

# UNIVERSITY OF THE FREE STATE



## FACULTY OF LAW POST GRADUATE DEGREES AND DIPLOMAS 2008



DEAN  
PROF JJ HENNING



## **FACULTY OF LAW**

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

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

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

**The Faculty is renowned for research of international standard, and is also involved with community service, where the Kovsie Legal Clinic and several centres in the Faculty directly play a major roll.**

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

**The Faculty is proud of its alumni association, former law students which remain loyal to the Faculty, and the *Collegium Jurisprudentium*, an advice panel for the Faculty.**



## VISION

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

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

## MISSION

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

## **Student Code of Ethics**

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

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

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

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

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

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

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

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

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

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

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

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

## **Lecturer Code of Ethics**

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

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

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

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

**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.**

## **ADDRESS**

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**All correspondence regarding academic matters should be addressed to:**

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

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

**Further enquiries regarding studies in law can be addressed to:**

**The Faculty Secretary  
Faculty of Law  
University of the Free State  
PO Box 339  
BLOEMFONTEIN  
9300**

**Telephone: 051 401 2451/401 9051/401 2735  
Fax: 051 444 5013**

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**Dean:**

**Prof JJ Henning\*\*** [B.lur., LL.B., LL.D. (UOFS), Hon. FSALS Hon. Coif (Kentucky); Attorney of the High Court of South-Africa]

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**PERMANENT ACADEMIC STAFF**

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**(Heads of department are indicated with an asterisk \*)**

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**Mercantile Law**

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Honorary professors:

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

Extraordinary professors:

**Mr DCM Gihwala** [B.Proc. (UWC), Attorney of the High Court of South-Africa]

**The Honourable Judge of Appeal LTC Harms** [B.A. Regte (cum laude), LL.B. (cum laude)]

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

Permanent lecturing staff:

**Prof J Baloro** [LL.B. (Ghana), LL.M. (Temple), Ph.D. (London), Barrister-at-Law and Solicitor of the Supreme Court of Ghana]

**Mr P Brits** [B.Com. (cum laude) (UOFS), B.Com. (Hons), LL.B. (cum laude) (Pret), Attorney of the High Court of South-Africa]

**Ms M Conradie** [LL.B., M.A. (Latyn) (UFS), Attorney of the High Court of South-Africa]

**Mr HJ Deacon** [LL.B. (UOFS), LL.M. (UFS), Attorney of the High Court of South-Africa]

**Prof MJ Dednam** [B.Com., LL.B. (UOFS), Advocate of the High Court of South-Africa]



**Prof JV du Plessis\*** [B.A., LL.B. (UOFS), LL.D. (Unisa), Advocate of the High Court of South-Africa]

**Prof JJ Henning\*\***

**Ms N Hlongwane** [LL.B., LL.M. (UWC)]

**Ms T Matsaneng** [LL.B. (UOFS), LL.M. (UFS)]

**Mnr DR Nxumalo** [LL.B. (Unizul), Advocate of the High Court of South-Africa]

**Adv WM Oosthuizen** [B.Proc., LL.B., LL.M., CFP™, Advocate of the High Court of South-Africa]

**Prof E Snyman-van Deventer** [B.lur., LL.M., LL.M., LL.D. (UOFS), Advocate of the High Court of South-Africa]

**Ms A Stanton** [B.A., LL.B. (US), LL.M. (UJ), Attorney, Conveyancer and Notary of the High Court of South-Africa]

**Ms Y-F Wen** [LL.B. (UOFS), LL.M. (UFS)]

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### **Private Law**

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Honorary professor:

**The Honourable Judge of Appeal JJF Hefer (SC)** [B.A., LL.B. (UOFS), LL.M. (cum laude) (Unisa), LL.D. (Honoris Causa) (UFS)]

Extraordinary professors:

**The Honourable Judge of Appeal FDJ Brand (SC)** [B.A., LL.B., LL.M. (cum laude) (US)]

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

Permanent lecturing staff:

**Mr NJB Claassen** [B.lur., LL.B., LL.M. (UOFS), Attorney of the High Court of South-Africa]

**Mr JT Faber** [B.Proc., LL.B., LL.M. (cum laude) (UOFS), Attorney of the High Court of South-Africa]

**Prof GH Fick** [B.lur., B.Com., LL.B. (PU for CHE), LL.M., DCL (McGill), Advocate of the High Court of South-Africa]

**Mrs JG Horn** [B.Proc., LL.B., LL.M. (UOFS), Attorney of the High Court of South-Africa]

**Prof R-M Jansen** [B.Soc.Sc. (Hons) (Nursing), B.lur., LL.B. (cum laude), LL.M. (cum laude) (UOFS), Advocate of the High Court of South-Africa]

**Adv AM Malakate** [B.lur. (Venda), LL.B. (Pret), Advocate of the High Court of South-Africa]

**Adv BS Smith** [B.Com. (UOFS), LL.B. (cum laude), LL.M. (cum laude) (UFS), Advocate of the High Court of South-Africa]

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### **Criminal and Medical Law**

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Extraordinary professor:

**The Honourable Judge SPB Hancke (SC)** [B.Com., LL.B. (UOFS), Hon. FSALS]

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

Permanent lecturing staff:

**Dr R Botha** [B.lur., LL.B., LL.M., LL.D. (UOVS), Advocate of the High Court of South-Africa]

**Adv HB Kruger** [B.A. (Law), LL.B., LL.M. (UOFS), Advocate of the High Court of South-Africa]

**Prof H Oosthuizen\*** [B.lur., LL.B., LL.D., LL.D. (UOFS), Advocate of the High Court of South-Africa]

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

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Extraordinary professor:

**The Honourable Judge of Appeal IG Farlam (SC)** [B.A., LL.B. (UCT)]

**The Honourable Judge SPB Hancke (SC)** [B.Com., LL.B. (UOFS), Hon. FSALS]

Permanent lecturing staff:

**Adv JM Reyneke** [B.Com. Law, LL.B. (PU for CHE), LL.M. (UOFS), Advocate of the High Court of South-Africa]

**Dr CF Swanepoel** [B.A. LL.B. (US), LL.M. (UOFS), LL.D. (UFS), Attorney of the High Court of South-Africa]

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## **Roman Law, Legal History and Comparative Law**

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Extraordinary professors:

**The Honourable Judge A Kruger (SC)** [B.A., LL.B. (US), Drs. Jur. (cum laude), Dr. Jur (Leiden)]

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

Permanent lecturing staff:

