

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



UFS
LAW

**FACULTY OF LAW
POSTGRADUATE
DEGREES AND
DIPLOMAS
2021**



FACULTY OF LAW

In line with the vision and mission below the Faculty of law is committed to serving legal scholarship, the legal profession and society at large by offering high quality and relevant education and research. Through their study at this faculty UFS law graduates will be enabled to contribute to the search for justice in whatever walk of life they find themselves after their studies.



VISION

It is the vision of the University of the Free State (UFS) Faculty of Law to provide broad access to high-quality, 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 is committed to establishing itself as a centre of high-quality research, teaching and learning, as well as community service learning and engagement, all presented with integrity and professionalism. The Faculty conducts all of its work cognizant of its responsibility to make a contribution to the communities of which it is a part, at local, regional, national and international level. Through its research, teaching, and community engagement the Faculty seeks to contribute to the constitutionally mandated transformation of society and in particular the promotion of justice, fairness, non-discrimination, non-racialism and diversity.

VALUES

Informed by the constitutional values and the values of the University of the Free State, the Faculty's values are academic freedom, care, transparency, 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.

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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]

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

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

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

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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), Former Judge of the Supreme Court of Appeal of South Africa]

Academic Departmental Head:

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Public Law

Extraordinary professors:

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Prof R Cryer [LLB (Hons.)(Cardiff), LLM (Nottingham), PhD (Nottingham)]

Justice J Froneman [BA (US) LLB (UNISA) Emeritus Justice of the Constitutional Court of South Africa]

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Academic Departmental Head:

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Extraordinary professors:

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Prof SA Djoyou Kamga [LLB LLM LLD]

Prof G Laauwers [Lic lur Lic Arts PhD]

Prof LA Williams [BA JD]

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Academic members of staff

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Mrs C Coetzer – Officer

Mrs S Crous – Senior Officer

Mrs JW de Jonge – Office Assistant

Ms J Leeuw – Assistant Officer

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Mrs EM Macheu – Assistant Officer

Ms MF Moshe-Bereng – Marketing Officer

UFS Law Clinic

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Mr. CRM Rawson [LLB (UFS) Admitted and Practising Attorney of the High Court of South Africa]

Ms T Dube [LLB, LLM (UKZN) and Certificate in Compliance Management (UCT)]

Mr. LD Makone - Assistant Officer

Permanent support staff: Office of the Dean

Mr W Awusi – Faculty Manager

Mr S Coangae – Messenger

Ms H Grobler – Senior Officer

Ms C Jooste – Senior Officer

Ms I Hoko-Sonkwane – Marketing Officer

Ms A Lombard – Dean’s Office Manager

Ms SD Parman – Assistant Officer

Ms NC Mohorehi – Messenger

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

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

Degree	Minimum period of study	Abbreviation	Academic plan code
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<p>Doctor of Laws</p>	<p>2 years</p>	<p>LLD</p>	<p>BC390100 (MERCANTILE LAW); BC390200 (PRIVATE LAW); BC390400 (CONSTITUTIONAL LAW AND PHILOSOPHY OF LAW); BC390700 (HUMAN RIGHTS) BC390500 (PROCEDURAL LAW AND LAW OF EVIDENCE); BC390600 (ROMAN LAW AND LEGAL HISTORY); BC392000 (MEDICAL LAW); or BC392100 (CRIMINAL LAW).</p>
<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); BC930107 (HUMAN RIGHTS) BC390105 (PROCEDURAL LAW AND LAW OF EVIDENCE);</p>

			BC390106 (ROMAN LAW AND LEGAL HISTORY); BC390120 (MEDICAL LAW) ; or BC390121 (CRIMINAL LAW).
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			LAW).
Master of Human Rights	2 years	MHR	BC370100 (HUMAN RIGHTS)

POSTGRADUATE DIPLOMAS

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
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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 be more than 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 2021 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 2021 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 2021 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).
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Rule E13 DOCTOR OF LAWS AND DOCTOR OF PHILOSOPHY

The LLD or PhD graduate will be able to:

- Conduct independent and original research and contribute to scholarship 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;
- Deal with complexity, and/or contradictions in the knowledge base; and select appropriate tools and research methods with confidence;
- Synthesise and 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 and 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 2021 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:
- i.(1) Attend the sessions in the LNAV7900 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.

