plan code |
|----------------|-------------------------|--------------|--|
| Doctor of Laws | 2 years | LLD | BC390100 (MERCANTILE LAW); BC390200 (PRIVATE LAW); BC390400 (CONSTITUTIONAL LAW AND PHILOSOPHY OF LAW); BC390500 (PROCEDURAL LAW AND LAW OF EVIDENCE); BC390600 (ROMAN LAW AND LEGAL HISTORY); BC392000 (MEDICAL LAW); or BC392100 (CRIMINAL LAW). |

| | | | |
|-----------------------------|----------------|------------|---|
| <p>Doctor of Philosophy</p> | <p>2 years</p> | <p>PhD</p> | <p>BC390101 (MERCANTILE LAW); BC390102 (PRIVATE LAW); BC390104 (CONSTITUTIONAL LAW AND PHILOSOPHY OF LAW); BC390105 (PROCEDURAL LAW AND LAW OF EVIDENCE); BC390106 (ROMAN LAW AND LEGAL HISTORY); BC390120 (MEDICAL LAW) ; or BC390121 (CRIMINAL LAW).</p> |
|-----------------------------|----------------|------------|---|

| | | | |
|---|---------------|------------|--|
| <p>Master of Laws: Dissertation</p> | <p>1 year</p> | <p>LLM</p> | <p>BC380100; (MERCANTILE LAW); BC380200 (PRIVATE LAW); BC380400 (CONSTITUTIONAL LAW AND LEGAL PHILOSOPHY); BC380500 (PROCEDURAL LAW AND LAW OF EVIDENCE); BC382000 (MEDICAL LAW) BC382100 (CRIMINAL LAW).</p> |
| <p>By coursework and mini- dissertation</p> | | | <p>BC370200 (LLM); BC370800 (FINANCIAL PLANNING LAW); BC371000 (BUSINESS ENTITIES); BC371200 (LABOUR LAW); BC371400 (INTERNATIONAL ECONOMIC LAW); BC371600 (JURISPRUDENCE); BC371800 (PRIVATE LAW); BC372000 (MEDICAL LAW); BC372100 (CRIMINAL LAW); BC372200 (ENVIRONMENTAL</p> |

| | | | |
|---|---------|-----------------------------|-----------------|
| | | | LAW). |
| Master of Human Rights | 2 years | MHR | BC370100 |
| Postgraduate Diploma in Financial Planning | 1 year | PGDip (Financial Planning) | BC350000 |
| Postgraduate Diploma in Estate Planning | 1 year | PGDip (Estate Planning) | BC256000 |
| Postgraduate Diploma in Investment Planning | 1 year | PGDip (Investment Planning) | BC356200 |
| Postgraduate Diploma in Labour Law | 1 year | PGDip (Labour Law) | BC350200 |

Note that even though the South African Qualifications Authority (SAQA) prescribes the minimum number of credits required for obtaining a specific qualification and the Higher Education Qualifications Sub-Framework (HEQSF) aligned programme qualifications mix (PGM) prescribes the total number of credits required for obtaining a qualification, the UFS reserves the right to prescribe the total minimum number of credits required for programmes leading to UFS qualifications. This means that there may be instances where the total minimum number of credits prescribed by the UFS for a specific programme leading to a UFS qualification may

differ from the number of credits prescribed by either SAQA or the HESQF-aligned PQM. In such event, the total minimum number of credits required by the UFS and specified by the UFS in the relevant UFS Faculty Rule Book will take precedence over the SAQA and the HESQF-aligned PQM number of credits determination. All students wishing to qualify for a UFS qualification will thus have to attain the total prescribed minimum number of credits determined by the UFS and published in the relevant UFS Faculty Rule Book.

RULES

The 2020 General Rules for Undergraduate Qualifications, Postgraduate Diplomas, Bachelor Honours Degrees, Master's Degrees, Doctoral Degrees, Higher Doctorates, Honorary Degrees and the Convocation (hereafter referred to as the 2020 General Rules) of the UFS apply *mutatis mutandis* to the postgraduate degrees and diplomas offered in the Faculty of Law. Where any faculty rule is contradictory to the 2020 General Rules, the General Rules will apply.

DOCTORAL DEGREES

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

| Degree | Minimum period of study | Abbreviation | Academic plan code |
|----------------------|-------------------------|--------------|--|
| Doctor of Laws | 2 years | LLD | BC390100 (MERCANTILE LAW); BC390200 (PRIVATE LAW); BC390400 (CONSTITUTIONAL LAW AND PHILOSOPHY OF LAW); BC390500 (PROCEDURAL LAW AND LAW OF EVIDENCE); BC390600 (ROMAN LAW AND LEGAL HISTORY); or BC392100 (CRIMINAL LAW). |
| Doctor of Philosophy | 2 years | PhD | BC390101 (MERCANTILE LAW); BC390102 (PRIVATE LAW); BC390104 (CONSTITUTIONAL LAW AND PHILOSOPHY OF LAW); BC390105 |

| | | | |
|--|--|--|---|
| | | | (PROCEDURAL LAW AND LAW OF EVIDENCE); BC390106 (ROMAN LAW AND LEGAL HISTORY); BC390120 (MEDICAL LAW); or BC390121 (CRIMINAL LAW). |
|--|--|--|---|

Rule E13 DOCTOR OF LAWS AND DOCTOR OF PHILOSOPHY

The LLD or PhD graduate will have:

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

The LLD or PhD graduate will be able to:

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

- Publish research results in accredited journals;
- Present research findings at discipline-specific congresses;
- Apply new knowledge and findings in the field of law.

The LLD or PhD graduate will demonstrate the following:

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

Rule E13.1 Admission

- (a) Subject to 2020 General Rule A102.1, in order to be admitted to the LLD, a candidate must have obtained an LLM and a final mark of at least 65 percent. In order to be admitted to the PhD, a candidate must have obtained a Master's degree and a final mark of at least 65%. A candidate with a final mark between 60% and 64% in the Master's degree may be admitted within the discretion of the Dean, on recommendation by the supervisor.
- (b) The Faculty may require the applicant to write a language proficiency test, at his/her own cost, the results of which will be used in the application assessment process.
- (c) Before a title registration may take place, an LLD- or PhD candidate must, within the first twelve months after registration:
 - (1) Attend the sessions in the LNAV7910 module,
 - (2) Prepare and submit a research proposal of between 20-30 pages
in the prescribed form to the promoter and
 - (3) Do an oral presentation of the research proposal. The

promoter, and a panel consisting of two external panellists, two internal panellists, the academic head of the department Director of Centre/ School (or his/her representative), as well as the Programme Director of Research and Postgraduate Study of the Faculty of Law (or his/her representative) must be present. Experts from outside formal academia may be invited to attend.

(4) After a successful defence, the title registration and confirmation of the finalisation of the research proposal must be referred to the Faculty Board, via the Faculty Management Committee, for approval.

ii. The student will be required to obtain ethical clearance from the relevant University ethics committee if the nature of the study requires such clearance.

iii. A candidate must be registered for a minimum of two years before the degree may be conferred.

iv. Students must re-register annually within the specified dates for the duration of their studies, subject to the maximum allowable periods as per the 2020 General Rule 102.2.

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

Rule E13.2 Mode of presentation

In accordance with the stipulations of the Faculty Board, as contained in the Faculty Rules, a Doctoral Degree (LLD or PhD) is presented in the form of the submission of a doctoral thesis (360 credits).

Rule E13.3 Assessment

(a) No mark is awarded for the defence of the title and research proposal, or for the LLD or PhD thesis. For a student to pass a thesis each of the examiners must so recommend. See 2020 General Rules A113.7.3

(b) For purposes of obtaining a Doctoral Degree, the student must present a minimum of one article in a publishable format to an

accredited journal within 8 weeks of formally submitting the thesis.

CURRICULA: LLD

Rule E13.4 MERCANTILE LAW (BC390100)

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

Rule E13.5 PRIVATE LAW (BC390200)

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

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

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

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

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

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

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

Rule E13.9 MEDICAL LAW (BC392000)

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

(LCDA9100).

Rule E13.10 CRIMINAL LAW (BC392100)

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

CURRICULA: PhD

Rule E13.11 MERCANTILE LAW (BC390101)

A thesis and defence (code LMEP9100) or three academic interrelated, publishable manuscripts/published articles and defence (LMPA9100).

Rule E13.12 PRIVATE LAW (BC390102)

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

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

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

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

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

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

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

Rule E13.16 MEDICAL LAW (BC390120)

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

Rule E13.17 CRIMINAL LAW (BC390121)

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

MASTER'S DEGREES

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

| Master of Laws | Min period of study | Abbreviation | Academic Plan Code |
|--|---------------------|--------------|---|
| Master's Degree by dissertation | 1 year | LLM | BC380100 (MERCANTILE LAW); BC380200 (PRIVATE LAW); BC380400 (CONSTITUTIONAL LAW AND LEGAL PHILOSOPHY); BC380500 (PROCEDURAL LAW AND LAW OF EVIDENCE); BC382000 (MEDICAL LAW) BC382100 (CRIMINAL LAW) |
| Master's Degree by coursework and mini-dissertation | 1 year | LLM | BC370200 (MASTERS DEGREE) |
| Master's Degree by coursework and mini-dissertation specialising in Financial Planning Law | 1 year | LLM | BC370800 (FINANCIAL PLANNING LAW) |

| | | | |
|--|--------|-----|--|
| Master's Degree by coursework and mini-dissertation specialising in Law of Business Entities | 1 year | LLM | BC371000 (LAW OF BUSINESS ENTITIES) |
| Master's Degree by coursework and mini-dissertation specialising in Labour Law | 1 year | LLM | BC371200 (LABOUR LAW) |

| | | | |
|--|--------|-----|---|
| Master's Degree by coursework and mini-dissertation specialising in International Economic Law | 1 year | LLM | BC371400 (INTERNATIONAL ECONOMIC LAW) |
| Master's Degree by coursework and mini-dissertation specialising in Private Law | 1 year | LLM | BC371800 (PRIVATE LAW) |
| Master's Degree by coursework and mini-dissertation specialising in Medical Law | 1 year | LLM | BC372000 (MEDICAL LAW) |
| Master's Degree by coursework and mini-dissertation specialising in Criminal Law | 1 year | LLM | BC372100 (CRIMINAL LAW) |
| Master's Degree by coursework and mini-dissertation specialising in Environmental Law | 1 year | LLM | BC372200 (ENVIRONMENTAL LAW) |

The total minimum credits for the Master of Laws degrees above is 240.

| | | | |
|-------------------------------|----------------|------------|------------------------------------|
| Master of Human Rights | 2 years | MHR | BC370100 (HUMAN RIGHTS) |
|-------------------------------|----------------|------------|------------------------------------|

The total minimum credits for the **Master of Human Rights** degree is 180.