**Adv JH de Bruin** [B.lur., LL.B., LL.M. (cum laude) (UOFS), Advocate of the High Court of South-Africa]

**Prof JJ Henning\*\***

**Dr NP Swartz** [B.Proc., LL.B. (UOFS), M.A. (Latyn) Honneurs (UFS), LL.M. (cum laude) (UFS), LL.D. (UFS)]

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## **Constitutional Law and Legal Philosophy**

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Extraordinary professor:

**Prof RJ Cook** [A.B. (Columbia), M.A. (Tufts) M.P.A. (Harvard), J.D. (Georgetown), LL.M. (Columbia), J.S.D. (Columbia), Attorney at Law Washington D.C. Bar]

**The Honourable Judge of Appeal L Mpati (SC)** [B.A. (Law) (Rhodes), LL.B. (Rhodes), LL.D. (Honoris Causa) (Rhodes)]

Permanent lecturing staff:

**Mr SA de Freitas** [B.Proc., LL.B., LL.M. (UOFS)]

**Prof C Ngwena** [LL.B., LL.M. (Wales)]

**Prof JL Pretorius\*** [B.Com., LL.B., B.A. Hons, LL.D. (UOFS) Advocate of the High Court of South-Africa]

**Prof AWG Raath** [B.lur., LL.B. (PU for CHE), M.A., D.Phil. (UOFS), Advocate of the High Court of South-Africa and the High Court of Bophuthatswana]

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**Old Mutual Chair in Business Law**

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Prof JJ Henning\*\*

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**Centre for Business Law**

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Prof JJ Henning (Head)\*\*  
Prof E Snyman-van Deventer

**Research Unit for Serious Economic Crime:**

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

Prof JJ Henning (Head)\*\*  
Adv JH de Bruin

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**Centre for Legal Ethics**

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Prof E Snyman-van Deventer (Head)

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**Centre for Financial Planning Law**

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Extraordinary professor:  
**Mr IDJ van de Merwe** [B.Com., B.Com. (Hon.), M.B.A. (Pret)]  
Director: Mr WM Oosthuizen

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**Centre for Continuing Legal Education**

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Prof E Snyman-van Deventer (Head)

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**Unit for Children's rights**

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In the Department for Criminal and Medical Law  
Adv JM Reyneke (Head)

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**Unit for Legal History Reseach**

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In the Departement for Roman Law, Legal History and Comparative Law  
Dr NP Swartz (Head)

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**UFS Legal Clinic**

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Director: Dr CF Swanepoel

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**PERMANENT SUPPORT STAFF**

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<b>Mrs SJ Burger</b>	– Senior Administrative Officer
<b>Mrs H Erasmus</b>	– Faculty Secretary
<b>Mrs SAM Erasmus</b>	– Administrative Assistant
<b>Mrs A Kotzé</b>	– Faculty Manager
<b>Mrs JE Malan</b>	– Dean’s Secretary
<b>Ms A van Rooyen</b>	– Senior Assistant Officer

## POSTGRADUATE DEGREES

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

<b>Degree</b>	<b>Minimum period of study</b>	<b>Abbreviation</b>	<b>Study Code</b>
<b>Doctor Legum</b>	<b>2 year</b>	<b>LL.D.</b>	<b>3900</b>
<b>Magister Legum: Dissertation Structured</b>	<b>1 year</b>	<b>LL.M.</b>	<b>3701 3702- 3217</b>
<b>Postgraduate Diploma in Labour Law</b>	<b>1 year</b>	<b>PDLL</b>	<b>3202</b>
<b>Postgraduate Diploma in Financial Planning Law</b>	<b>1 year</b>	<b>PDFP</b>	<b>3200</b>
<b>Advanced Postgraduate Diploma in Financial Planning Law</b>	<b>1 year</b>	<b>Adv PDFP</b>	<b>3201</b>

## **DOCTOR'S DEGREE**

The following doctor's degree is awarded in the Faculty of Law:

<b>Degree</b>	<b>Minimum period of study</b>	<b>Abbreviation</b>	<b>Study Code</b>
<b>Doctor Legum</b>	<b>2 years</b>	<b>LL.D.</b>	<b>3900</b>

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### **Reg E13 DOCTOR LEGUM**

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

The successful candidate will be able to:-

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

The successful candidate will specifically be able to:-

- identify and solve legal problems through critical and creative thought;
- approach and study personal and professional activities in a responsible, ethical and effective manner;
- do effective legal research by gathering, analysing and critically evaluating information;
- communicate effectively and verbally in writing;
- co-operate effectively with others in the society;
- use technology effectively and responsibly to the advantage of the community as a whole;
- see the law as a component of a system of interdependent systems within the community within which problem-solving cannot occur in isolation.

## **REGULATIONS**

The general regulations of the UFS regarding doctor's degrees apply *mutatis mutandis* to LL.D. students in this faculty.

### **Reg E13.1**

#### (a) Admission

In order to be admitted to LL.D. degree studies, a candidate must be in possession of a LL.M. degree.

#### (b) Research proposal

Candidates should submit a comprehensive research proposal that is approved by the Faculty Board (always subject to Reg A109), within a year after registration; failure to do so will result in the candidate not being permitted to re-register.

#### (c) Re-registration

If a candidate does not meet the requirements as stated in regulation 13.1(b), such a candidate will only be allowed to re-register after a written request has been considered and approved by the Faculty Committee.

### **Reg E13.2 Thesis**

A thesis for the degree should deal with a subject pertaining to juridical science.

### **Reg E13.3 Doctoral examination**

- (i) Each candidate for the LL.D. degree is subject to a doctoral examination which may consist of an oral examination before submission of the thesis, or a public defense of the thesis after submission.
- (ii) The candidate must pass both the thesis and the examination.

