

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



UFS
LAW

FACULTY OF LAW POSTGRADUATE DEGREES AND DIPLOMAS 2022



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:

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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]

Ms M Conradie [LLB, MA (Latin) (*cum laude*), LLM (*cum laude*) (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]

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

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

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Permanent support staff:

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Private Law

Extraordinary professors:

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Public Law

Extraordinary professors:

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

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

Prof U Kistner [PhD (Wits)]

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Ms J Leeuw – Assistant Officer

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Candidate Attorneys:

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Ms AA Mani [LLB, (UV)]

Ms NP Dingiswayo [LLB, (NWU)]

Ms MA Malema [LLB, (UL)]

Ms L Mooketele [LLB, (NWU)]

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Ms MM Lekhele [LLB, (UFS)]

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Mr S Coangae – Messenger

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Ms A Lombard – Dean’s Office Manager

Ms SD Parman – Assistant Officer

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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.
- Design, select and justify appropriate methods, techniques, processes, systems or technologies and to apply these to complex practical and theoretical problems in 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.

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 the 2022 General Rules, 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 2022 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 10-12 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.

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 2022 General Rules.

Rule E.12.3 Duration of study

- (a) For the **Master of Laws** degree see 2022 General Rules.
- (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. A model of continuous assessment may be used.

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 2022 General Rules)

(a) Master of Laws degree

- i. **Pass requirements, passing with distinction: Master's Degree by coursework and mini-dissertation:** See 2022 General Rules.
- ii. **Pass requirements, passing with distinction: Master's Degree by dissertation:** See 2022 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. Continuous assessment may also be followed.
 - 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 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)

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/ dissertation/ thesis.

LNAV7900 is compulsory for all masters and doctoral students.

In order to be credited a student

1) should attend all sessions and

2) finalise the Research Proposal;

Mini-dissertation (129 credits)

The mini-dissertation is a compulsory part of every masters programme. Each department has a different mini-dissertation code as indicated below.

Learning outcomes

The student must be able to:

- i. Demonstrate an advanced understanding of the theoretical framework, key concepts, and core legal rules and principles of the particular research area.

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

MASTERS DEGREES BY COURSEWORK

MODULES NOT OFFERED IN 2022

LPRD7910 Law of Delict (37 credits)

Learning outcomes:

The student 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.

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.

LMTI7920 International Taxation of Individuals (37 credits)

Learning outcomes:

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

Integrated knowledge:

The student will be able to:

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

LMTE7910 Taxation of Estates (37 credits)

Learning outcomes:

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

Integrated knowledge:

The student will be able to:

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

BC370200 LLM (Masters degree by coursework and mini-dissertation)

This LLM can be compiled by taking

LNAV7900

any of the mini-dissertations listed below

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

LPUB7900 Public Law (mini-dissertation) (129 credits)

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

any three of the modules below offered as part of the specialised LLM degrees;

DEPARTMENT OF MERCANTILE LAW

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 theme of the mini-dissertations above are in the field of the student's choice in consultation with the prospective supervisor(s) and the academic head of the department.

BC371000 LLM with specialisation in Corporate Law

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

LNAV7900

Any three of the modules below:

LCOM7910 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.

LGOV7920 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)

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.

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.

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;
- i. Evaluate the relevance in today's digital age of the traditional requirements for the subsistence of copyright with reference to composite works
- ii. Compare the different provisions concerning the duration of copyright across jurisdictions;
- iii. Measure the effectiveness of the current remedies available for the infringement of copyright;
- iv. Analyse the various exceptions and limitations of copyright;
- v. Describe the registration of copyright in cinematograph films;

- vi. Inspect the protection provided to performers and propose alternative ways to improve the protection currently available in the digital realm; and
- vii. 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.

BC371200 LLM with specialisation in Labour Law

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

LNAV7900

Any three of the modules below:

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;
- ii. 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.

LOHS7920 – Occupational health and safety law (37 credits)

Learning outcomes:

Equip students with the necessary knowledge and skill to comply with health and safety requirements in the workplace and allow them to facilitate a health and safety management system from hazard identification to the paying out claims in the event of accidents. This will be developed through the study and application of applicable laws, regulations and best practices both nationally and internationally.