Rule E12 MASTER OF LAWS AND MASTER OF HUMAN RIGHTS

The LLM graduate will have:

- An advanced theoretical and intellectual competence to engage at a high level and to be able to apply theoretical knowledge to practical problems.

The **Master's Degree by dissertation** graduate will be able to:

- Participate in high level theoretical-intellectual engagement that can be applied to practical problems, 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 contribute to the development of legal science.

The **Master's Degree by coursework and mini-dissertation** graduate will be able to:

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

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

The **Master of Human Rights** graduate will be able to:

- Evaluate the interdisciplinary and multi-disciplinary literature on human rights and reflect on the conceptualisation and implementation of human rights norms in a socially contextualised manner and in terms of critical social science methods and theories;
- Assess the structure of national, regional and the international human rights regimes, human rights decision making and manifestations of human rights violations in terms of prevailing social, cultural, political and economic relations;
- Apply interdisciplinary and multi-disciplinary methods and perspectives to issues relating to political, economic, social, cultural, and environmental justice;
- Appreciate how conceptualisations and enforcement of human rights norms affect human diversity (with reference to e.g. culture, religion, ethnicity, gender, and sexuality).

Rule E12.1 Admission

- (a) For admission to the **Master of Laws** degree, a candidate must, subject to 2020 General Rule A72.1, be in possession of an LLB degree or an equivalent law degree and must have obtained a weighted average of at least 60 percent in the undergraduate programme. Preferably candidates must have obtained at least 60 percent for the final year research report. If the candidate did

not register and pass the research report in the final year LLB studies, other evidence must be presented of research and writing competencies.

Admission to the **Master of Human Rights** degree is subject to the UFS General rules. Specifically, students must:

- i. be in possession of an Honours Degree (NQF Exit Level 8); or an equivalent qualification that will be found to be appropriate to pursue the Master's Degree; and
- ii. have obtained a weighted average of at least 60%.

Admission to the Master of Human Rights degree is further subject to a process of selection.

Admission to the **Master of Law in Financial Planning Law** where a candidate does not have a relevant Law degree, is allowed by way of recognition of prior learning where the student meets the following:

- i. Must be in possession of a bachelor's degree, and
 - ii. Must have successfully completed the Postgraduate Diploma or Honour's Degree in Financial Planning and the Postgraduate Diploma in Estate Planning with an average of 60% in both Diplomas, and
 - iii. Must show a minimum of 10 year's relevant work experience in the financial services industry, and
 - iv. Successfully complete the Test for Academic Literacy for Postgraduate Students, and
 - v. Successfully complete a research essay on a Financial Planning Law topic that is externally assessed.
- (b) Foreign students, who did not complete their relevant law degree in English, must successfully pass a relevant or prescribed UFS language proficiency test or equivalent thereof. Admission to any such language module will be subject to

approval by the relevant department. The Faculty may require an applicant to write a language proficiency test, at his/her own cost, the results of which will be used in the application assessment process.

(c) To continue with Master's studies, the candidate should comply with the following requirements within the first year of registration:

i. (1) A candidate in the LLM (Master's Degree by dissertation) programme must attend the sessions in the prescribed module in Legal Research Methodology (LNAV7910).

(2) After attending these sessions, the candidate must prepare and submit a research proposal of 15-20 typed pages in the prescribed format to the supervisor.

(3) A presentation of the title, the reading list and the research proposal, must subsequently take place. This presentation must be attended by the supervisor, two external panellists, one internal panellist, the academic head of department/ Director of the Centre/ School (or his/her representative), as well as the Programme Director: Research and Postgraduate Study of the Faculty of Law (or his/her representative). Experts from outside formal academia may be invited to attend.

(4) After a successful presentation, the title and confirmation of the completion of the research proposal must be referred to the Faculty Board, for approval.

ii. (1) Candidates in the LLM Degree by coursework and mini-dissertation programme must attend LNAV7910.

(2) A candidate must approach a potential supervisor within the first three months of registration and must after discussions with a supervisor submit a form that confirms the research topic and the name of the supervisor.

(3) A candidate must prepare a research proposal of between 8-12 pages in the prescribed format and submit it to the supervisor.

(4) Candidates must, at the beginning of the academic year submit the compilation of their curricula from the modules listed below to the lecturers involved in the teaching of the modules and head of department for approval.

- iii. The completion of the Research Proposal in addition to the attendance of the sessions is required for successful completion of LNAV7910.
- iv. The student will be required to obtain ethical clearance from the relevant University ethics committee if the nature of the study requires such clearance.

(d) The language of tuition is English.

| No | Academic plan code | Programme name | Research module | Modules |
|--|---|---------------------------------------|--------------------------|---------|
| LLM (Master's Degree by dissertation) in terms of Rule E12.5(a) | | | | |
| 1 | BC380100 (MERCANTILE LAW); BC380200 (PRIVATE LAW); | LLM (Master's Degree by dissertation) | LMER8900 LPRV8900 | None |

| | | | | |
|---|---|---|--|--|
| | <p>BC380400 (CONSTITUTIONAL LAW AND LEGAL PHILOSOPHY);</p> <p>BC380500 (PROCEDURAL AND LAW OF EVIDENCE);</p> <p>BC382000 (MEDICAL LAW)</p> <p>BC382100 (CRIMINAL LAW)</p> | | <p>LCON8900</p> <p>LPEV8900</p> <p>LCRM8900</p> | |
| LLM and Master of Human Rights (Master's Degree by coursework and mini-dissertation) in terms of Rule E12.6(b) | | | | |
| 2 | BC370200 | LLM (Master's Degree by coursework and mini-dissertation) | <p>Mini-dissertation in one of the following:</p> <p>LFPL7900; LMER7900; LBUE7900; LLAB7900; LIEL7900; LINR7900; LHUM7900; LPVT7900; LJUR7900; LCRM7900; LPEV7900; LCON7900; LENV7900; LMDL7900.</p> | Own choice of three from list under Rule E12.8 CURRICULA (Degree Code 37021) |

| | | | | |
|---|----------|---|----------|--|
| 3 | BC370800 | LLM with specialisation in Financial Planning Law | LFPL7900 | Own choice of three from: LFEP7900 LPRT7900 LPRV7920 LPRE7920 |
| 4 | BC371000 | LLM with specialisation in Law of Business Entities | LBUE7900 | Own choice of three from: LPSN7910 LMCT7920 LCOM7900 LGOV7900 LMBC7920 |
| 5 | BC371200 | LLM with specialisation in Labour Law | LLAB7900 | Own choice of three from: LLDE7910 LLCO7910 LLDS7920 LLPE7920 LLRL7920 |
| 6 | BC371400 | LLM with specialisation in International Economic Law | LIEL7900 | Own choice of three from: LIPL7910 LIFT7920 LIIL7910 LISL7920 LITD7920 |
| 7 | BC371600 | LLM with specialisation in Jurisprudence | LJUR7900 | LJUJ7900 LJUE7900 |

| | | | | |
|----|----------|--|---|--|
| 8 | BC371800 | LLM with specialisation in Private Law | LPVT7900 | Own choice of three from: LPRT7900 LPRV7920 LPRC7920 LPDD7910 LPPL7900 |
| 9 | BC372000 | LLM with specialisation in Medical Law | LMDL7900 | Own choice of three from: LCRS7900 LCRI7900 LMBC7920 LPEJ7900 LPES7920 |
| 10 | BC372100 | LLM with specialisation in Criminal Law | LCRM7900 | Own choice of three from: LCRS7900 LCRI7900 LMBC7920 LPEJ7900 LPES7920 |
| 11 | BC372200 | LLM with specialisation in Environmental Law | LENV7900 | LENE7900; LENI7910; and LENM7910. |
| 12 | BC370100 | Master of Human Rights | In the second year of study: LHMD7900 | In the first year of study: LTFH7916; LIHS7916; LRMH7924 |

| | | | | |
|--|--|--|--|---|
| | | | | <p>and one of the following: LCPR7926/ LHUC7920 LSER7926/ LHUA7920 LHPS7926 LHRG7926 LHEM7926 LHRH7926 LHRR7926 LHRE7926 LHRD7926</p> |
|--|--|--|--|---|

Rule E.12.2 Progression rule and readmission

- (a) Students who are admitted to postgraduate programmes are expected to pass all the modules, as specified in the curriculum, for which they registered in a particular study year. After the first year of study, a student will only be allowed to proceed with a programme for the next year of study if she/he has passed at least 75 percent of the credits and / or mini-dissertation required to complete the qualification.
- (b) If a student has not obtained the Master's Degree after the minimum study period, the student may only continue the study on the strength of academic progress in terms of 2020 General Rules A72.3.

Rule E.12.3 Duration of study

- (a) For the **Master of Laws** degree see 2020 General Rule A76.
- (b) **Master of Human Rights:** Two years.