## **CURRICULUMS**

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



A thesis and examination (code HRR 900)

**E13.5 PRIVATE LAW**

A thesis and examination (code PRG 900)

**E13.6 CRIMINAL AND MEDICAL LAW**

A thesis and examination (code SFR 900)

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

A thesis and examination (code RRR 900)

**E13.8 CONSTITUTIONAL LAW AND PHILOSOPHY OF LAW**

A thesis and examination (code STR 900)

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

A thesis and examination (code PSR 900)

## MASTER'S DEGREE

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The following master's degree is awarded in the Faculty of Law:

<b>Degree</b>	<b>Min period of study</b>	<b>Abbre- viation</b>	<b>Study Code</b>
<b>Magister Legum: Dissertation</b>	<b>1 year</b>	<b>LL.M.</b>	<b>3701</b>
<b>Structured (with extended research essay)</b>			<b>3702</b>
<b>Structured (with research essay)</b>			<b>3705</b>
<b>Reproductive and Sexual Rights (with extended research essay)</b>			<b>3703</b>
<b>Reproductive and Sexual Rights (with research essay)</b>			<b>3704</b>
<b>Administrative (with extended research essay)</b>			<b>3706</b>
<b>Administrative (with research essay)</b>			<b>3707</b>
<b>Financial Planning Law (with extended research essay)</b>			<b>3708</b>
<b>Financial Planning Law (with research essay)</b>			<b>3709</b>
<b>Law of Business Entities (with extended research essay)</b>			<b>3710</b>
<b>Law of Business Entities (with research essay)</b>			<b>3711</b>

<b>Labour Law (with extended research essay)</b>	<b>3712</b>
<b>Labour Law (with research essay)</b>	<b>3713</b>
<b>International Economic Law (with extended research essay)</b>	<b>3714</b>
<b>International Economic Law (with research essay)</b>	<b>3715</b>
<b>Jurisprudence (with extended research essay)</b>	<b>3716</b>
<b>Jurisprudence (with research essay)</b>	<b>3717</b>

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

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#### **REG E12 MAGISTER LEGUM**

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

The successful candidate will be able to:

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

The successful candidate will specifically be able to:

- ❑ identify and solve legal problems through critical and creative thought;
- ❑ approach and study personal and professional activities in a responsible, ethical and effective manner;
- ❑ do effective legal research by gathering, analysing and critically evaluating information;
- ❑ communicate effectively and verbally in writing;
- ❑ co-operate effectively with others in the society;
- ❑ use technology effectively and responsibly to the advantage of the community as a whole;
- ❑ see the law as a component of a system of interdependent systems within the community within which problem-solving cannot occur in isolation.

## **REGULATIONS**

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

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

- (a) For admission to LL.M. degree studies, a candidate must be in possession of a LL.B.. degree and must have obtained at least an average of 60% in the field(s) in which he/she wishes to specialise.
- (b) To continue the LL.M. studies, the candidate should comply with the following requirements within the first year of registration:

1. Students who do a **LL.M. (Dissertation) (study code: 3701) in terms of E12.3(i)**, must
  - (i) submit a comprehensive research topic for approval by the Faculty Committee, and
  - (ii) attend the prescribed module in Legal Research Methodology (NAV 714) during the first semester.
  
2. Students who do a **LL.M. (Structured) (study code: 3702) in terms of E12.3(ii)**, must
  - (i) submit the compilation of his/her curriculum and a research topic for approval by the Faculty Committee, and
  - (ii) attend the prescribed module in Legal Research Methodology (NAV 714) during the first semester.
  
3. Students who do a **LL.M. (Structured) (study code: 3703) in terms of E12.3(ii)**, must
  - (i) submit the compilation of his/her curriculum from the modules MNR702, MNR703, MNR704 or MNR705 and a research topic for the module MNR791 for approval by the Faculty Committee, and
  - (ii) attend the prescribed module in Legal Research Methodology (NAV 714) during the first semester.
  
4. Students who do a **LL.M. (Structured) (study code: 3704) in terms of E12.3(ii)**, must
  - (i) submit the compilation of his/her curriculum from the modules MNR702, MNR703, MNR704 or MNR705 and a research topic for the module MNR792 for approval by the Faculty Committee, and
  - (ii) attend the prescribed module in Legal Research Methodology (NAV 714) during the first semester.

5. Students who do a **LL.M. (Structured) (study code: 3706) in terms of E12.3(ii)**, must
  - (i) submit the compilation of his/her curriculum from the modules ADR701, ADR702, ADR703 or ADR704 and a research topic for the module ADR791 for approval by the Faculty Committee, and
  - (ii) attend the prescribed module in Legal Research Methodology (NAV 714) during the first semester.
  
6. Students who do a **LL.M. (Structured) (study code: 3707) in terms of E12.3(ii)**, must
  - (i) submit the compilation of his/her curriculum from the modules ADR701, ADR702, ADR703 or ADR704 and a research topic for the module ADR792 for approval by the Faculty Committee, and
  - (ii) attend the prescribed module in Legal Research Methodology (NAV 714) during the first semester.
  
7. Students who do a **LL.M. (Structured) (study code: 3708) in terms of E12.3(ii)**, must
  - (i) submit the compilation of his/her curriculum from the modules FBR701, FBR702, FBR703, FBR704, FBR705, FBR706, FBR707 or FBR708 and a research topic for the module FBR791 for approval by the Faculty Committee, and
  - (ii) attend the prescribed module in Legal Research Methodology (NAV 714) during the first semester.
  
8. Students who do a **LL.M. (Structured) (study code: 3709) in terms of E12.3(ii)**, must
  - (i) submit the compilation of his/her curriculum from the modules FBR701, FBR702, FBR703, FBR704, FBR705, FBR706, FBR707 or FBR708 and a research topic for the module FBR792 for approval by the Faculty Committee, and
  - (ii) attend the prescribed module in Legal Research Methodology (NAV 714) during the first semester.

9. Students who do a **LL.M. (Structured) (study code: 3710) in terms of E12.3(ii)**, must
  - (i) submit the compilation of his/her curriculum from the modules HRR701, HRR702, HRR703, HRR709 or HRR710 and a research topic for the module HRR791 for approval by the Faculty Committee, and
  - (ii) attend the prescribed module in Legal Research Methodology (NAV 714) during the first semester.
  
10. Students who do a **LL.M. (Structured) (study code: 3711) in terms of E12.3(ii)**, must
  - (i) submit the compilation of his/her curriculum from the modules HRR701, HRR702, HRR703, HRR709 or HRR710 and a research topic for the module HRR792 for approval by the Faculty Committee, and
  - (ii) attend the prescribed module in Legal Research Methodology (NAV 714) during the first semester.
  
11. Students who do a **LL.M. (Structured) (study code: 3712) in terms of E12.3(ii)**, must
  - (i) submit the compilation of his/her curriculum from the modules HRR704, HRR705, HRR711, HRR712 or HRR713 and a research topic for the module HRR791 for approval by the Faculty Committee, and
  - (ii) attend the prescribed module in Legal Research Methodology (NAV 714) during the first semester.
  
12. Students who do a **LL.M. (Structured) (study code: 3713) in terms of E12.3(ii)**, must
  - (i) submit the compilation of his/her curriculum from the modules HRR704, HRR705, HRR711, HRR712 or HRR713 and a research topic for the module HRR792 for approval by the Faculty Committee, and
  - (ii) attend the prescribed module in Legal Research Methodology (NAV 714) during the first semester.
  