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 2021 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 2021 General Rules

(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).

Rule E13.5 PRIVATE LAW (BC390200)

A thesis and defence (code LPRD9100).

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

A thesis and defence (code LRLD9100).

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

A thesis and defence (code LCOD9100).

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

A thesis and defence (code LPED9100).

Rule E13.9 MEDICAL LAW (BC392000)

A thesis and defence (code LCRD9100).

Rule E13.10 CRIMINAL LAW (BC392100)

A thesis and defence (code LCRD9100)..

CURRICULA: PhD

Rule E13.11 MERCANTILE LAW (BC390101)

A thesis and defence (code LMEP9100)..

Rule E13.12 PRIVATE LAW (BC390102)

A thesis and defence (code LPRP9100)..

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

A thesis and defence (code LRLP9100)..

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

A thesis and defence (code LCOP9100)..

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

A thesis and defence (code LPEP9100)..

Rule E13.16 MEDICAL LAW (BC390120)

A thesis and defence (code LCRP9100)..

Rule E13.17 CRIMINAL LAW (BC390121)

A thesis and defence (code LCRP9100)..

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 PHILOSOPHY OF LAW); 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 Corporate Law	1 year	LLM	BC371000 (CORPORATE LAW CORPORATE LAW)
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	Min period of study 2 years	MHR	BC370100 (HUMAN RIGHTS)
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The total minimum credits for the **Master of Human Rights** degree is 180.

Rule E12 MASTER OF LAWS AND MASTER OF HUMAN RIGHTS

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

- Participate in advanced and high level theoretical-intellectual engagement that can be applied to practical problems, including research ability;
- Make a contribution to scholarship
- 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 2021 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.

- (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 (LNAV7900).
 - ii. (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. The completion of the Research Proposal in addition to the attendance of the sessions is required for successful completion of LNAV7900.

(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.

iii. (1) Candidates in the LLM Degree by coursework and mini-dissertation programme must attend LNAV7900.

(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.

iv. The completion of the Research Proposal in addition to the attendance of the sessions is required for successful completion of LNAV7900.

v. The student will be required to obtain ethical clearance from the relevant University.

(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); BC380400 (CONSTITUTIONAL LAW AND PHILOSOPHY OF LAW); BC380500 (PROCEDURAL AND LAW OF EVIDENCE); BC382000 (MEDICAL LAW) BC382100 (CRIMINAL LAW)	LLM (Master's Degree by dissertation)	LMER8900 LPRV8900 LCON8900 LPEV8900 LMDL8900 LCRM8900	None
LLM and Master of Human Rights (Master's Degree by coursework and minor dissertation) in terms of Rule E12.6(b)				

2	BC370200	LLM (Master's Degree by coursework and mini-dissertation)	Mini-dissertation in one of the following: LFPL7900 (FINANCIAL PLANNING LAW); LMER7900 (MERCANTILE LAW); LBUE7900 (LAW OF CORPORATE LAW); LLAB7900 (LABOUR LAW); LIEL7900 (INTERNATIONAL ECONOMIC LAW); LINR7900 (INTERNATIONAL LAW); LHUM7900 (HUMAN RIGHTS); LPVT7900 (PRIVATE LAW); LJUR7900 (JURISPRUDENCE); LCRM7900 (CRIMINAL LAW); LPEV7900	Own choice of three from list under Rule E12.8 CURRICULA (Degree Code 37021)
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			(PROCEDURAL LAW AND LAW OF EVIDENCE); LCON7900 (CONSTITUTIONAL LAW); LENV7900 ENVIRONMENTAL LAW); LMDL7900 (MEDICAL LAW).	
3	BC370800	LLM with specialisation in Financial Planning Law	LFPL7900	Own choice of three from: LFEP7900 (ESTATE PLANNING) LPRT7900 (TRUST LAW)