Rule E.12.4 Admission to the examination

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

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

Rule E12.5 Pass requirements and passing with distinction

(See 2019 General Rules A 83.5.1, A83.5.2, A83.5.3 and A84)

(a) Master of Laws degree

- i. **Pass requirements, passing with distinction: Master's Degree by coursework and mini-dissertation:** See 2020 General Rules A83.5.1, A83.5.2 and A84.
- ii. **Pass requirements, passing with distinction: Master's Degree by dissertation:** See 2020 General Rules A83.5.3 and A84.

(b) Master of Human Rights degree

No formal examination will be written. Students are examined continuously over the duration of a quarter, semester and year. Continuous assessment will be done by requiring students to build up an assessment portfolio, consisting of some or all of the following: formal assignments, case study commentaries, literature reviews, and formative assessment methods, such as: submission of short abstracts on a conceptual controversy or weakness in a theoretical framework, end-of-learning-unit questionnaires or quizzes, online discussion forums, short power point presentations on a topic chosen

from a list prepared by the lecturer, and literature reviews. Continuous assessment is cumulative, and the marks are calculated to produce a final result. The final module mark will be the weighted average calculated for the different continuous assessments. A final mark of at least 50% is required to pass a module. In order to pass a module with distinction, a student must obtain a final mark of at least 75% and must have participated in all the scheduled assessments.

Rule E12.6 Mode of presentation

In order to obtain the **Master of Laws** degree, the following two possibilities exist:

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

The curriculum consists of a dissertation of between 40 000 – 50 000 words which deals with a subject pertaining to juridical science, approved by the Faculty Board. The student is also required to successfully complete the Legal Research Methodology module (LNAV7910). The student must register and complete the LNAV7910 module at the first offering after his/her first registration for the programme.

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

- i. The curriculum consists of a prescribed advanced study programme.
- ii. The examination on the prescribed study programme consists of: **(3 modules – 37 credits each)**
 - a) At least a three-hour examination paper in each of the three modules or research essay/ assignment of minimum 5 000 words.
 - b) A mini-dissertation of 20 000 words of a publishable standard. **(total minimum credits: 129)**

- c) The student is also required to successfully complete the LNAV7910 module. The student must register and complete the LNAV7910 module in the same year as his/her first registration for the mini-dissertation.

(c) Master of Human Rights Degree (Master's degree by coursework and mini-dissertation) (total minimum credits: 180)

In order to obtain the Master of Human Rights degree, students are required to participate in resource-based learning, i.e. self-study, with the aid of study guides and prescribed reading material. Students must attend two on-campus tuition sessions, which will consist of two block sessions of one week each in year one, at the beginning of each semester.

Rule E12.7 CURRICULA

(a) MERCANTILE LAW (BC380100)

A dissertation (code LMER8900)

(b) PRIVATE LAW (BC380200)

A dissertation (code LPRV8900)

(c) CRIMINAL LAW (BC382100)

A dissertation (code LCRM8900)

(d) CONSTITUTIONAL LAW AND LEGAL PHILOSOPHY (BC380400)

A dissertation (code LCON8900)

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

A dissertation (code LPEV8900)

(f) MEDICAL LAW (BC382000)

A dissertation (code LMDL8900)

Rule E12.8 CURRICULA (Degree Code 37021; 370100)

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

| Master of Laws degree | | | |
|------------------------------|---|--------------------------------|----------------|
| Code | Module name | Year or semester course | Credits |
| LFEP7900 | Estate Planning | Year | 37 |
| LFPL7900 | Financial Planning Law (Mini-dissertation) | Year | 129 |
| LPSN7910 | Law of Partnership | 1 st Semester | 37 |
| LMCT7920 | Corporate Insolvency | 2 nd Semester | 37 |
| LLDE7910 | Development of South African Labour Law and the Individual Labour Law | 1 st Semester | 37 |
| LLCO7910 | Collective Labour Law | 1 st Semester | 37 |

| | | | |
|----------|---|--------------------------|-----|
| | and Industrial Democracy | | |
| LCOM7900 | Company Law | Year | 37 |
| LGOV7900 | Corporate governance | Year | 37 |
| LLDS7920 | Discrimination and Labour Dispute Resolution | 2 nd Semester | 37 |
| LLPE7920 | Protection of Employees with regard to Work and Livelihood | 2 nd Semester | 37 |
| LLRL7920 | The Law with regard to Retirement Provision in South Africa | 2 nd Semester | 37 |
| LMBC7920 | Business Crimes | 2 nd Semester | 37 |
| LMER7900 | Mercantile Law (Mini-dissertation) | Year | 129 |
| LBUE7900 | Law of Business Entities (Mini-dissertation) | Year | 129 |
| LLAB7900 | Labour Law (Mini-dissertation) | Year | 129 |

| | | | |
|----------|--|--------------------------|-----|
| LIPL7910 | International Public Law Aspects of International Economic Law | 1 st Semester | 37 |
| LIFT7920 | Free Trade and Free Trade Agreements | 2 nd Semester | 37 |
| LIIL7910 | International Investment Law | 1 st Semester | 37 |
| LISL7920 | International Law of Sales | 2 nd Semester | 37 |
| LITD7920 | International Trade Dispute Settlement | 2 nd Semester | 37 |
| LIEL7900 | International Economic Law (Mini-dissertation) | Year | 129 |
| LINH7920 | International Humanitarian Law | 2 nd Semester | 37 |
| LINR7900 | International Law (Mini-dissertation) | Year | 129 |
| LHUE7910 | Advanced Study in Equality Law | 1 st Semester | 37 |

| | | | |
|-----------------------|---|--------------------------|----------|
| LHUA7920* LCPR7926 | Advanced Study in Fundamental Rights: Social and Economic Rights | 2 nd Semester | 37 24 |
| LHUC7920* LCPR7926 | Advanced Study in Fundamental Rights: Civil and Political Rights | 2 nd Semester | 37 24 |
| LHUM7900 | Human Rights (Mini-dissertation) | Year | 129 |
| LNAV7910 | Legal Research Methodology | 1 st Semester | |
| LENE7900 | National Environmental Law | Year | 37 |
| LENI7910 | International and National Measures for the Protection of the Environment | 1 st Semester | 37 |
| LENM7910 | National Mining Law | 1 st Semester | 37 |
| LENV7900 | Environmental Law (Mini-dissertation) | Year | 129 |

| | | | |
|----------|---|--------------------------|-----|
| LPRT7900 | Trust Law | Year | 37 |
| LPRV7920 | Law of Succession | 2 nd semester | 37 |
| LPPL7900 | Advanced Law of Property | Year | 37 |
| LCRI7900 | <i>Capita Selecta</i> from <i>Medicina Forensis</i> | Year | 37 |
| LPVT7900 | Private Law (Mini-dissertation) | Year | 129 |
| LMDL7900 | Medical Law (Mini-dissertation) | Year | 129 |
| LSLP7910 | School for Legal Practice: Free State | 1 st Semester | 37 |
| LCRS7900 | <i>Capita Selecta</i> from Criminal Law | Year | 37 |
| LCRM7900 | Criminal Law (Mini-dissertation) | Year | 129 |
| LPES7920 | <i>Capita Selecta</i> from Law of Evidence | 2 nd Semester | 37 |

| | | | |
|----------|--|--------------------------|-----|
| LPEJ7900 | International Criminal Law and Justice | Year | 37 |
| LPEV7900 | Procedural Law and Law of Evidence (Mini-dissertation) | Year | 129 |
| LJUJ7900 | Jurisprudence and Justice | Year | 37 |
| LJUE7900 | Ideology and Jurisprudence | Year | 37 |
| LJUR7900 | Jurisprudence (Mini-dissertation) | Year | 129 |
| LCON7900 | Constitutional Law (Mini-dissertation) | Year | 129 |
| LINS7920 | Sources and Theory of Public International Law | 2 nd Semester | 37 |

| Master of Human Rights degree | | | |
|--------------------------------------|--|--------------------------------|----------------|
| Code | Module name | Year or semester course | Credits |
| LHMD7900 | Mini-dissertation | Year | 92 |
| LRMH7924 | Research methodology | Year | 16 |
| LCPR7926/ LHUC7920* | Advanced Study in Fundamental Rights: Civil and Political Rights | 2nd Semester | 24 37 |
| LSER 7926/ LHUA7920* | Advanced Study in Fundamental Rights: Social and Economic Rights | 2 nd Semester | 24 37 |
| LTFH7916 | Theoretical foundations of human rights and human rights critiques | Year | 24 |
| LIHS7916 | International human rights standards and institutions | Year | 24 |
| LHRR7926 | Human rights and religion | Year | 24 |

| | | | |
|----------|---|------|----|
| LHRE7926 | Human rights and education | Year | 24 |
| LHRD7926 | Human rights and development | Year | 24 |
| | | | |
| LHRH7926 | Human rights and health | Year | 24 |
| LHRG7926 | Human rights and gender | Year | 24 |
| LHEM7926 | Human rights and environmental management | Year | 24 |
| | | | |

- **Please note that students for LHUA7910 AND LHUC7220 will do additional assignments to make up the difference in credits between LHUA7910 and LSER7926, and between LHUC7220 and LCPR7906.**

CURRICULA OF MODULES

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

Rule E12.9 Curricula of modules

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

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

POSTGRADUATE DIPLOMAS

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

Rule E14 POSTGRADUATE DIPLOMA IN LABOUR LAW

The following Postgraduate Diploma is presented in the Faculty of Law on the Bloemfontein Campus:

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

Rule E14.1 Admission

- (a) A law degree;
- (b) An applicable Bachelors' Degree that included at least two semester modules in labour law (NQF Level 6 or higher) and the labour law modules were passed with an average of 55%;
- (c) An Advanced Diploma in labour law (NQF Level 7) passed with an average of 60% or
- (d) An applicable labour law related diploma (NQF Level 6), and the candidate –
 - i. has at least 5 (five) years' relevant labour related (not administrative) work experience – the programme director will determine the relevance of the work experience; and

- ii. successfully completed the following short learning programmes presented by the Centre for Labour Law, UFS: Certificate in Basic Principles of Labour Law (NQF Level 5), Certificate in Advanced Principles of Labour Law (NQF Level 7), and another certificate presented by the Centre for Labour Law; and
 - iii. completed the recognition of prior learning process; or
- (e) A National Senior Certificate (as from 2008) or a School-leaving Certificate (prior to 2008), and the candidate –
- i. has at least 7 (seven) years' relevant labour related (not administrative) work experience – the programme director will determine the relevance of the work experience; and
 - ii. successfully completed the following 4 (four) short learning programmes presented by the Centre for Labour Law, UFS: Certificate in Basic Principles of Labour Law (NQF Level 5), Certificate in Advanced Principles of Labour Law (NQF Level 7), Certificate in Alternative Dispute Resolution (NQF Level 6), and Certificate in Basic Principles of Social Security Law (NQF Level 6); and;
 - iii. completed the recognition of prior learning process.