The student should be able to:

- i. Provide an overview on the different components to SHREQ management as an integrated system;
- ii. Provide an overview on health and safety law, regulations and best practices as applied both nationally and internationally;
- iii. Develop the content of a health and safety management system;
- iv. Identify and discuss the legal liability of employers and employees as it relates to health and safety aspects in a work environment;
- v. Provide solutions on compliance issues as it relates to health and safety in a work environment;
- vi. Develop a basic hazard identification and risk assessment (HIRA) report for a work environment;
- vii. Develop an incident investigation report with recommendations on corrective and preventive actions;
- viii. Explain the role and functions of Labour Inspectors;

- ix. Advise on the requirements for and claiming of compensation for occupational injuries and diseases; and
- x. Discuss the cooperative responsibilities between employers and government in the event of disasters.

Integrated knowledge:

- i. Related principles on risk, environment and quality management.
- ii. International standards on safety, health, risk, environment and quality management.
- iii. Comparative approaches to occupational injuries and diseases.
- iv. The relevant provisions of the following Acts:
 - a) The Constitution of South Africa;
 - b) The Compensation for Occupational Injuries and Diseases Act, 1993;
 - c) The Occupational Diseases in Mines and Works Act, 1973;
 - d) The Occupational Health and Safety Act, 1993;
 - e) The Mine Health and Safety Act, 1996; and
 - f) The Disaster Management Act, 2002.

LDML7920 Disaster Management Law (37 credits)

Learning outcomes:

Equip students with the necessary knowledge and skill to interpret and apply the content of international and national legal directives on disaster management and allow them to facilitate disaster management as a cooperative governmental duty. This will be developed through the study and application of applicable laws, regulations, legal instruments and best practices both nationally and internationally.

The student should be able to:

- i. Define a disaster;
- ii. Provide an overview on the different components of disaster management law, regulations and best practices as applied both nationally and internationally;
- iii. Apply international standards and guidelines to national disaster management legislation and strategies;

- iv. Develop an integrated disaster management plan;
- v. Critically evaluate the content of national disaster legislation with specific reference to:
 - a) The application of disaster and related legislation;
 - b) The classification and declaration of disasters;
 - c) Funding in preparation for, during and in the aftermath of disaster;
 - d) Institutional arrangements; and
 - e) The implementation of the National Disaster Management Framework.
- vi. Analyse a disaster scenario and advise on the use of legislative measures in mitigating the disaster consequences;
- vii. Discuss personal risk management in preparation for disasters; and
- viii. Advise on appropriate dispute resolution mechanisms as it relates to national and international disaster events.

Integrated knowledge:

- i. Disaster terminology;
- ii. International, Regional and Sub-regional principles on disaster management and disaster risk reduction;
- iii. Comparative approaches to the use of legislative directives in disaster management;
- iv. The relevant provisions of the following:
 - a) The Constitution of South Africa;
 - b) The Disaster Management Act, 2002, as amended;
 - c) Disaster Management Regulations;
 - d) The National Disaster Management Framework, 2005; and
 - e) Related disaster management legislation.

BC371400 LLM with specialisation in International Economic Law

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

LNAV7900

Any three of the modules below:

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:

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

LMCR7900 Copyright Law (37 credits) (see description above)

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

DEPARTMENT OF PRIVATE LAW

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

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

BC371800 LLM with specialisation in Private Law

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

LNAV7900

Any three of the modules below:

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 Contract Law (37 credits)

Learning outcomes:

The student must be able to:

- i. Understand the transformative impact of constitutionalism on the law of contract, explain the shift from a formalistic positivistic neo-liberal approach to an egalitarian approach of substantive fairness and the beneficial influence of constitutional values on the common law of contract, and to critically discuss the role of public policy in consideration of good faith, Ubuntu, fairness, equity and equal bargaining power in consideration of authoritative case law.
- ii. Critically analyse the codification of consumer protection laws in the common law of contract in consideration of the Consumer Protection Act 68 of 2008 and the National Credit Act 34 of 2005 and to give advice on “unfair” contracts and discuss the incorporation of “fairness” into consumer protection laws..
- iii. Understand and critically explain liability for the termination of contractual negotiations, differentiate between agreements to

negotiate and agreements to agree, debate the validity of agreements to negotiate in good faith, demonstrate insight into circumstances that can give rise to deadlock breaking mechanisms and critically analyse relevant case law.