				LPRV7920 (LAW OF SUCCESSION)
4	BC371000	LLM with specialisation in Corporate Law Corporate Law	LBUE7900	Own choice of three from: LPSN7910 (LAW OF PARTNERSHIP) LMCT7920 (CORPORATE INSOLVENCY) LCOM7900 (COMPANY LAW) LGOV7900 (CORPORATE GOVERNANCE) LMBC7920 (BUSINESS CRIMES)
5	BC371200	LLM with specialisation in Labour Law	LLAB7900	Own choice of three from: LLDE7910 (INDIVIDUAL LABOUR LAW) LLCO7910 (COLLECTIVE LABOUR LAW) LLDS7920 (EMPLOYMENT EQUITY) LLPE7920

				(SOCIAL PROTECTION LAW)
6	BC371400	LLM with specialisation in International Economic Law	LIEL7900	<p>Own choice of three from:</p> <p>LIL7910 (INTERNATIONAL INVESTMENT LAW)</p> <p>LISL7920 (INTERNATIONAL LAW OF SALES)</p> <p>LITD7920 (INTERNATIONAL TRADE DISPUTE SETTLEMENT)</p>
7	BC371600	LLM with specialisation in Jurisprudence	LJUR7900	<p>LJUJ7900 (JURISPRUDENCE AND JUSTICE)</p> <p>Own choice of two from:</p> <p>LHUE7910 (ADVANCED STUDY IN EQUALITY LAW)</p> <p>LHUA7920 (ADVANCED STUDY IN FUNDAMENTAL RIGHTS: SOCIAL AND ECONOMIC RIGHTS)</p> <p>LHUC7910 (ADVANCED STUDY IN FUNDAMENTAL RIGHTS: CIVIL AND POLITICAL RIGHTS)</p>

8	BC371800	LLM with specialisation in Private Law	LPVT7900	<p>Own choice of three from:</p> <p>LPRT7900 (TRUST LAW)</p> <p>LPRV7920 (LAW OF SUCCESSION)</p> <p>LPRC7920 (ADVANCED LAW OF CONTRACT)</p> <p>LPDD7910 (LAW OF DAMAGES)</p> <p>LP RD7920 (LAW OF DELICT)</p> <p>LPPL7900 (ADVANCED LAW OF PROPERTY)</p> <p>LPFL7900 (ADVANCED FAMILY LAW)</p>
9	BC372000	LLM with specialisation in Medical Law	LMDL7900	<p>Own choice of three from:</p> <p>L CRS7900 (CAPITA SELECTA FROM CRIMINAL LAW)</p> <p>LCRI7900 (CAPITA SELECTA FROM MEDICINA FORENSIS)</p> <p>LPEJ7900</p>

				(INTERNATIONAL CRIMINAL LAW AND JUSTICE) LPES7920 (CAPITA SELECTA FROM LAW OF EVIDENCE)
10	BC372100	LLM with specialisation in Criminal Law	LCRM7900	Own choice of three from: LCRS7900 (CAPITA SELECTA FROM CRIMINAL LAW) LCRI7900 (CAPITA SELECTA FROM MEDICINA FORENSIS) LPEJ7900 (INTERNATIONAL CRIMINAL LAW AND JUSTICE) LPES7920 (CAPITA SELECTA FROM LAW OF EVIDENCE)
11	BC372200	LLM with specialisation in Environmental Law	LENV7900	LENE7900 (NATIONAL ENVIRONMENTAL LAW) LENI7910 (INTERNATIONAL AND NATIONAL MEASURES FOR THE