Rule E14.2 Duration of study (2020 General Rule A24(a))

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

Rule E14.3 Curricula: Postgraduate Diploma in Labour Law (Degree code 35021)

Learning outcomes:

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

Integrated knowledge:

The student needs to complete the following compulsory modules:

| | |
|----------|---------------------------|
| LLAA5815 | Labour Law |
| LLAB5815 | Labour Relations Act |
| LLAC5815 | Labour Relations Act 2 |
| LLAA5825 | Labour Dispute Resolution |
| LLAB5825 | Employment Equity Act |

The student needs to complete one of the following elective modules:

| | |
|----------|---------------------------|
| LLAC5825 | Social Legislation |
| LDPR5825 | Labour Dispute Resolution |

The curricula of modules are listed at the back of the Rule Book.

Rule E15 POSTGRADUATE DIPLOMA IN FINANCIAL PLANNING LAW

The following Postgraduate Diploma is presented in the School of Financial Planning Law:

| Degree | Minimum period of study | Abbreviation | Academic plan code |
|--|--------------------------------|----------------------------|---------------------------|
| Postgraduate Diploma in Financial Planning | 1 year | PGDip (Financial Planning) | BC350000 |

RULES

The 2020 General Rules concerning Postgraduate Diplomas apply *mutatis mutandis* to the Postgraduate Diploma in Financial Planning candidates in this faculty. Where any faculty rule is contradictory to the 2020 General Rules, the 2020 General Rules will apply.

Objectives of the Qualification

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

The successful candidate will be able to:

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

- Explore educational and career possibilities and develop entrepreneurial skills.

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

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

Rule E15.1 Applicability

These faculty rules apply to candidates who register for the Postgraduate Diploma in Financial Planning for the first time during or after 2020.

Any candidate who had a break in studies for a period of 1 (one) year or longer, must re-apply and thus comply with the Rules as per the new registration period.

Rule E15.2 Special curricula

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

Rule E15.3 Admission

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

- (a) An applicable Bachelor's Degree (NQF Exit Level 7 or 8), or
- (b) An applicable Advanced Diploma (NQF Exit Level 7), or
- (c) Notwithstanding subparagraphs (a) and (b) above, a candidate can, at the recommendation of the Dean, be admitted to the Postgraduate Diploma in Financial Planning if the candidate applied for admission by means of a process of recognition of prior learning.

Rule E 15.4 Duration of study (2020 General Rule A24(a)) and Credit Transfer

- (a) The duration of study for the Postgraduate Diploma in Financial Planning (degree code 35001) is a minimum of one year.
- (b) The duration of study for the Postgraduate Diploma in Financial Planning (degree code 35001) is a maximum of two years from the date of first registration. For part time students, who meet the requirements of the UFS for part time students, the maximum residential period will be three years from the date of first registration (see definitions provided in the 2020 General Rules).
- (c) Credits for any module passed in the Postgraduate Diploma in Financial Planning will only be valid for a period of 3 years (from date of registration). In the event that any credits lapse during the registration for the Diploma, the student will be expected to repeat the module(s) in question in order to be awarded the Diploma.

Rule E15.5 Diploma with distinction

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

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

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

Rule E15.6 The following modules must be passed to obtain the Postgraduate Diploma in Financial Planning:

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

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

- (a) Student must achieve at least 40 percent semester mark in order to be granted admission to the examination. (2020 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. (2020 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.

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

- (a) Examination results in respect of the Postgraduate Diploma in Financial Planning are announced on the University's web page in terms of General Rule 28.12(a)(ii).
- (b) Students may appeal an examination result by requesting a remark in terms of 2020 General Rule 28.12(f) within 5 working days of the release of the results. Students will be given feedback with regard to the appeal within 3 weeks of requesting the remark.

Rule E15.9 Language of Tuition

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

**Rule E16 — POSTGRADUATE DIPLOMAS IN:
ESTATE PLANNING
INVESTMENT PLANNING**

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

| Degree | Minimum period of study | Abbreviation | Academic plan code |
|---|--------------------------------|-----------------------------|---------------------------|
| Postgraduate Diploma in Estate Planning | 1 year | PGDip (Estate Planning) | BC256000 |
| Postgraduate Diploma in Investment Planning | 1 year | PGDip (Investment Planning) | BC356200 |

Objectives of the Qualifications

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

The successful candidate will be able to:

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

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

- Identify and solve problems in the field of basic financial planning through critical and creative thought.

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

Rule E16.1 Applicability

These faculty rules apply to candidates who register for the Postgraduate Diploma in Estate Planning or the Postgraduate Diploma in Investment Planning for the first time during or after 2020.

Any candidate who had a break in studies for a period of 1 (one) year or longer, must re-apply and thus comply with the Rules as per the new registration period.

Rule E16.2 Special curricula

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

Rule E16.3 Admission

For admission to the Postgraduate Diploma in Estate Planning or the Postgraduate Diploma in Investment 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 E16.4 Duration of study (2019 General Rule A24(a))

- (a) The minimum duration of study for the Postgraduate Diploma in Estate Planning or the Postgraduate Diploma in Investment Planning, is one year.
- (b) The maximum duration of study for the Postgraduate Diploma in Estate Planning or the Postgraduate Diploma in Investment Planning, is three years.

Rule E16.5 Postgraduate Diploma with distinction

The Postgraduate Diploma in Estate Planning or the Postgraduate Diploma in Investment Planning, is awarded with distinction if a student:

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

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

- (a) Postgraduate Diploma in Estate Planning:

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

(b) Postgraduate Diploma in Investment Planning:

| Module | Year module |
|---|-----------------------|
| Asset Types and Investment Planning | LFPA5800 (60 credits) |
| Principles of Portfolio Planning and Management | LFPF5800 (60 credits) |

Rule E16.7 Pass mark for the modules in the Postgraduate Diploma in Estate Planning or the Postgraduate Diploma in Investment Planning

- (a) Student must achieve at least 40 percent semester mark in order to be granted admission to the examination. (2020 General Rule A28.2(a))
- (b) The semester mark counts 30 percent of the final mark and the examination mark counts 70 percent of the final mark.

Rule E16.8 Examination result for the modules in the Postgraduate Diploma in Estate Planning or the Postgraduate Diploma in Investment Planning

- (a) Examination results in respect of the Postgraduate Diploma in Estate Planning and the Postgraduate Diploma in Investment Planning, are announced on the University's web page in terms of General Rule 28.12(a)(ii).
- (b) Students may appeal an examination result by requesting a remark in terms of 2020 General Rule 28.12(f) within 5 working days of the release of the results. Students will be given feedback with regard to the appeal within 3 weeks of requesting the remark.

Rule E16.9 Language of Tuition

The language of tuition for the Postgraduate Diploma in Estate Planning and the Postgraduate Diploma in Investment Planning is English.

Rule E17 FACULTY READMISSION APPEALS COMMITTEE RULES

As at the date of finalising this book, the readmission appeals rules and procedures were under review. Students will be informed of any significant changes via Blackboard.

Rule E17.1 Functions of the Faculty Readmission Appeals Committee

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

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

- (a) A student's appeal to the Faculty Readmission Appeals Committee will only be dealt with if the student has exhausted all internal processes to the relevant lecturer, Academic Head of Department, Vice-dean or Dean.
- (b) A student who wants to lodge an appeal to the Faculty Readmission Appeals Committee must complete the student appeal form that is available on Blackboard and from the Office Manager of the Dean.

- (c) The student must submit the student appeal form in para (b) above, together with comprehensive supporting documentation to the Office Manager of the Dean at least 5 (five) working days before the scheduled meeting of the Faculty Readmission Appeals Committee and within at least 15 working days after the student exhausted all internal procedures. The appeal form and documentation may only be submitted via email to the Office Manager of the Dean if the student does not reside in Bloemfontein. The dates of the Faculty Readmission Appeals Committee meetings are available on Blackboard and on the Faculty of Law notice boards in the Equitas building.
- (d) No additional documentation will be accepted after submission of the documents mentioned in paragraph (c) above.

Rule E17.3 Decisions of the Faculty Readmission Appeals Committee

The decision by the Faculty Readmission Appeal Committee is final.

Rule E18 CURRICULA OF MODULES

- E18.1 Where applicable, the contents of curricula for modules are in accordance with the minimum requirements of the Faculty Board.
- E18.2 The curricula offered by the various departments of the Faculty of Law are set out at the back of this Rule book.

LNAV7910 Legal Research Methodology (0 credits)

Learning Outcomes:

The student must be able to:

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

LNAV7910 (Research Methodology) is an attendance module that requires the student to attend certain workshops and complete certain tasks. 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.

MODULES OFFERED IN 2020

LMER8900 (Master's Degree by dissertation) (129 credits)

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

LPSN7910 Law of Partnership (37 credits)

Learning outcomes:

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

Integrated knowledge:

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

LMCT7920 Corporate Insolvency (37 credits)

Learning outcomes:

The student must be able to:

- i. Identify and solve legal problems through critical and creative thought.
- ii. Approach and study personal and professional activities in a responsible, ethical and effective manner.
- iii. Do effective legal research by gathering, analysing and critically evaluating information.