13. Students who do a **LL.M. (Structured) (study code: 3714) in terms of E12.3(ii)**, must

- (i) submit the compilation of his/her curriculum from the modules IER702, IER703, IER704 or IER705 and a research topic for the module IER791 for approval by the Faculty Committee, and
  - (ii) attend the prescribed module in Legal Research Methodology (NAV 714) during the first semester.
  
- 14. Students who do a **LL.M. (Structured) (study code: 3715) in terms of E12.3(ii)**, must
  - (i) submit the compilation of his/her curriculum from the modules IER702, IER703, IER704 or IER705 and a research topic for the module IER792 for approval by the Faculty Committee, and
  - (ii) attend the prescribed module in Legal Research Methodology (NAV 714) during the first semester.
  
- 15. Students who do a **LL.M. (Structured) (study code: 3716) in terms of E12.3(ii)**, must
  - (i) submit the compilation of his/her curriculum from the modules RGL701, RGL702, RGL703, RGL704 or RGL705 and a research topic for the module RGL791 for approval by the Faculty Committee, and
  - (ii) attend the prescribed module in Legal Research Methodology (NAV 714) during the first semester.
  
- 16. Students who do a **LL.M. (Structured) (study code: 3717) in terms of E12.3(ii)**, must
  - (i) submit the compilation of his/her curriculum from the modules RGL701, RGL702, RGL703, RGL704 or RGL705 and a research topic for the module RGL792 for approval by the Faculty Committee, and
  - (ii) attend the prescribed module in Legal Research Methodology (NAV 714) during the first semester.

**Reg E.12.2 Degree with distinction  
(See general regulation A93)**



The LL.M. degree is awarded *with distinction* if a candidate achieves a minimum combined average of 75% in the examinations and the dissertation/mini thesis.

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

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

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

- (a) The curriculum consists of a dissertation of a limited scope of a maximum of 42 000 words which deals with a subject pertaining to juridical science, approved by the Faculty Board, as well as an examination.
- (b) The examination consists of an oral examination before the presentation of the dissertation, or a public defence after the presentation thereof.
- (c) The oral examination and the public defence are limited to the content of the particular dissertation.

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

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

- (b) The examination on the prescribed study programme consists of: **(3 modules - 48 credits each)**
- (i) an assignment in each module of at least 3 000 words, which carries a weight of at least 25% of the final mark in the module;
  - (ii) at least a three hour examination paper in each of the three modules;
  - (iii) a **extended research essay** of a maximum of 15 000 words of a publishable standard. **(96 credits)**

**OR**

- (a) The examination on the prescribed study programme consists of: **(4 modules – 48 credits each)**
- (i) an assignment in each module of at least 3 000 words, which carries a weight of at least 25% of the final mark in the module;
  - (ii) at least a three hour examination paper in each of the four modules;
  - (iii) a **research essay** of a maximum of 7 000 words of a publishable standard. **(48 credits)**

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

**CURRICULA: (Study Code 3701)****E12.4 MERCANTILE LAW**

A dissertation and examination (code HRR 700)

**E12.5 PRIVATE LAW**

A dissertation and examination (code PRG 700)

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

A dissertation and examination (code SFR 700)

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

A dissertation and examination (code RRR 700)

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

A dissertation and examination (code STR 700)

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

A dissertation and examination (code PSR 700)

**Modules offered from which the advanced study programme may be compiled: (Study Code 3702-3717)**

ADR701	Administrative Law	Year
ADR702	Administrative Law	Year
ADR703	Administrative Law	Year
ADR704	Administrative Law	Year
ADR705	Administrative Law Reform	Year
ADR791	Administrative Law (extended research essay)	Year
ADR792	Constitutional Law and Legal Philosophy (research essay)	Year
FBR701	Financial Planning Law	Year
FBR702	Financial Planning Law	Year
FBR703	Financial Planning Law	Year
FBR704	Financial Planning Law	Year
FBR705	Financial Planning Law	Year
FBR706	Financial Planning Law	Year
FBR707	Financial Planning Law	Year

FBR708	Financial Planning Law	Year
FBR791	Financial Planning Law	Year
FBR792	Financial Planning Law	Year
HRR701	Law of Partnership	1 <sup>st</sup> Semester
HRR702	Law of Close Corporations	2 <sup>nd</sup> Semester
HRR703	Corporate Insolvency	Year
HRR704	Labour Law Part I	1 <sup>st</sup> Semester
HRR705	Labour Law Part II	1 <sup>st</sup> Semester
HRR709	Company Law	Year
HRR711	Labour Law	2 <sup>nd</sup> Semester
HRR712	Labour Law	2 <sup>nd</sup> Semester
HRR713	Retirement provision	2 <sup>nd</sup> Semester
HRR714	Credit module (Mercantile Law)	
HRR716	Business Crimes	2 <sup>nd</sup> Semester
HRR791	Mercantile Law (extended research essay)	Year
HRR792	Mercantile Law (research essay)	Year
IER701	International Economic Law	1 <sup>st</sup> Semester
IER703	International Economic Law	1 <sup>st</sup> Semester
IER704	International Economic Law	2 <sup>nd</sup> Semester
IER705	International Economic Law	2 <sup>nd</sup> Semester
IER791	International Economic Law (extended research essay)	Year
IER792	International Economic Law (research essay)	Year
INR703	International Law	Year
INR791	International Law (extended research essay)	Year
INR792	International Law (research essay)	Year
MNR702	Human Rights	1 <sup>st</sup> Semester
MNR703	Human Rights	1 <sup>st</sup> Semester
MNR704	Human Rights	2 <sup>nd</sup> Semester
MNR705	Human Rights	1 <sup>st</sup> Semester
MNR791	Human Rights (extended research essay)	2 <sup>nd</sup> Semester
MNR792	Human Rights (research essay)	2 <sup>nd</sup> Semester