- iv. Provide jurisprudential and theoretical discussion on the legal reasoning and developments surrounding pre-emptive rights and agreements, and demonstrate insight into transactions that give rise to pre-emptive rights, remedies and critical analysis of case law in respect of the “trigger event”.

Integrated knowledge:

- i. The transformative application of the Constitution to the South African law of contract and the role of public policy in the determination of fair contractual clauses.
- ii. Consumer rights to fair, reasonable and just terms, and measures for addressing unfair contract terms and imbalances in bargaining power.
- iii. Relevant legislation, case law and legal theories.

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:

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

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.

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.

DEPARTMENT OF PUBLIC LAW

LPUB7900 Public Law (Mini-dissertation) (129 credits)

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

BC371600 LLM with specialisation in Jurisprudence

LPUB7900 Jurisprudence (Mini-dissertation) (129 credits)

LNAV7900

Core module:

LJUJ7900 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 on a global and local level.

Integrated knowledge:

- i. Manifest the practical ability to evaluate the content and application of law and justice in the South African and international context.
- ii. Evaluate the level of justice in various legal paradigms.

Any of the following two modules:

LHUE7920 Human Rights and Transformation (37 credits)

Learning outcomes:

A student must:

- i. Understand the important theories regarding rights.

- ii. Understand the provisions of the Constitution, their interpretation by the Constitutional Court as manifested in case law.
- iii. Be familiar with the provisions of applicable legislation.
- iv. Understand and apply the human rights provisions of the Constitution and applicable legislation to selected fields, e.g. equality; civil and political rights.

Integrated knowledge:

- i. Theories of rights.
- ii. Constitutional provisions regarding human rights.
- iii. Applicable legislation.
- iv. Application of the constitutional and legislative provisions to selected areas.

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 (*jus ad bellum*) versus the right within war (*jus in bello*)

LHUA7920 Law and Impoverishment (37 credits)

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.

LJUE7920 Legal Pluralism and Jurisprudence (37 credits)

Learning outcomes:

The student must be able to:

- i. Understand the meaning of pluralism and legal pluralism.
- ii. Appreciate the contents, effects and practical results of legal pluralism
- iii. Investigate legal texts and formulations and critically reflect on the theoretical underpinnings and practical implications of legal pluralism.

Integrated knowledge:

- i. The nature of legal pluralism within different contexts.
- ii. The practical effects of legal pluralism in various contexts.

BC372100 LLM with specialisation in Criminal Law

LPUB7900 (Mini-dissertation) (129 credits)

LNAV7900

Any three of the modules below:

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.

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

Learning outcomes:

The student must be able to:

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

Integrated knowledge:

- vi. Terminology and general principles pertaining to the law of delict.
- vii. Relevant case law, legislation and comparative law.
- viii. The impact of the Constitution on medical law.
- ix. Different forms of euthanasia.
- x. Selected topics.

LPEJ7900 International Criminal Law and Justice (37 credits)

Learning outcomes:

The student must be able to:

- i. Undertake an advanced study of the basic principles applicable in International Criminal law and Justice.
- ii. Students should be able to explain the historical context of the establishment of the military tribunals at the conclusion of WW II for the prosecution of major war criminals as well as the international criminal tribunals created after the Cold War.
- iii. Students must be able to explain the significance of the establishment of the International Criminal Court (ICC) for the development of international criminal law and justice as well as its jurisdictional bases, material jurisdiction and the challenges it faces.
- iv. Critically discuss the accusation that has been levelled against the ICC by African states, that it is a 'Western court' that serves western interests.

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.

BC372200 LLM with specialisation in Environmental Law

LPUB7900 (Mini-dissertation) (129 credits)

LNAV7900

Core module:

LENE7900 I 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.