- iv. View the law as a component of a system of interdependent systems within the community in which problem-solving cannot occur in isolation.

Integrated knowledge:

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

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

LLDE7910 Development of South African Labour Law and the Individual Labour Law (37 credits)

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, considering the difference between individual and collective labour law.
- iii. The development of labour law relations between employer, employee and the Government as set out in labour legislation.
- iv. Comparative study of the freedom of association and organisational rights.
- v. The Common law contract of employment, the distinction from other, similar contracts and the duty of good faith of an employee towards his employer.
- vi. The provisions, content and outstanding characteristics of the Basic Conditions of Employment Act, 1997.
- vii. Comparative study on individual labour law.

LLCO7910 Collective Labour Law and Industrial Democracy (37 credits)

Learning outcomes:

This module aims to provide critical insight into the evolution of the collective bargaining concept and its various structures over the last 40 years. This will include in-depth study into the drastic changes that were implemented after the 1977 Wiehahn Commission's report and the establishment of the South African Constitution and the right to fair labour practices. The current collective bargaining process, agents, structures and forums are critically discussed and compared with the international position on this subject matter. Consequently, 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. Critically evaluate collective agreements and draft these according to a client's mandate.

- iv. Critically analyse the operation and functions of workplace forums and other bargaining structures.
- v. 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 (37 credits)

Learning outcomes:

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

Integrated knowledge:

- i. History and development of company law.
- ii. Legal personality, types of companies, incorporation and constitution.
- iii. Division of powers and the general meeting.
- iv. Composition and functions of the board of directors.

- v. Appointment, discharge, disqualification, fiduciary duties, duty of care and personal liability of directors.
- vi. Entering into contracts on behalf of a company: Capacity and powers.
- vii. Capital maintenance and purchase of own shares.
- viii. Minority protection.
- ix. Comparative study on company law.

LGOV7900 Corporate Governance (37 credits)

Learning outcomes:

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

Integrated knowledge:

- i. Corporate governance and systems.
- ii. Corporate social responsibility.
- iii. Criminal liability of companies.
- iv. Shareholder activism.

LLDS7920 Discrimination and Labour Dispute Resolution (37 credits)

Learning outcomes:

The student must be able to:

- i. Explain and evaluate the principles with regard to unfair discrimination and unfair labour practices, as well as the practical implementation thereof.
- ii. Explain and evaluate the principles applicable to unfair labour practices as well as the practical implementation thereof.

- iii. Explain the bodies/structures created to handle and resolve labour disputes, as well as the functioning of such bodies.
- iv. Identify the different forms of dismissal and to critically evaluate whether a dismissal will be fair.

Integrated knowledge:

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

LLPE7920 Protection of Employees with regard to Work and Livelihood (37 credits)

Learning outcomes:

The student must be able to:

- i. Explain 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. Explain the important provisions of legislation that ensure training and the development of skills of employees.

- v. Identify and evaluate the benefits an employee may be entitled to in terms of legislation.

Integrated knowledge:

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

LLRL7920 The Law with regard to Retirement Provision in South Africa (37 credits)

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 (37 credits)

Learning outcomes:

The student must be able to:

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

Integrated knowledge:

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

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

LMER7900 Mercantile Law (mini-dissertation) (129 credits)

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

Learning outcomes:

The student must be able to:

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

LLAB7900 Labour Law (mini-dissertation) (129 credits)

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

Learning outcomes:

The student must be able to:

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

LBUE7900 Law of Business Entities (mini-dissertation) (129 credits)

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

Learning outcomes:

The student must be able to:

1. Demonstrate an advanced competence in practical and theoretical legal problem-solving.
2. Demonstrate an advanced understanding of the theoretical framework, key concepts, and core legal rules and principles of the particular research area.
3. Select and apply information relevant to the argument.

4. Formulate a complex and sustained legal argument.
5. Evaluate the effectiveness of legal rules in dealing with a particular factual situation and suggest appropriate legal reform mechanisms where current rules are inadequate.
6. Where relevant, refer to the social, political, economic and international contexts within which the research is situated.
7. Demonstrate competence in comparative techniques where this is required.
8. Produce research that is original in the sense that it does not simply duplicate or reproduce existing studies. (see previous comment)

LFEP7900 Estate Planning (37 credits)

Learning outcomes:

The student must be able to apply legal and tax solutions in the areas of accumulation, conservation and distribution planning. Students will be able to explain, understand and apply the objectives of estate planning and the estate planning process. Graduates will understand that estate planning is 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. It is recommended to have had financial planning law at an undergraduate level or working experience in the financial planning law industry.

Integrated knowledge:

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

- ix. Comparative study regarding estate planning.

LFPL7900 Financial Planning Law (mini-dissertation) (129 credits)

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

Learning outcomes:

The student must be able to:

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

LIPL7910 International Public Law Aspects of International Economic Law (37 credits)

Learning outcomes:

The student must be able to:

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

Integrated knowledge:

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

LIFT7920 Free Trade and Free Trade Agreements (37 credits)

Learning outcomes:

The student must be able to:

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

Integrated knowledge:

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

LIL7910 International Investment Law (37 credits)**Learning outcomes:**

The student must be able to:

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

Integrated knowledge:

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

LISL7920 International Law of Sales (37 credits)**Learning outcomes:**

The student must be able to:

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

Integrated knowledge:

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

LITD7920 International Trade Dispute Settlement (37 credits)

Learning outcomes:

The student must be able to:

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

Integrated knowledge:

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

LIEL7900 International Economic Law (mini-dissertation) (129 credits)

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

Learning outcomes:

The student must be able to:

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

MODULES NOT OFFERED IN 2020

LMTI7920 International Taxation of Individuals (37 credits)

Learning outcomes:

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

Integrated knowledge:

The student will be able to:

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

LMTE7910 Taxation of Estates (37 credits)

Learning outcomes:

The student must be able to demonstrate an advanced understanding of the different types of taxation involved in the estates of individuals through the integrated application of theoretical knowledge in dealing

with the taxation of the estates of individuals (living and deceased with the exclusion of insolvent estates).

Integrated knowledge:

The student will be able to:

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

LPRM7900 Personal Risk Management (37 credits)

Learning outcomes:

Student must be able to apply a risk-based approach to distinguish between different levels of risk. They will be able to use a methodology in identifying, evaluating and selecting appropriate risk handling methods to mitigate risks. student will be proficient in applying the principles and methodology of personal risk management. Students will be able to differentiate between the creation and preservation of wealth. Students will understand the legal and regulatory environment pertaining to risk management. It is recommended to have had financial planning law at an undergraduate level or working experience in the financial planning law industry.

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.

POSTGRADUATE DIPLOMA IN LABOUR LAW

Learning outcomes:

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

LLAA5815 Labour law (20 credits)

The student must be able to:

- i. Sketch the historical development of the ILO.
- ii. Discuss the structure of the ILO.
- iii. Discuss the strategic objectives of the ILO.
- iv. Explain the functions and importance of the ILO and the effects of ILO conventions of the South African Labour Law.
- v. Discuss the relevant ILO conventions and how the South African Labour Law has given effect to the conventions.
- vi. Sketch the relevant historical development of both Individual Labour Law and Collective Labour Law.
- vii. Elucidate the relationship between an employer and employee, including the state.
- viii. Discuss the effect and influence of the Constitution on Labour Law.
- ix. Explain the role and function of NEDLAC.

- x. Know the essence of the contract of employment and to distinguish the contract of employment from other similar contracts. In this regard, it is also very important to take note of the effect of sect 198 and 198A-D of the Labour Relations Act 66/1995 on non-standard forms of employment.
- xi. Appreciate the effect of collective labour provisions on contracts of employment.
- xii. Know the rights and duties of employers and employees and also the sources from which they emanate.
- xiii. Know the common law position and the provisions of the Basic Conditions of Employment Act regulating termination of employment.
- xiv. Discuss and implement the provisions of the Basic Conditions of Employment Act in a contract of employment.
- xv. Explain the legal effect of restraint of trade clauses.
- xvi. Apply the Basic Conditions of Employment Act.

LLAB5815 Labour Relations Act (20 credits)

The student must be able to:

- i. Give an overview of the introduction to collective labour law.
- ii. Give an overview of freedom of association and the right thereto.
- iii. Discuss organisational rights and be able to refer to:
 - (a) The nature and content of organisational rights;
 - (b) Dispute resolution path of organisational rights.
- iv. Discuss collective agreements and refer to:
 - (a) The general principles pertaining to collective agreements and;
 - (b) Describe collective agreements and orders of the court.
- v. Discuss bargaining councils and also refer to the following:
 - (a) The establishment and accreditation of bargaining councils;
 - (b) The scope and powers of bargaining councils;
 - (c) Functions of bargaining councils;
 - (d) Public Sector and Private Bargaining Councils CCMA and bargaining councils' respective jurisdiction;
 - (e) Difference between parties and non-parties;

- (f) The enforcement of collective agreements;
- (g) The functions of designated agents;
- (h) Bargaining council rules.
- vi. Give an exposition of the law pertaining to the Essential Services Committee Explain what a dismissal is.
- vii. Refer to the different types of dismissal.
- viii. Explain the concept of constructive dismissal.
- ix. Explain what fixed term contracts are.
- x. Give an exposition of the different organisations and items pertaining to jurisdiction.
- xi. Explain the concept of representation.
- xii. Explain the following different types of misconduct:
 - (a) Sexual harassment;
 - (b) Insubordination;
 - (c) Insolence;
 - (d) Assault;
 - (e) Theft;
 - (f) Unauthorised possession;
 - (g) Absence from work;
 - (h) Alcohol and drug related offences;
 - (i) Fraud;
 - (j) Misuse of company property;
 - (k) Corruption.
- xiii. Explain substantive and procedural fairness as required in full.
- xiv. Discuss dismissal for incapacity in full and refer to both procedural and substantive fairness.
- xv. Discuss probation and dismissal of probationary employees in full.
- xvi. Give an exposition of the onus of proof in dismissal cases.
- xvii. Explain the possibility and effect of concluding agreements in dismissal disputes.
- xviii. Explain the different remedies available to employees.
- xix. Explain what an inquiry by an arbitrator is (so called pre-dismissal arbitration).