NAV714	Legal Research Methodology	1 <sup>st</sup> Semester
OGR701	Environmental Law	1 <sup>st</sup> Semester
OGR702	Environmental Law	2 <sup>nd</sup> Semester
OGR791	Environmental Law (extended research essay)	Year
OGR792	Environmental Law (research essay)	Year
PRG702	Trust Law	2 <sup>nd</sup> Semester
PRG703	Law of Contract	2 <sup>nd</sup> Semester
PRG705	Family Law	2 <sup>nd</sup> Semester
PRG707	Law of Damages	1 <sup>st</sup> Semester
PRG708	Law of Property	Year
PRG709	Law of Persons	1 <sup>st</sup> Semester
PRG791	Private Law (extended research essay)	Year
PRG792	Private Law (research essay)	Year
RGL701	Jurisprudence	Year
RGL702	Jurisprudence	Year
RGL703	Jurisprudence	Year
RGL704	Jurisprudence	Year
RGL705	Law Reform in Jurisprudential Perspective	Year
RGL791	Jurisprudence (extended research essay)	Year
RGL792	Jurisprudence (research essay)	Year
RSV713	School for Legal Practice: Free State	1 <sup>st</sup> or 2 <sup>nd</sup> Semester
SFR701	Capita Selecta from Criminal Law	Year
SFR703	Capita Selecta from Medicina Forensis	Year
SFR704	Capita Selecta from Serious Economic Crime	Year
SFR714	Credit module (Criminal law)	
SFR791	Criminal and Medical Law (extended research essay)	Year
SFR792	Criminal and Medical Law (research essay)	Year

SPR701	Capita Selecta from Law of Evidence	Year
SPR704	Credit Module (Law of Evidence and Procedural Law)	
SPR791	Procedural Law and Law of Evidence (extended research essay)	Year
SPR792	Procedural Law and Law of Evidence (research essay)	Year
STR702	Constitutional Law	2 <sup>nd</sup> Semester
STR791	Constitutional Law (extended research essay)	Year
STR792	Constitutional Law (research essay)	Year

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

**Syllabi and modules**

**Reg E15**

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

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

**HRR 701: Law of Partnership****Learning outcomes:**

The student must be able to:

- i) understand why a knowledge of the law of partnership is necessary for a clear understanding of fundamental doctrines of company law and important aspects of close corporations law;
- ii) identify the historical background and the sources of the law of partnership and the various kinds and forms of partnership;
- iii) draft a partnership agreement with an in depth understanding of the *essentialia* and *naturalia* of partnership, partnership property, as well as the rights and duties of partners;
- iv) demonstrate the functional ability to apply integrate and develop the entity as well as the aggregate theory of the legal nature of partnership for the most equitable result in given circumstances;
- v) have an in depth knowledge of the relationship of partners and third parties as well as the application of the relevant principles of the law of agency, contract, delict and procedure;
- vi) apply the principles pertaining to partnership dissolution and sequestration as well as the liquidation of its assets.

**Integrated knowledge:**

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



## HRR 702: Law of Close Corporations

### Learning outcomes:

The student must be able to:

- i) understand and explain the history, origin and development of the Close Corporations Act, 1984;
- ii) identify the innovating characteristics as well as benefits and disadvantages of close corporations, in comparison with those of a private company, a partnership and a business trust;
- iii) integrate all the facets of a close corporation, as a unique juristic person;
- iv) provide an exposition of the content, functioning and amendment of a founding statement; keeping this in mind, to be able to incorporate as well as convert a close corporation, and to evaluate all the different types of pre-incorporation contracts;
- v) explain the principles governing the acquisition and cessation of membership and to compare the principles governing maintenance of solvency and liquidity with those governing the maintenance of share capital;
- vi) evaluate the relationship between members *inter se* as well as the relationship between members and their close corporation and to be able to draw up the association- and other types of agreements;
- vii) explain the capacity and powers of close corporation;
- viii) explain the authority of a member to represent a close corporation;
- ix) evaluate a close corporation's accounting records, financial year as well as its financial statements;
- x) explain and evaluate the principles concerning dissolution and deregistration of a corporation and to evaluate them in terms of applicable statutory provisions.

### Integrated knowledge:

- i) Background, history and development of the Close Corporations Act 69 of 1984.
- ii) Attributes and administration.

- iii) The close corporation as a body corporate.
- iv) Establishment and conversion.
- v) Membership, member's interest and capital.
- vi) Internal relationships.
- vii) External relationships.
- viii) Accounting and disclosure.
- ix) Winding-up, dissolution and deregistration.
- x) Comparative study on the law of close corporations.

### **HRR 703: Corporate Insolvency**

#### **Learning outcomes:**

The student must be able to:

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

#### **Integrated knowledge:**

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

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

### **HRR 704: Development of South African Labour Law and the Individual Labour Law)**

#### **Learning outcomes:**

The student must be able to:

- i) understand and explain the nature of Labour Law;
- ii) explain the historical background and development of Labour Law in South Africa;
- iii) Understand the principles of the common law contract of employment and to distinguish it from and compare it with other contracts;
- iv) identify and explain the rights and duties of employers and employees in terms of a contract of employment;
- v) explain the freedom of association of employers and employees;
- vi) identify the organisational rights of trade unions;
- vii) understand and explain the historical background, the content and the development; of the Basic Conditions of Employment Act, 1997.

**Integrated knowledge:**

- i) The nature of Labour Law – different concepts and definitions.
- ii) The development of Labour Law in South Africa taking into account the difference between individual and collective labour law.
- iii) The development of the labour law relations between employer, employee and the Government as set out in labour legislation.
- iv) Comparative study of the freedom of association and the organisational rights.
- v) The Common Law Contract of Employment, the distinction with other similar contracts and the duty of good faith of an employee towards his employer.
- vi) The provisions, content and outstanding characteristics of the Basic Conditions of Employment Act, 1997.
- vii) Comparative study on individual labour law.

**HRR 705: Collective Labour Law and Industrial Democracy**

**Learning outcomes:**

The student must be able to:

- i) give an exposition of the origin and operation of collective labour law;

- ii) describe and evaluate the right to strike as well as strikes and lockouts and other forms of industrial action;
- iii) understand and explain the operation and functions of workplace forums;
- iv) give an overview of the state of affairs regarding worker participation in South Africa and to compare it with the position in other countries.

**Integrated knowledge:**

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

## **HRR 709: Company Law**

### **Learning outcomes:**

The student must be able to:

- i) explain the history and development of company law.
- ii) explain juristic personality as well as legal nature of the company constitution.
- iii) provide an exposition of the different kinds of companies available.
- iv) state the requirements for incorporating a company.
- v) explain the division of powers between the board of directors and the general meeting.
- vi) explain the composition and functions of the board of directors.
- vii) explain appointment, discharge and disqualification of a director.
- viii) explain the fiduciary duties, duty of care and personal liability of a director.
- ix) explain the principles governing entering into contracts on behalf of the company.
- x) explain the principles governing capital maintenance and purchase of own shares.
- xi) provide an exposition of the protection of minority shareholders.