				PROTECTION OF THE ENVIRONMENT) LENM7910 (NATIONAL MINING LAW)
12	BC370100	Master of Human Rights	In the second year of study: LHMD7900	In the first year of study: LTFH7916 (THEORETICAL FOUNDATIONS) LIHS7916 (INTERNATIONAL HR) LRMH7924 (RESEARCH METHODOLOGY) and one of the following: LCPR7926/ LHUC7920 (CIVIL AND POLITICAL RIGHTS) LSER7926/ LHUA7920 (SOCIO-ECONOMIC RIGHTS) LHPS7926 (HEALTH AND HUMAN RIGHTS) LHRG7926 (GENDER AND HUMAN RIGHTS) LHRD7926

				(DEVELOPMENT) LHRR7926 (RELIGION) LHRE7926 (EDUCATION)
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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 2021 General Rules.

Rule E.12.3 Duration of study

- (a) For the **Master of Laws** degree see 2021 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 2021 General Rules)

(a) Master of Laws degree

- i. **Pass requirements, passing with distinction: Master's Degree by coursework and mini-dissertation:** See 2021 General Rules.
- ii. **Pass requirements, passing with distinction: Master's Degree by dissertation:** See 2021 General Rules.

(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 (LNAV7900). The student must register and complete the LNAV7900 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 LNAV7900 module. The student must register and complete the LNAV7900 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 PHILOSOPHY OF LAW (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;BC 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	Individual Labour Law	1 st Semester	37
LLCO7910	Collective Labour Law	1 st Semester	37
LCOM7900	Company Law	Year	37
LGOV7900	Corporate governance	Year	37
LLDS7920	Employment Equity	2 nd Semester	37

LLPE7920	Social Protection Law	2 nd Semester	37
LMBC7920	Business Crimes	2 nd Semester	37
LMCR7900	Copyright Law	Year	37
LMER7900	Mercantile Law (Mini-dissertation)	Year	129
LBUE7900	Law of Corporate Law (Mini-dissertation)	Year	129
LLAB7900	Labour Law (Mini-dissertation)	Year	129
LIL7910	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* LSER7926	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
LNAV7900	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
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
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
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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 LLM students who are registered 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 are presented by 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 (2021 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 2021 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 2021 General Rules, the 2021 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 2021.

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 General 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 (2021 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 2021 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. (2021 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. (2021 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 2021 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 2021.

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. (2021 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 2021 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.

LNAV7900 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 the research proposal as part of the planning for the mini-dissertation.

LNAV7900 (Research Methodology) is an attendance module that requires the student to attend all the sessions and complete the research proposal. Attendance of LNAV7900 is compulsory for all LLM, LLD and Phd 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.

Masters degree by dissertation (See Rule E12 above)

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.

Mini-dissertations

LBUE7900 Law of Corporate Law (mini-dissertation) (129 credits)

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

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

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

The mini-dissertations above are 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.

Corporate LawCorporate Law

LCOM7900 Company Law (37 credits)

Learning outcomes:

The student must be able to:

- i. Analyse, the fundamental legal concepts and principles on the role, position and liability of directors and officers in the corporate structure;
- ii. Criticise the fundamental legal concepts and principles of minority protection;
- iii. Criticise the role of the auditor;
- iv. Critically discuss how the Companies Act of 2008 provides for the creation and use of companies to enhance the economic welfare of South Africa as a partner within the global economy;
- v. Evaluate the effectiveness of South African company law remedies and measures to enforce rights and ensure compliance with the Companies Act of 2008;
- vi. Evaluate the effectiveness of South African measures to solve contemporary company law issues against the best practices of international jurisdictions.

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.

The student must be able to:

- i. Give an exposition of the nature and scope of corporate governance in South African company law;
- ii. Explain the influence of corporate governance on company structures;
- iii. Explain and give an exposition of the King Codes;
- iv. Compare the international position pertaining to corporate governance with that of South Africa;
- v. Explain the company's corporate social responsibility;
- vi. Critique the different approaches to corporate criminal liability.