LLAC5815 Labour Relations Act 2 (20 credits)

The student must be able to:

- i. Know and comprehend the meaning and extent of the concept of “transfer of a business”. This includes instances of insolvency, liquidation and a solvent transfer of a business. This also includes “franchising”.
- ii. Discuss the meaning and extent of the concept “going concern”.
- iii. Explain the effect of the Labour Relations Act (LRA) on a contract of sale.
- iv. Be acquainted with matters pertaining to disputes about the transfer of a business.
- v. Discuss the possible remedies available to the parties.
- vi. To take note of the concept ‘business rescue’ and critically discuss the influence thereof on employees with reference to case law.
- vii. Know and comprehend the meaning and extent of the concept of unfair labour practice.
- viii. Know and comprehend the meaning and extent of the different forms of unfair labour practice, with reference to promotion, demotion, benefits and training
- ix. Discuss the onus of proof on the parties
- x. Discuss possible remedies in the case of unfair labour practices.
- xi. Advise parties on dispute resolution and prevention.
- xii. Discuss the different forms of unfair labour practices with reference to case law.
- xiii. Explain the meaning and legal effect of a “suspension” of an employee.
- xiv. Discuss an “occupational detriment.”
- xv. Discuss the right to strike.
- xvi. Distinguish between disputes of interest and a dispute of rights.
- xvii. Discuss the limitations on the right to strike or recourse to lock-out.
- xviii. Define a strike and a lock out.
- xix. Differentiate between protected, unprotected and prohibited strikes.
- xx. Explain the forms, legal requirements and consequences of industrial action.

- xxi. Explain the effect of a protected and unprotected strike or lock-out.
- xxii. Discuss the consequences of strikes.
- xxiii. Distinguish between essential services and maintenance services.
- xxiv. Discuss the legality of replacement labour during industrial action.
- xxv. Discuss other forms of industrial action.
- xxvi. Be acquainted with provisions relating to secondary strikes, protest action for social economic reasons and explain the effect of both on the labour market.
- xxvii. Advise parties on legal requirements for picketing and lock outs.

LLAA5825 Labour Dispute Resolution (20 credits)

The student must be able to:

- i. Give an overview of the labour/ employment dispute resolution structures available in the South African Labour Law context.
- ii. Distinguish between the jurisdictions of the different forums (including private arbitration.)
- iii. Discuss the functions of the different forums including the Department of Labour.
- iv. Be able to apply the rules of a specific forum.
- v. Explain the specific functions of the different forums.
- vi. Distinguish between pre-dismissal arbitration, conciliation, con/arb and arbitration/private arbitration.
- vii. When can CCMA exercise jurisdiction despite private arbitration agreement.
- viii. Discuss Legal representation at the CCMA.
- ix. Explain the legal effect of an arbitration award.
- x. Distinguish between rescissions, reviews and appeals.
- xi. Be able to explain the whole arbitration process.
- xii. Discuss the roles of the different parties during the arbitration process.
- xiii. Explain the accreditation of Councils by the CCMA.
- xiv. Discuss the legal effect of private arbitrations.

- xv. Discuss the exclusive jurisdiction and functions of the Labour Court.
- xvi. Discuss the concurrent jurisdiction of the High Court and Labour Court.
- xvii. Discuss the jurisdiction of the Labour Appeal Court and the Supreme Court of Appeal.
- xviii. Discuss the jurisdiction of the Constitutional Court in respect of Labour matters.

LLAB5825 Employment Equity Act (20 credits)

The student must be able to:

- i. Critically interpret and apply the *Employment Equity Act 55 of 1998* with reference to the provisions dealing with the prohibition of unfair discrimination.
- ii. Critically interpret and apply the *Employment Equity Act 55 of 1998* with reference to the provisions dealing with the promotion of affirmative action.

LLAC5825 Social Legislation (20 credits)

The student must be able to:

- i. Discuss the application of the Occupational Health and Safety Act.
- ii. Discuss the duties of employers and employees in terms of the Act.
- iii. Set out the function of: • health and safety representatives,
- iv. health and safety committees, and
- v. inspectors.
- vi. Define core concepts like employee and earnings.
- vii. Discuss the application of the Compensation for Occupational Injuries and Diseases Act.
- viii. Discuss the duties of an employer in terms of the Act. (See *Skorbinsky v Bezuidenhout t/a/ DB Transport* (2009) 30 ILJ 2847 (ECP).

- ix. Discuss the requirements to be met to qualify for compensation.
- x. Define core concepts like contributor, child, domestic worker, employee employer and remuneration.
- xi. Discuss the application of the Unemployment Insurance Act.
- xii. Discuss the conditions/requirements that must be met in order to qualify for the different categories of benefits.

LDPR5825 Labour Dispute Resolution

The student must be able to:

- i. Differentiate dispute resolution models. including conciliation, mediation, arbitration and other forms of litigation.
- ii. Draft settlement agreements, awards and rulings.
- iii. Exhibit effective writing and oral communication skills.
- iv. Distinguish between conflicts and disputes, rights and interest disputes, and resolve such disputes in line with legislation and collective agreements.
- v. Apply substantive labour law and dispute resolution principles to resolve individual and collective labour disputes.
- vi. Interpret, analyse and evaluate the principles of ethics and social justice involved in conciliation and arbitration.
- vii. Conduct an effective conciliation and arbitration process.

DEPARTMENT PRIVATE LAW

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

MODULES OFFERED IN 2020

LPRV8900 (Master's Degree by dissertation) (240 credits)

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 (37 credits)

Learning outcomes:

The student must be able to:

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

- viii. Explain the legal principles pertaining to the taxation of trusts.
- ix. Demonstrate an understanding of the use of the trust as a financial planning tool.

Integrated knowledge:

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

LPRV7920 Law of Succession (37 credits)

Learning outcomes:

The student must be able to:

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

Integrated knowledge:

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

LPPL7900 Advanced Law of Property (37 credits)

Learning outcomes:

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

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

Integrated knowledge:

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

LPRD7920 Law of Delict (37 credits)

Learning outcomes:

The learner must be able to:

- i. Understand, explain, distinguish and critically evaluate the content of the elements of wrongfulness and fault (negligence) in view of case law and opinions of legal writers;
- ii. Understand and explain how the Bill of Rights (Chapter 2 of the Constitution) influences the law of delict and is applicable to it.
- iii. Understand and explain the legal principles regarding delictual liability for a specific form of damage iniuria datum, iniuria or strict liability.

Integrated knowledge

- i. Relevant case law, legislation and other sources.
- ii. The influence of the Constitution on the law of delict.
- iii. Problematic issues within the traditional law of delict.
- iv. Legal liability and possible defences thereto regarding specific delicts.
- v. Legal comparison regarding certain specific delicts.

LCRI7900 *Capita Selecta* from Medicina Forensis (37 credits)

Learning outcomes:

The student must be able to:

- i. Point out and explain the complexities and uncertainties pertaining to the institution of a claim for wrongful life.
- ii. Understand and explain the legal arguments for and against the legalisation of euthanasia.
- iii. Demonstrate an advanced understanding of the key concepts, core legal rules and principles pertaining to the doctrine of informed consent.
- iv. Critically evaluate the concept of medical negligence.
- v. Critically reflect on the impact of the Constitution on patient privacy and medical confidentiality.

Integrated knowledge:

- i. Terminology and general principles pertaining to the law of delict.
- ii. Relevant case law, legislation and comparative law.
- iii. The impact of the Constitution on medical law.
- iv. Different forms of euthanasia.
- v. Selected topics.

LPVT7900 Private Law (Mini-dissertation) (129 credits)

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

Learning outcomes:

The student must be able to:

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

LMDL7900 Medical Law (Mini-dissertation) (129 credits)

The theme should be conceptualised in consultation with the prospective supervisor(s) and the academic head of the department.

Learning outcomes:

The student must be able to:

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

MODULES NOT OFFERED IN 2020

LPRC7920 Advanced Law of Contract (37 credits)

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 (37 credits)

Learning outcomes:

The student must be able to:

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

Integrated knowledge:

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

- viii. The Private International law and damage with a foreign element.

LPRE7920 Administration of Estates (37 credits)

Learning outcomes:

The student must be able to:

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

Integrated knowledge:

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

DEPARTMENT OF PUBLIC LAW

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

LCON8900 (Master's Degree by dissertation) (240 credits)

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

LINS7920 Sources and Theory of Public International Law (37 credits)

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 (37 credits)

Learning Outcomes:

The student must be able to:

- i. Understand the philosophy, nature and scope of International Humanitarian law (IHL).
- ii. Be able to identify and know the sources and general principles of IHL.
- iii. Understand the scope of application of IHL.
- iv. Know the inherent limits of IHL.
- v. Know the means of warfare.
- vi. Understand the relationship between IHL and international human rights.
- vii. Distinguish between civilians and combatants.

Integrated knowledge:

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

LINR7900 International Law (Mini-dissertation) (129 credits)

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

Learning outcomes:

The student must be able to:

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

LHUE7910 Advanced Study in Equality Law (37 credits)

Learning outcomes:

A student must:

- i. Possess an understanding of important theories regarding equality and discrimination.
- ii. Understand the provisions of the Constitution, their interpretation by the Constitutional Court, including the Court's notion of substantive equality and its framework for applying section 9 of the Constitution.
- iii. Be able to understand and explain applicable equality law from comparative jurisdictions against the background of the particular constitutions.
- iv. Be familiar with the provisions of applicable equality legislation, e.g. the Employment Equity Act and the Promotion of Equality and Prevention of Unfair Discrimination Act.