### **Integrated knowledge:**

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

## **HRR 711: Discrimination and Labour Dispute Resolution**

### **Learning outcomes:**

The student must be able to:

- i) explain and evaluate the principles with regard to discrimination and unfair labour practices as well as the practical implementation thereof;
- ii) explain the bodies/structures created to handle and resolve labour disputes as well as the functioning of such bodies;
- iii) identify all the possible ways to dismiss an employee and to evaluate when it will be a fair dismissal.

### **Integrated knowledge:**

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

## **HRR 712: Protection of Employees with regard to Work and Livelihood**

### **Learning outcomes:**

The student must be able to:

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

### **Integrated knowledge:**

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

## **HRR 713: The Law with regard to Retirement Provision in South Africa**

### **Learning outcomes:**

The student must be able to:

- i) identify and evaluate the different ways of retirement provision in South Africa;
- ii) explain the registration and management of retirement funds;
- iii) identify the fiduciary duties of board members of funds;
- iv) explain the benefits that members of funds may be entitled to;
- v) explain the consideration and adjudication of complaints by Pension Funds Adjudicator.

**Integrated knowledge:**

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

**HRR 714: Credit Module (Mercantile Law)**

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



## **HRR 716: Business Crimes**

### **Learning outcomes:**

The student must be able to:

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

### **Integrated knowledge:**

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

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

## **HRR 791: Mercantile Law (extended research essay)**

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

## **HRR 792: Mercantile Law (research essay)**

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

## **FBR 701: Employment benefits I: Fund Governance and Maintenance**

### **Learning outcomes:**

The student must be able to:

- i) Understand and explain the concept of Fund Governance and Maintenance
- ii) Distinguish between the different types of funds and explain the legislation that approve and recognise these funds and the classification of funds by the administrator
- iii) Know and apply the authority, administrator, rules, registration, approval, board, officers, fund indemnity, investment manager, other service providers, risk benefits and communication of a retirement fund
- iv) Apply and understand all the elements and requirements regarding maintenance and compliance of a retirement fund
- v) Have an understanding and practical knowledge of the establishment, maintenance and compliance of Retirement funds and employee benefit schemes governed by legislation other than the Pension Fund Act and certain specialist funds

### **Integrated knowledge:**

- i) Regulatory environment
- ii) Retirement funds
- iii) Comparative study regarding employment benefits

## **FBR 702 Employment benefit II: Fund Design and Finance**

### **Learning outcomes:**

The student must be able to

- i) Understand, interpret and apply the applicable legislation
- ii) understand and appreciate the financial and legal implications of different fund structures,
- iii) identify and co-ordinate the different needs and obligations of all parties to a fund,
- iv) design and appropriate fund structure that complies with applicable legislation and meets the needs of all parties
- v) ensure effective consultation and communication with all parties, and
- vi) Ensure the effective implementation of a new or revised fund structure.

### **Integrated knowledge:**

- i) Retirement funds
- ii) Investment
- iii) Comparative study regarding employment benefits

## **FBR 703 Personal Risk Management**

### **Learning outcomes:**

The student must be able to:

- i) Understand and apply the principles of personal risk management
- ii) Differentiate between the creation and preservation of wealth
- iii) Apply your knowledge in specific case studies and elementary financial mathematics
- iv) Describe long-term insurance and investment principles and to illustrate it with practical examples
- v) Understand the impact of legislation on personal risk management, including the fundamentals and the effect of the different methods of taxation
- vi) Assist individuals in creating wealth during their economic active years through the maximization of their disposable income

- vii) Understand the mechanisms to preserve individuals' wealth while they are still alive
- viii) Curb taxes, duties and costs payable at death as far as possible
- ix) Understand the applicability of the South African common law, legislation and self-regulatory requirement.

**Integrated knowledge:**

- i) South African law and regulatory requirements
- ii) Creation and protection of wealth
- iii) Personal risk management
- iv) Comparative study regarding Risk Management

**FBR 704 Health Care Benefits I**

**Learning outcomes:**

The student must be able to:

- i) Understand the absolute magnitude of the South African health care expenditure in the public sector, its comparison with other countries around the world, and the arguments for the reform of the health care industry
- ii) know main objectives of the Medical Schemes Act and its Regulations in the light of the longer-term objectives of government and the influence of other important related Acts on the provision of health benefits more particularly in the employer/ employee context
- iii) Understand primary health care (PHC) and what it entails and the role of hospitals (private and public) in the delivery of health services
- iv) Apply and demonstrate the role of the doctor and of the pharmaceutical industry in South Africa
- v) have an understanding and practical knowledge of the different types of schemes in the market as well as the advantages and disadvantages of each
- vi) know how to addressing the risks and needs of the employer relating to health care

**Integrated knowledge:**

- i) Health care
- ii) Legislation on health care
- iii) Medical schemes
- iv) Comparative study on health benefits

### **FBR 705 Health Care Benefits II**

#### **Learning outcomes:**

The student must be able to:

- i) Understand the absolute magnitude of the South African health care expenditure in the public sector, its comparison with other countries around the world, and the arguments for the reform of the health care industry
- ii) know main objectives of the Medical Schemes Act and its Regulations in the light of the longer-term objectives of government and the influence of other important related Acts on the provision of health benefits more particularly in the employer/ employee context
- iii) Understand primary health care (PHC) and what it entails and the role of hospitals (private and public) in the delivery of health services
- iv) Apply and demonstrate the role of the doctor and of the pharmaceutical industry in South Africa
- v) have an understanding and practical knowledge of the different types of schemes in the market as well as the advantages and disadvantages of each
- vi) know how to addressing the risks and needs of the employer relating to health care

#### **Integrated knowledge:**

- i) Health care
- ii) Medical schemes
- iii) Legislation on health care
- iv) Comparative study on health benefits

### **FBR 706 Asset types and Investment instruments**

#### **Learning outcomes:**

The student must be able to:

- i) Identify and apply financial markets and investments
- ii) Calculate, compare and explain any investment fundamentals
- iii) Understand the workings of the stock markets
- iv) Identify, differentiate and apply the money market and different instruments
- v) Calculations regarding the Foreign exchange market and list different opportunities as well as a good understanding of collective investments schemes
- vi) Understand the futures, options and interest rate derivatives
- vii) Describe and know unit trust and property markets

**Integrated knowledge:**

- i) Financial markets
- ii) Financial instruments

**FBR 707 Principles of portfolio planning**

**Learning outcomes:**

The student must be able to:

- i) Explain and discuss what a portfolio of investment is and risk and return principles of investments
- ii) Explain the different asset classes available to investors and the concept of international diversification
- iii) Determine and interpret the standard deviation of an investment and the expected return on a portfolio
- iv) Discuss the various sectors of the economy and their influence on the financial markets as well as the inflation and its' link with the financial markets
- v) Define and explain the economic fundamentals and their influence on investment markets
- vi) Illustrate the reports that an investor should receive from a portfolio manager
- vii) Discuss the controls and procedures that should be instituted internally by a portfolio manager to mitigate investment risks
- viii) Apply the fundamentals of the investment strategies to a portfolio and certain techniques used in a fund management environment

**Integrated knowledge:**

- i) Investment management and the economy
- ii) Investment portfolio
- iii) Comparative study regarding fund management

**FBR 708 Estate planning****Learning outcomes:**

The student must be able to:

- i) Understand and explain the objectives of estate planning and the process
- ii) Differentiate between the different matrimonial property regimes and apply to estate planning
- iii) Know and understand the requirements for a valid will and the law of succession
- iv) Understand, in broad terms, the administration of deceased estates, as well as the impact it has on estate planning.
- v) List a number of different business forms to use during estate planning
- vi) Calculate estate duty on a deceased estate.
- vii) Understand the implication of Capital Gains Tax on an estate
- viii) Discuss the possible effect of transfer taxes on estate planning.
- ix) Draft an estate planning model.
- x) Understand and implement the different estate planning tools and techniques.

**Integrated knowledge:**

- i) Estate duty Act
- ii) Matrimonial property regimes
- iii) Law of trust
- iv) Capital gains tax on the deceased estate
- v) Comparative study regarding Estate Planning

**FBR 791 Financial Planning Law  
(extended research essay)**

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

**FBR 792 Financial Planning Law (Research essay)**

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



## **IER 701: International Public Law aspects of International Economic Law**

### **Learning outcomes:**

The student must be able to:

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

### **Integrated knowledge:**

International treaties and conventions; the history, influence and role in trade, the composition, founding documents of the GATT, World Trade Organization, World Bank and International Monetary Fund.

## **IER 703: International Investment Law**

### **Learning outcomes:**

The student must be able to:

- i) critically explain the promotion and protection of international investment; and
- ii) structure an international investment transaction.

### **Integrated knowledge:**

The promotion of investment and the principles of investment policy; the protection of international investment; the Multilateral Agreement on Investment; the role of the OECD in international investment; the World Bank Guidelines for the Treatment of Foreign Investment; investment incentives; the role of TRIMS and GATS in international investments; trusts as a vehicle for inter-

national investment; specific investment codes; the Calvo Clause and the Calvo Principle; MFN and national treatment; the role of OPIC in international investment.

#### **IER 704: International Law of Sales**

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

The student must be able to:

- i) structure an international sales transaction;
- ii) draft an agreement for the international sale of goods;
- iii) to apply international agreements and treaties applicable to an international sale of goods transactions;
- iv) critically discuss the adoption of the CISG in South Africa.

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

The structure of an international sale of goods transaction; the structure of a contract for the international sale of goods; the international documents and conventions applicable to an international sale of goods transaction; protection of the seller/exporter of goods against nonperformance by the buyer/importer; the protection of the buyer/importer of goods against nonperformance by the seller/exporter; the Vienna Convention on the International Sale of Goods (CISG); passing of the risk; bills of lading; letters of credit; the adoption of the CISG by South Africa.

#### **IER 705: International Trade Dispute Settlement**

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

The student must be able to:

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

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

Dispute settlement mechanisms of the World Bank, IMF, World Trade Organization, EU, NAFTA and SADC; the process of

international dispute settlement and alternative dispute settlement methods.

**IER 791: International Economic Law (extended research essay)**

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

**IER 792: International Economic Law (research essay)**

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

## DEPARTMENT PRIVATE LAW

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

### **PRG 702: Trust Law**

#### **Learning outcomes:**

The student must be able to:

- i) distinguish between the various kinds of trusts;
- ii) identify the legal construction of trusts;
- iii) ascertain the parties to a trust as well as their respective powers and duties
- iv) vary a trust deed;
- v) know what the acceleration of trust benefits comprise of;
- vi) to apply the doctrine of incorporation by reference.

#### **Integrated knowledge:**

- i) Short history of the origin of trust.
- ii) Requirements to create a trust.
- iii) Powers and duties of the parties to a trust.
- iv) The possibilities to accelerate trust benefits.
- v) Bequests to an existing trust and the doctrine of incorporation by reference.

### **PRG 703: Advanced Law of Contract**

#### **Learning outcomes:**

The student must be able to:

- i) understand and critically explain credit agreements;
- ii) critically interpret the *Credit Agreements Act 75 of 1980* and to give advise thereon;
- iii) understand and critically explain lay buy transactions with *Price Control Act 1964*;
- iv) understand and critically explain the sale agreement;
- v) understand and critically evaluate franchise agreements.

**Integrated knowledge:**

Credit agreements; lay buy agreements; credit agreements; franchise agreements; relevant legislation and case law.

**PRG 705: Advanced Family Law****Learning outcomes:**

The student must be able to:

- i) evaluate and explain the background, origin and relevant Family law principles;
- ii) undertake comparative legal research on Family law;
- iii) analyse relevant case law;
- iv) identify innovative legal principles;
- v) distinguish and compare legislation on Family law;
- vi) integrate procedural and evidential principles with those of the Family law;
- vii) identify, contemplate and advise on social and economic legal consequences related to family matters.

**Integrated knowledge:**

- i) The historical development of Family law to date.
- ii) Legal comparison of Family law legal systems in South Africa.
- iii) Procedural and evidential aspects related to Family law.
- iv) Relevant case law, legislation and other sources.
- v) Problematic issues within the traditional Family law caused by constitutional development.
- vi) Deeds of settlement and the formulation of clauses thereof.
- vii) Knowledge of the working of the office of the Family Advocate and legal aid in cases of family disputes.
- viii) Alternative dispute resolution in family matters.

**PRG 707: Law of Damages**

**Learning outcomes:**

The student must be able to:

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

**Integrated knowledge:**

- i) Terminology and general principles pertaining to the law of damage.
- ii) Patrimonial loss.
- iii) The *quantum* of patrimonial loss.
- iv) The nature and quantification of non-patrimonial loss.
- v) Principles pertaining to the recovery of damages, compensation, and satisfaction.
- vi) Damages and breach of contract.
- vii) Damages, compensation, and satisfaction in delictual liability.
- viii) The Private International Law and damage with a foreign element.