Integrated knowledge:

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

LMCT7920 Corporate Insolvency (37 credits)

Learning outcomes:

The student must be able to:

- i. Critically discuss the principles of corporate insolvency;
- ii. Analyse the current application of the liquidation and business rescue processes;
- iii. Provide a comparative analysis on corporate insolvency principles;
- iv. Draft a report on the challenges associated with corporate insolvency and provide solutions to address these challenges;
- v. Critically discuss the parties to corporate insolvency with reference to:
 - a) Duties and functions;
 - b) Ethical behaviour; and
 - c) Comparative parties.
- vi. Discuss the role and directives of international regulatory organisations and institutions;

- vii. Critically discuss and report on relevant international and national case studies;
- viii. Critically discuss government's role and liability in the event of insolvency of parastatal and governmental entities; and
- ix. Critically evaluate corporate insolvency in the aftermath of national economic distress.

Integrated knowledge:

- i. International standards on corporate insolvency;
- ii. Comparative approaches to corporate insolvency;
- iii. The relevant provisions of Insolvency legislation; and
- iv. Introductory knowledge as presented in LILL4824 (or equivalent module as presented)

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.

LMBC7920 Business Crimes (37 credits)

Learning outcomes:

The student must be able to:

- i. Evaluate the role and importance of ethics and different ethical value systems on the occurrence, prevention and detection of business crimes;
- ii. Analyse the legal measures of international jurisdictions to prevent, detect, prosecute and recover losses from financial crime;
- iii. Evaluate the effectiveness of South African measures to prevent, detect, prosecute and recover losses from financial crime against the best practices of international jurisdictions;
- iv. Interpret the occurrence and impact of financial crime internationally and in South Africa and advise clients on various means that can be applied in the fight these crimes;
- v. Criticise the role of the relevant international standard-setting organisations for anti-money laundering and the combating of financing of terrorist regimes in South Africa and internationally.

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.

LLDE7910 Individual Labour Law (37 credits)

Learning outcomes:

The student must be able to:

- i. Evaluate the nature of Labour Law;
- ii. Analyse the historical background and development of individual and collective Labour Law in South Africa;
- iii. Interpret and criticise constitutional and international perspectives concerning Labour Law;
- iv. Evaluate the principles of the Common law contract of employment and distinguish it from and compare it with other similar contracts;
- v. Interpret the rights and duties of employers and employees in terms of a contract of employment;
- vi. Critically analyse the freedom of association of employers and employees within the limitations of the individual employment relationship;
- vii. Analyse the historical background, the content and the development of the Basic Conditions of Employment Act, 1997 in relation to the individual employment relationship; and
- viii. Evaluate the relevance of the Labour Relations Act, 1995 in relation to the individual employment relationship and apply the relevant sections of the Act governing dismissals, unfair labour practices and dispute resolution processes.

Integrated knowledge:

The module focuses in-depth and critically on specific issues of importance for the study of individual labour law. The student should be able to show integrated knowledge of the following topics:

- i. The nature of Labour Law;
- ii. The historical development of individual and collective Labour Law in South Africa;

- iii. The relevant constitutional and international perspectives concerning Labour Law;
- iv. The Common law contract of employment and how it is distinguished from other similar contracts;
- vi. The rights and duties of employers and employees in terms of a contract of employment;
- vii. The development of labour law relations as set out in labour legislation;
- viii. Freedom of association of employees and employers;
- ix. The relevant provisions, content and outstanding characteristics of the Basic Conditions of Employment Act, 1997 in relation to the individual employment relationship; and
- x. The relevant provisions, content and outstanding characteristics of the Labour Relations Act, 1995 in relation to the individual employment relationship.

LLCO7910 Collective Labour Law and Industrial Democracy (37 credits)

Learning outcomes:

The student must be able to:

- i. Provide an exposition of the origin, development and operation of collective labour law in South Africa;
- ii. Analyse constitutional and international perspectives on the right to bargain, freedom of association and the right to organise;
- iii. Critically analyse the operation and functions of workplace forums and other bargaining structures;
- iv. Critically interpret, compare and comment on statutory organisational rights and collective agreements on a national and international level;
- v. Describe and evaluate the right to strike, as well as strikes and lockouts and other forms of industrial action; and
- vi. The above includes provisions on dismissals, unfair labour practices and subsequent dispute resolution processes as they apply to the above.