- v. Be able to understand and apply the equality provisions of the Constitution and applicable legislation to selected fields, e.g. employment discrimination and affirmative action, discrimination in private clubs and organisations, discrimination in family law, provision of goods, services and facilities, professions and bodies, housing, accommodation, land and property, health services and benefits, education, insurance, pensions.

Integrated knowledge:

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

LHUA7920 Advanced Study in Fundamental Rights: Social and Economic Rights (37 credits) / LSER7926

Learning outcomes:

The student must be able to:

- i. Demonstrate an understanding of the distinctive legal nature of social and economic rights (including its justiciability; its vertical and horizontal application; and the nature of the duties flowing from it); and its importance for the realisation of social justice in the South African socio-economic and socio-political system.
- ii. Understand and explain the way in which social and economic rights have been guaranteed in the most important international and regional bills of rights.

- iii. Know the interpretation and application of the applicable provisions about social and economic rights in the Constitution of the Republic of South Africa.
- iv. Apply the constitutional provisions regarding social and economic rights to specific areas of public service delivery, including housing, water provision, education, health, social security and children's rights.

Integrated knowledge:

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

LHUC7920 Advanced Study in Fundamental Rights: Civil and Political Rights (37 credits)/ LCPR7926

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) (129 credits)

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

Learning outcomes:

The student must be able to:

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

LENE7900 National Environmental Law (37 credits)

Learning outcomes:

The student must be able to:

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

Integrated knowledge:

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

LENI7910 International and National Measures for the Protection of the Environment (37 credits)

Learning outcomes:

The student must be able to:

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

Integrated knowledge:

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

LENM7910 National Mining Law (37 credits)

Module outcomes:

Students will be introduced to key concepts, legislative framework, principles and case law applicable in mining, health and safety as well as environmental law. Students will gain knowledge on the role of mining law in relation to the environment and the economy.

Integrated knowledge

After completion of this module students will be able to:

- i. Demonstrate a balanced understanding of the interrelatedness of mining and environmental legislations.
- ii. Understand the structure and scope of environmental governance.
- iii. Analyse the effectiveness of compliance of environmental and mining law.

- iv. Identify and discuss different forms of mining authorizations and land tenure issues in South Africa.
- v. Demonstrate issues of safety and security in the mining industry and applicable the legislation.
- vi. Engage with current developments in the industry such as fracking, gender, BEE, beneficiations and nationalization of the industry.

LENV7900 Environmental Law (Mini-dissertation) (129 credits)

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

Learning outcomes:

The student must be able to:

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

LJUU7900 Jurisprudence and Justice (37 credits)

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 (37 credits)

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) (129 credits)

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

Learning outcomes:

The student must be able to:

- i. Demonstrate an advanced competence in practical and theoretical legal problem-solving.
- ii. Demonstrate an advanced understanding of the theoretical framework, key concepts, and core legal rules and principles of the particular research area.
- iii. Select and apply information relevant to the argument.
- iv. Formulate a complex and sustained legal argument.

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

LCON7900 Constitutional Law (Mini-dissertation) (129 credits)

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

Learning outcomes:

The student must be able to:

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

LCRM8900 (Master's Degree by dissertation) (240 credits)

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 (37 credits)

Learning outcomes:

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

Integrated knowledge:

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

LCRM7900 Criminal and Medical Law (Mini-dissertation) (129 credits)

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

Learning outcomes:

The student must be able to:

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

LPEV8900 (Master's Degree by dissertation) (240 credits)

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

LPES7920 *Capita Selecta* from Law of Evidence (37 credits)

Learning outcomes:

The student must be able to:

- i. Understand the function of the law of Evidence in the structure of a court system.
- ii. Integrate and apply the constitutional rights in criminal and civil trials.
- iii. Apply the various aspects regarding the admissibility of relevant evidence to a set of facts.

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

Integrated knowledge:

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

LSLP7910 School for Legal Practice: Free Stat (37 credits)

Academic credits equivalent to the credits of one module presented in the structured LLM programme may be earned by a student on successful completion of the six-months Practical Legal Training course presented by the Legal Practice Council of SA during the course of the student's residential period for the structured LLM programme.

LPEJ7900 International Criminal Law and Justice (37 credits)

Learning outcomes:

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

Integrated knowledge

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

LPEV7900 Procedural Law and Law of Evidence (Mini-dissertation) (129 credits)

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

Learning outcomes:

The student must be able to:

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

MODULES AND PROGRAMME NOT OFFERED

BC370600 (LLM IN ADMINISTRATIVE LAW)

LADF7900 Foundations and Principles of Procedural Administrative Law and Justice (37 credits)

In this module students will critically research and analyse important topics in administrative law dealing with standing, procedure for judicial review and remedies in judicial review proceedings. Students are expected to provide solutions to factual questions dealing with these issues. This module requires students to distinguish the current constitutional position from the common law position and compare it to the approach in other jurisdictions, including jurisdictions in Africa.

LADT7900 Theory and Practice of Administrative Justice in terms of the 1996 Constitution (37 credits)

The constitutionalisation of a right to administrative justice brought with it dramatic changes in South African administrative law. In this module students will have to demonstrate an advanced understanding of the constitutional right to just administrative action, the Promotion of Administrative Justice Act 3 of 2000, and the constitutional principle of legality as well as the interplay between these. Students will have to apply integrated and advanced theoretical knowledge to find solutions for factual situations while demonstrating critical and creative thought and evaluation of the different elements of the definition of administrative action and the grounds for review provided for in the Constitution.

LADI7900 International Comparative Administrative Law (37 credits)

This module studies important concepts and critical issues in the field of administrative law from a comparative perspective. Students are exposed to more complex problems and theories of administrative law and its interaction with constitutional law and other fields of the law. Complex issues related to the concept of administrative law, administrative legality, substantive and procedural law and state accountability are explored in depth. These issues will be explored with reference to selected Africa, European, American and Australian jurisdictions.

LADH7900 Administrative Law Reform (37 credits)

This module builds on the basic concepts of administrative law. Students are exposed to more complex problems and theories of administrative law and its interaction with constitutional law and other fields of the law. Complex issues related to the concept of administrative law, administrative legality, substantive and procedural law and state accountability are explored in depth. The development of administrative law from the common law to the current constitutional state is critically analysed. The study of these issues focuses in particular on future legal reform to address current issues such as the role and impact of administrative law on state capture and decolonisation.

LADH7900 Administrative Law (mini-dissertation) (37 credits)

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

Learning outcomes:

The graduate must be able to:

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

| |
|---|
| SCHOOL OF FINANCIAL PLANNING LAW |
|---|

LFPE5800 The Financial Planning Environment (40 credits)

The module LFPE5800 is presented in the School of 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 (40 credits)

The module LFPP5800 is presented in the School of Financial Planning Law.

Description and purpose of course

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

Integrated knowledge and skills

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

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

Assessment

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

LFPC5800 Corporate Financial Planning (40 credits)

The module LFPC5800 is presented in the School of Financial Planning Law.

Description and purpose of course

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

corporate financial planning and how to identify and achieve the goals set by the client in the most effective and appropriate manner.

Integrated knowledge and skills

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

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

Assessment

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

LFPS5800 Financial Planning Case Study (40 credits)

The module LFPS5800 is presented in the School of Financial Planning Law.

Description and purpose of course

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

Integrated knowledge and skills

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

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

Assessment

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

LFPA5800 Asset Types and Investment Planning (60 credits)

The module LFPA5800 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 (60 credits)

The module LFPF5800 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 (60 credits)

The module LFPB5800 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 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 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.

LFPR5800 Personal Risk Management (60 credits)

The module LFPR5800 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.

Master of Human Rights BC370100

Assessment:

No formal examination will be written in any of the following modules. Students are examined continuously over the duration of a quarter, semester or year. Continuous assessment will be done by requiring students to build up an assessment portfolio, consisting of some or all of the following: formal assignments, case study commentaries, literature reviews, and formative assessment methods, such as: submission of short abstracts on a conceptual controversy or weakness in a theoretical framework, end-of-learning-unit questionnaires or quizzes, online discussion forums, short power point presentations on a topic chosen from a list prepared by the lecturer, and literature reviews. Continuous assessment is cumulative, and the marks are calculated to produce a final result. The final module mark will be the weighted average calculated for the different continuous assessments. A final mark of at least 50% is required to pass a module. In order to pass a module with distinction, a student must obtain a final mark of at least 75% and must have participated in all the scheduled assessments.

LTFH7916 Theoretical foundations of human rights and human rights critiques (24 credits)

Module content:

The module provides an overview of the historical contexts and influential earlier and contemporary understandings and institutionalisations of human rights. The aim is to critically reflect on the prominent normative frameworks that have been offered in defence of or in opposition to human rights and its enforcement in philosophy, political theory, theology, legal philosophy and other disciplines. The contribution of influential human rights theorists is contextualised with reference to current human rights debates, the evolution of the generations of human rights, key human rights documents, and controversies surrounding human rights enforcement

(the empowering/disempowering effect of human rights discourses and institutionalisations). Some of the key issues to be addressed are: what is the basis for the claim that something is a fundamental human right; on what grounds can human rights claims be considered 'universal'; what are the individual and collective dimensions of human rights; what are the limits of human rights; how did the current normative framework of international human rights evolve; how do understandings of human rights differ in relation to different cultural, religious and socio-political settings; what is the relation of human rights to social and economic justice?