Any two of the modules below:

LDML7920 Disaster Management Law (37 credits) (see description under Mercantile Law above)

LILL7910

International Investment Law (37 credits) (see description under Mercantile Law above)

LJUU7900 Jurisprudence and Justice (37 credits) LJUU7900 Jurisprudence and Justice (37 credits) (see description above)

LENM7910 National Mining Law (37 credits)

Learning 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

- 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.

LINS7920

Sources and Theory of Public International Law (37 credits)

Learning outcomes:

The student must be able to:

- i. Know and understand the different sources of Public International Law.

- ii. Know and understand the underlying principles, theories and insights that are unique (yet in many instances problematic) to many of the subject disciplines within Public International Law such as, International Criminal Law, International Humanitarian Law, International Environmental Law, International Investment Law and Human Rights Law.

Integrated knowledge:

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

FREE STATE CENTRE FOR HUMAN RIGHTS

Master of Human Rights BC370100

In the first year of study:

The following two core modules:

LIHS7916 Human rights law and systems (24 credits)

Learning outcomes:

Students will be able to:

- i. critically reflect on the protection and actualisation of human rights through the South African Constitution.
- ii. critically reflect on the processes leading to the internationalisation of human rights standards by the United Nations and important regional human rights bodies;
- iii. evaluate the current role of the main international and regional human rights organisations;
- iv. 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.);
- v. 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
 - vi. relate and apply the international human rights systems to relevant professional settings.

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

Learning 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.

And any one of the following elective modules:

LHRG7926 Gender and human rights (24 credits)

Learning 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. assess the relevance of gender equality for the post-2015 Millennium Development Programme.

LHRD7926 Human rights and development (24 credits)

Learning 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)

Learning 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.

LSER7926/ LHUA 7920 Human rights and impoverishment (24 credits)

Learning **outcomes**:

Students will be able to:

- i. demonstrate an in-depth understanding of the complexities of the relationship(s) between human rights and impoverishment;
- ii. critically reflect and comment on the vertical and horizontal application of obligations flowing from those human rights that relate to impoverishment;
- 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.

LHRR7926 Human rights and religion (24 credits)

Learning 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.

LHUE7920 Human Rights and Transformation (24 credits)

Learning outcomes:

A student must:

- i. Possess an understanding of important theories regarding rights.
- ii. Understand the provisions of the Constitution, their interpretation by the Constitutional Court as manifested in case law.
- iii. Be familiar with the provisions of applicable legislation.
- iv. Be able to understand and apply the human rights provisions of the Constitution and applicable legislation to selected fields, eg equality; civil and political rights.

Integrated knowledge:

- v. Theories of rights.
- vi. Constitutional provisions regarding human rights.
- vii. Applicable legislation.
- viii. Application of the constitutional and legislative provisions to selected areas

In the second year of study:

LNAV7900

LHMD7900 Mini dissertation (108 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.

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 2022 General Rules 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 2022 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).

Rule E13.20 HUMAN RIGHTS (BC390700)

A thesis and defence (code LHRD9100)

CURRICULA: PhD

Rule E13.11 MERCANTILE LAW (BC390101)

A thesis and defence (code LMED9100).

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).

Rule13.19 HUMAN RIGHTS (BC930107)

A thesis and defence (code LHRD9100)

POSTGRADUATE DIPLOMAS

DEPARTMENT OF MERCANTILE LAW

Rule E14 POSTGRADUATE DIPLOMA IN LABOUR LAW

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

BC350200 PGDIP (Labour Law)

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 (2022 General Rules)

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 (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.

The student needs to complete one of the following electives:

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.

SCHOOL FOR FINANCIAL PLANNING LAW

Rule E15 POSTGRADUATE DIPLOMA IN FINANCIAL PLANNING LAW

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

BC350000PGDIP (Financial Planning)

The 2022 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 2022 General Rules, the 2022 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 2022.

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 2022 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 (2022 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 2022 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. (2022 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. (2022 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 2022 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.

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.

Rule E16 — POSTGRADUATE DIPLOMAS IN: ESTATE PLANNING INVESTMENT PLANNING

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 2022.

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 (2022 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	LFPR5800 (60 credits)
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)
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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. (2022 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 2022 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.

LFPF5800 Asset Types and Investment Planning (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 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.

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.

General

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.

The 2022 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 2022 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 2022 General Rules, the General Rules will apply.