Integrated knowledge:

The module focuses in-depth and critically on the collective bargaining concept and its history, development and process within the South African context. The student should be able to show integrated knowledge of the following topics:

- i. The applicability and relevance of the Labour Relations Act, 1995 as the regulatory legislation pertaining to collective bargaining;
- ii. The role and relevance of the fundamental rights established in the Constitution, 1996 in the process of collective bargaining and interpreting the relating legal principles in line with its provisions;
- iii. The conventions of the International Labour Organisation with regard to: a) Collective entities; b) Collective bargaining; c) Strikes, lock-outs and d) other forms of industrial action
- iv. The implementation and productive use of workplace forums in collective bargaining; and
- v. Comparing and evaluating the South African position with that of other jurisdictions with similar collective bargaining structures, like Britain and Germany.

LLDS7920 Employment Equity (37 credits)

Learning outcomes:

The student must be able to:

- i. Demonstrate an understanding of the historical development of employment equity and discrimination in South Africa as well as the need and influence of constitutional transformation. The student will also be able to explain the philosophical underpinnings of employment equity and distinguish between substantive and formal equity;
- ii. Demonstrate an in-depth knowledge of unfair employment discrimination including the application of EEA chapters and associated codes of conduct guidelines and/or regulations;
- iii. Demonstrate an in-depth knowledge of affirmative action including the application of EEA chapters and associated codes of conduct guidelines and/or regulations as well as an awareness of comparative perspectives on employment equity; and.
- iv. Display integrated knowledge on a) the provisions on dismissals and unfair labour practices in so far it relates to employment

equity and discrimination; and b) dispute resolution procedures and remedies in respect of unfair discrimination and employment equity disputes.

Integrated knowledge:

The module focuses in depth and critically on specific issues of importance for the study of discrimination and equality. The student should be able to show integrated knowledge of the following topics:

- i. The key role played by the International Labour Organisation with regard to the advancement of employment equity; and
- ii. The relevant basic provisions of the Constitution and legislation that give effect to the protection and advancement of employment equity in South African workplaces.

LLPE7920 Social Protection Law (37 credits)

Learning outcomes:

The student must be able to:

- i. Critically analyse the international and national legal concepts, principles, and theories concerning the advancement of social protection law;
- ii. Interpret and criticise legal connections between labour law and social security law as instruments, which protect the well-being of vulnerable workers in South Africa;
- iii. Evaluate and comment on the legislative provisions that ensure training and the development of skills of workers in South Africa;
- iv. Analyse the benefits a worker may be entitled to in terms of legislation; and
- v. Provide legal advice on the dispute resolution provisions of each social protection statute with specific reference to social security benefits and skills development in South Africa.

Integrated knowledge:

The module focuses in-depth and critically on specific issues of importance for the study of the social protection of workers concerning work and livelihood. The student should be able to show integrated knowledge of the following topics:

- i. The key role played by the International Labour Organisation with regard to the advancement of decent work;
- ii. The historical development of social security law in South Africa and the nature of the current social security system;
- iii. The relevant provisions of the Constitution and legislation that give effect to the social security protection in South Africa;
- iv. The common law and statutory law obligations to ensure health and safety in the workplace;
- v. The regulation, development challenges and goals concerning skills development and training in South Africa; and
- vi. The categories of social security benefits provided for by the unemployment insurance legislation.

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. Corporate Law.
- vii. Taxation principles with regards to estate planning.
- viii. Investment principles with regards to estate planning.
- ix. Comparative study regarding estate planning.

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 and the relevant institution in a specific dispute;
- ii. Explain the different dispute settlement mechanisms; and
- 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.