Outcomes:

Students will be able to:

- i. critically reflect on the historical contexts and influential normative frameworks that have been offered in defence of or in opposition to human rights and its enforcement in philosophy, political theory, theology, legal philosophy and other disciplines;
- ii. contextualise the contribution of influential human rights theorists with reference to current human rights debates and developments;
- iii. make a critical contribution to public human rights debates and controversies, which demonstrates an appreciation of the broad social, political and cultural contexts and impact of human rights standards, discourses, key human rights documents and institutions;
- iv. apply critical human rights analysis and insights to relevant professional settings.

LIHS7916 International human rights standards and institutions (24 credits)

Module content:

This module explores the internationalisation of human rights standards primarily by the United Nations and important regional human rights systems, in particular the African human rights treaties and institutions. It consists of an overview of the way civil, social,

political, economic, and cultural rights, as well as standards for special groups, such as women, children, minorities and people with disabilities, have been given effect to internationally. The role, evolution and record of the main international and regional human rights institutions are also assessed. The international human rights system is evaluated with reference to a number of contemporary human rights challenges, such as war crimes, crimes against humanity and genocide; refugee and asylum law; the international law duties of states during democratic transitions to account for past human rights violations; the impact of international human rights obligations on foreign policy and diplomatic relations between states; the efforts that have been undertaken to promote a right to development; the role of international human rights standards in promoting a healthy environment and sustainable development; the conditions justifying humanitarian intervention; the combatting of terrorism; and migration and human rights.

Outcomes:

Students will be able to:

- i. critically reflect on the processes leading to the internationalisation of human rights standards by the United Nations and important regional human rights bodies;
- ii. evaluate the current role of the main international and regional human rights organisations;
- iii. assess the record of international and regional human rights institutions with reference to contemporary human rights challenges (e.g. migration, refugees, responses to terrorism, etc.);
- iv. deliberate critically on and have a nuanced understanding of the international human rights systems with respect to special groups (e.g. women, children, minorities and people with disabilities); and
- v. relate and apply the international human rights systems to relevant professional settings.

LRMH7924 Research methodology (16 credits)

Module content:

This module focuses on innovative and specialised research frames, approaches and techniques in the field of human rights.

Outcomes:

Students will be able to:

- i. critically engage with, develop and apply innovative conceptual frames and interpretive schemes for research purposes;
- ii. evaluate research options and questions;
- iii. comprehend, apply and develop specialised research techniques;
- iv. complete a research proposal on a selected human rights topic.

LHMD7900 Mini dissertation (92 credits)

Module content:

Students will complete a supervised research project on a relevant selected topic within the field of human rights.

Outcomes:

A mini-dissertation or published article/ publishable manuscript of between 23 000 and 25 000 words according to university prescripts.

LHRR7926 Human rights and religion (24 credits)

Module content:

The conceptualisation of human rights and obligations in world religions; the place of human rights in the ethics and moral understandings of religions; human rights in religious anthropology;

religious freedom as a human right; balancing religious freedom and other human rights (e.g. religious associational freedoms and equality); religious tolerance and fundamentalism; accommodation of diversity (religious and conscientious) in the public and private spheres.

Outcomes:

Students will be able to:

- i. critically reflect and comment on the place of human rights in the ethics and moral understandings of world religions;
- ii. contribute critically and meaningfully to public human rights controversies in current religious life;
- iii. have a nuanced understanding of and deliberate on the scope and limits of religious freedom and its relationship with competing rights and interests;
- iv. critically engage with current controversies regarding the place of religion in public life.

LSER7926 Advanced study of fundamental rights: social and economic rights (24 credits)

Module content:

Advanced comparative study of the theories and principles regarding the interpretation and application of social and economic rights (with reference to the right to housing, health care, education, food, water and social security).

Outcomes:

Students will be able to:

- i. demonstrate an in-depth understanding of the general principles applicable to the interpretation of social and economic rights, with reference to a selection of these rights;
- ii. critically reflect and comment on the vertical and horizontal application of obligations flowing from these rights;

- iii. make informed assessments of the way in which these rights have been guaranteed in the most important international and regional bills of rights;
- iv. critically compare different approaches to these rights in relevant comparative jurisdictions;
- v. appraise the interpretation and application of the applicable provisions about the relevant rights in the Constitution of South Africa;
- vi. apply the constitutional provisions regarding these rights to practical cases.

LCPR7926 Advanced study of fundamental rights: civil and political rights (24 credits)

Module content:

Advanced comparative study of the theories and principles regarding the interpretation of selected civil and political rights and their application to practical cases (inter alia: the right to property, freedom of expression, access to information, religious freedom and children's rights).

Outcomes:

Students will be able to:

- i. demonstrate an in-depth understanding of the general principles applicable to the interpretation 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. critically reflect and comment on the vertical and horizontal application of obligations flowing from these rights;
- iii. make informed assessments of the way in which these rights have been guaranteed in the most important international and regional bills of rights;
- iv. critically compare different approaches to these rights in relevant comparative jurisdictions;

- v. appraise the interpretation and application of the applicable provisions about the relevant rights in the Constitution of South Africa;
- vi. apply the constitutional provisions regarding these rights to practical cases.

LHRH7926 Health and human rights (24 credits)

Module content:

The right to health; the relationship between health, health care, and human rights; the historical context and national and international human rights debates relating to health and human rights; overview of human rights instruments regarding their relevance to health; the health consequences of human rights violations; the impact of public health policies and programmes on human rights; the ethical obligations of health care workers in the face of human rights violations; the particular health related-obligations regarding vulnerable groups; international humanitarian law and health consequences of armed conflicts; the relationship between bioethics and human rights.

Outcomes:

Students will be able to:

- i. demonstrate understanding of the interrelationship between health and human rights;
- ii. assess the relevance and contribution of national, regional and international human rights instruments for the realisation of the right to health;
- iii. evaluate and comment on the historical context and national and international human rights debates relating to health and human rights;
- iv. demonstrate awareness and sensitivity for the ethical obligations of health care workers in the face of human rights violations and in respect of the particular health-related obligations regarding vulnerable groups, and bioethics;

- v. apply health-related human rights obligations in relevant professional settings.

LHRG7926 Gender and human rights (24 credits)

Module content:

Manifestations, evolution and socio-cultural contexts of gender identity formation and inequality; feminist theories and human rights; national, regional and international normative legal frameworks for gender equality and human rights; gender equality and the Millennium Development Programme; evaluation of policies and strategies (e.g. gender mainstreaming) to advance gender equality; gender equality in Africa.

Outcomes:

Students will be able to:

- i. critically reflect on manifestations, evolution and socio-cultural contexts of gender identity formation and inequality;
- ii. evaluate and contextualise the contribution of influential feminist theorists with reference to current human rights debates on gender equality;
- iii. critically comment on national, regional and international normative legal frameworks for gender equality and human rights;
- iv. assess the relevance of gender equality for the post-2015 Millennium Development Programme.

LHRD7926 Human rights and development (24 credits)

Module content:

Development as a human right; the developmental dimensions of civil, political and socio-economic rights; the political and socio-economic impediments to development and their relationship to human rights;

development, human rights and the global economic system; human rights approaches to development (integrating human rights into development planning processes); human rights and the Millennium Development Programme; the post 2015-development agenda; UN guidelines for the integration of human rights into poverty reduction strategies; the role and human rights record of the IMF and World Bank.

Outcomes:

Students will be able to:

- i. reflect critically on development as a human right;
- ii. conceptualise the dimensions of development as a human right in a socially integrated and comprehensive way;
- iii. identify and analyse the political and socio-economic impediments to development and their relationship to human rights;
- iv. demonstrate understanding of the importance and implications of a human rights approach to development (e.g. for the post-2015 Millennium Development Programme);
- v. contextualise the right to development with reference to its interrelationship with dominant global economic systems and power-relations, as well as the role of international financial agencies.

LHEM7926 Human rights and environmental management (24 credits)

Module content:

Conceptualisation of the environment as more than simply “nature”, but also understood as culture, including the built environment (housing, community spaces, forms of work, etc.); the right to a safe, healthy and ecologically-balanced environment as a human right; the interrelationship between human rights and environmental protection (the environment as a pre-requisite for the enjoyment of human rights); integration of human rights into environmental planning processes;

national, regional and international instruments for the protection of the environment.

Outcomes:

Students will be able to:

- i. clarify and contextualise the scope of the right to the environment with reference to the multi-faceted notion of the environment;
- ii. explain the main features of the right to the environment in national, regional and international human rights systems;
- iii. appraise the interrelationship between environmental protection and the realisation of human rights;
- iv. apply knowledge of environmental human rights norms and standards to the design of environmental protection plans or policies.

LHRE7926 Human rights and education (24 credits)

Module content:

Education as a basic human right; the interrelationship of the right to education and other fundamental rights (e.g. dignity, development, culture, etc.); the role of education in strengthening human rights values; incorporation of human rights in curricula in formal education; human rights education models (e.g. values and awareness-, accountability-, transformational model), human rights education programmes and institutions.

Outcomes:

Students will be able to:

- i. clarify the elements and scope of the right to education, with reference to national, international and regional human rights systems;
- ii. debate the interrelatedness of the right to education with other human rights;

- iii. reflect on the role of human rights values in different educational settings;
- iv. measure the relative strengths and weaknesses of different human rights education models;
- v. apply human rights values in designing educational policies and critically examine educational policy contexts with regard to human rights.

MODULES NOT OFFERED IN 2020

LHPS7926 Human rights, politics and security (24 credits)

Module content:

Human rights in political theory; the relationship between human rights and democracy; the manifestations of human rights in different political economies, the role of human rights in international politics; political perspectives on the violations of human rights; human rights and security; human rights and global responses to terrorism.

Outcomes:

Students will be able to:

- i. comprehend and critically analyse theoretical and empirical political inquiries into human rights and the theories of leading political theorists regarding the political role of human rights;
- ii. appraise and contextualise human rights and human rights discourses(s) with reference to different socio-political and political- economic settings;
- iii. clarify and comment on current human rights violations or controversies in terms of critical political perspectives;
- iv. assess the role of human rights in international politics, security and global responses to terrorism.