LMCR7900 Copyright Law (37 credits)

Learning outcomes:

The student will be able to:

- i. Express views on the protection of copyright in the original Western sense of copyright protection and to compare that with the protection afforded by traditional knowledge systems;
- ii. Assess the protection available to copyright works and propose new ways of protecting copyright in the digital realm;
- iii. Evaluate the relevance in today's digital age of the traditional requirements for the subsistence of copyright with reference to composite works
- iv. Compare the different provisions concerning the duration of copyright across jurisdictions;
- v. Measure the effectiveness of the current remedies available for the infringement of copyright;
- vi. Analyse the various exceptions and limitations of copyright;
- vii. Describe the registration of copyright in cinematograph films;
- viii. Inspect the protection provided to performers and propose alternative ways to improve the protection currently available in the digital realm; and
- ix. Question the effectiveness of the incorporation of the protection of traditional knowledge under copyright law.

Integrated knowledge:

This module contains fundamental knowledge, theories, principles and practices of copyright with an integrated application of theoretical

knowledge in dealing with intellectual property rights concerning copyright, including:

- i. Background to copyright protection;
- ii. Works eligible for copyright protection;
- iii. Requirements for the subsistence of copyright;
- iv. Authorship;
- v. Ownership of copyright;
- vi. Duration of copyright;
- vii. Nature and scope of copyright;
- viii. Infringement of copyright;
- ix. Exceptions and limitations;
- x. Remedies;
- xi. Registration of copyright in cinematograph films;
- xii. Performers' protection; and
- xiii. Protection of traditional knowledge under copyright law.

MODULES NOT OFFERED IN 2021

LMT17920 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 2021

Masters degree by dissertation (See Rule E12 above)

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.

Mini-dissertations

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

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

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

The above mini-dissertations are 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.

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.

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.

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 *damnum 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.

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.

LPFL 7900 FAMILY LAW (37 credits)

LEARNING OUTCOMES

The student must be able to:

- i. **Demonstrate an advanced understanding of the current and potential impact of the Constitution and the notion of “transformative constitutionalism” on the common law of breach of promise;**
- ii. **Explain the complexities, inconsistencies and uncertainties relating to the regulation of unmarried life partnerships in a constitutional democracy;**

- iii. Critically evaluate the constitutionality of, and the impact of “transformative constitutionalism” on the legal requirements for entering into, the legal consequences arising from, and the legal position pertaining to the dissolution of various marriage forms and the legal distinctions between them;
- iv. Critically reflect on constitutional issues and the notion of “transformative constitutionalism” on selected aspects relating to legal pluralism in the South African family law context;
- v. Critically reflect on the impact of the Constitution on selected aspects of children’s law;
- vi. Demonstrate an advanced understanding of the evolution of key concepts and core legal principles of selected aspects of matrimonial property law in a constitutional democracy.

INTEGRATED KNOWLEDGE

- i. Relevant case law, legislation and comparative law.
- ii. The impact of the Constitution and the notion of “transformative constitutionalism” on South African family law.
- iii. Selected topics.

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.

MODULE NOT OFFERED IN 2021

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.

Masters degree by dissertation (See Rule E12 above)

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

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

LPEV8900 (PROCEDURAL LAW AND LAW OF EVIDENCE) (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.

Mini-dissertations

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

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

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

LHUM7900 Human Rights (Mini-dissertation) (129 credits)

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

LJUR7900 Jurisprudence (Mini-dissertation) (129 credits)

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

The mini-dissertations above are 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.

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.

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.

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.

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.

LEN17910 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.

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.

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.

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.

MODULES AND PROGRAMMES NOT OFFERED in 2021

BC370600 (LLM IN ADMINISTRATIVE LAW)

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

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.

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.

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.

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.

FREE STATE CENTRE FOR HUMAN RIGHTS

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.

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.

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, Philosophy of law 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, Philosophy of law 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.

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/ LHUA 7920 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/ LHUC7920 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.

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 2021

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.

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.

SCHOOL OF FINANCIAL PLANNING LAW

DIPLOMAS

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. Corporate Law.
- 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 School of 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 School of 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 School of 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 School of 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.