## **PRG 709: Law of Property**

### **Learning outcomes:**

The learner must be able to assess, critique and make recommendations regarding certain legal principles and the different questions and problems experienced in legislation and the implementation of government programmes regarding mineral rights, sectional title schemes, water rights, land reform and a comparative legal study regarding the constitutional existence and protection of property.

### **Integrated knowledge:**

- Constitutional existence and protection of property.
- Land Reform ;
- Mineral rights
- Sectional Title schemes
- Water Rights

## **PRG 709: Law of Persons**

### **Learning outcomes:**

The student must be able to:

- i) understand and explain the history, sources, nature, scope, characteristics, definitions, theories and the terminology of the different social entities, for instance juristic persons, foundations, trusts, mortgage bonds, societies and partnerships;
- ii) distinguish and relate the different categories of social entities (especially juristic persons);
- iii) identify the different ways of erecting/registering legal entities and implement it practically;
- iv) know how these legal entities come to an end and execute the process in practice;
- v) understand and explain the capacities (status), subjective rights and legal duties of these legal entities;
- vi) investigate, identify and implement the practical application possibilities of these entities.

### **Integrated knowledge:**

- i) Terminology and general principles pertaining to social entities.
- ii) Theories and nature of social entities.
- iii) Creation, existence and termination of legal entities.
- iv) Categories of juristic persons.
- v) Functionaries/officials and their liability.
- vi) Juristic persons and the Constitution.

**PRG 791: Private Law (extended research essay)**

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

**PRG 792: Private Law (research essay)**

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

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



**ADR 701: Foundations of Administrative Law and Justice**

**Learning outcomes:**

The student must be able to:

- i) Know and understand the foundations of South African Administrative Law;
- ii) Identify and understand the basic functions and applications of our Common Law principles pertaining to substantive Administrative Law and Justice;
- iii) Apply and develop the principles pertaining to this field under diverse circumstances.

**Integrated knowledge:**

The sources of English and South African Administrative Law and Justice; the principles of legality and ultra vires and the application thereof in common law jurisdictions; the impact of legal developments in the field of common law principles pertaining to Administrative Law and Justice.

**ADR 702: Foundations and Principles of Procedural Administrative Law and Justice**

**Learning outcomes:**

The student must be able to:

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

**Integrated knowledge:**

The sources of English and South African Procedural Administrative Law; the working of common law review; the impact of the 1996 Constitution on judicial review; the impact of the 1996 Constitution on non-judicial review; the various state institutions supporting constitutional democracy; state liability on the basis of fault and risk in our law.

**ADR 703: Theory and Practice of Administrative Justice in Terms of the 1996 Constitution****Learning outcomes:**

The student must be able to:

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

**Integrated knowledge:**

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

## **ADR 704 International Comparative Administrative Law**

### **Learning outcomes:**

The student must be able to:

- i) Know and understand the application of Administrative law principles in diverse legal systems;
- ii) Appreciate the value of legal comparison for developing the South African Administrative Law system;
- iii) Relate the legal principles in other legal systems to those in the South African legal system;
- iv) Compare the principles contained in the 1996 Constitution with those in other systems of law.

### **Integrated knowledge:**

The basic principles of legal comparison relating to systems of Administrative law and Justice; The various legal principles pertaining to Administrative law compared in different legal settings; A fundamental focus on the principles of Administrative Justice in diverse legal systems; Giving expression to the constitutional demand with regard to developing our legal system by comparing various paradigms of Administrative law and justice.

## **ADR 705 Administrative Law Reform**

### **Learning outcomes:**

The student must be able to:

- i) Know and understand the need for reform of South African Administrative Law and practice;
- ii) Know and appreciate the ways in which our system of administrative legal system can be reformed;
- iii) Manifesting the ability to comment theoretically on law reform in the fields of administrative Law and Justice;
- iv) Demonstrating the ability to write reports and / or other academic treatises and submissions to facilitate law reform in these fields.

### **Integrated knowledge:**

Identifying the areas in which law reform in the areas of Administrative Law and Justice is needed; focusing on the

principles pertaining to addressing such needs in the light of current legal developments; formulating proposals and submissions to address legal issues; producing legal documentation of publishable standard to improve our legal heritage in these fields.

**ADR 791 Constitutional Law and Legal Philosophy (extended research essay)**

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

**ADR 792 Constitutional Law and Legal Philosophy (research essay)**

The research essay in Administrative Law is facilitated by the Department of Constitutional Law and Philosophy of Law. The student, in consultation with the prospective study leader(s) and the head of the department, chooses the theme.

**INR 703: International Humanitarian Law (The Law of Armed Conflict)**

**Learning outcomes:**

Students must be able to:

- i) know the historical development of International Humanitarian Law;
- ii) know the sources of International Humanitarian Law, as well as certain *capita selecta* from important International Humanitarian Law conventions, protocols and other jurisprudential sources;
- iii) know and understand the essential principles of International Humanitarian Law; and
- iv) know and understand the relationship between International Humanitarian Law, Public International Law and Human Rights Law.

**Integrated knowledge:**

The Geneva Conventions and the Additional Protocols of 1977.

**INR 791: Constitutional Law and Legal Philosophy (extended research essay)**

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

**INR 792: Constitutional Law and Legal Philosophy (research essay)**

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

**MNR 702: Equality Issues****Learning outcomes:**

A student must:

- i) Possess an understanding of important theories regarding equality and discrimination;
- i) Understand the provisions of the Constitution, their interpretation by the Constitutional Court, including the Court's notion of substantive equality and its framework for applying section 9 of the Constitution;
- ii) Be fully familiar with the provisions of applicable equality legislation, e.g. the Employment Equity Act, the Promotion of Equality and Prevention of Unfair Discrimination Act;
- iii) Be able to understand and apply the equality provisions of the Constitution and applicable legislation to selected fields, e.g. employment discrimination and affirmative action, discrimination in private clubs and organisations, discrimination in family law, provision of goods, services and facilities, professions and bodies, housing, accommodation,

land and property, health services and benefits, education, insurance, pensions.

**Integrated knowledge:**

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

**MNR 703: Human Rights Principles and Reproductive and Sexual Rights**

**Learning outcomes:**

A student must:

- i) Demonstrate an understanding of the sources and nature of human rights and their relation with reproductive and sexual rights.
- ii) Apply specific human rights on reproductive and sexual rights e.g. the right to equality, life and health.
- iii) Apply the realisation of demands in terms of reproductive and sexual rights in terms of domestic law.
- iv) Apply the realisation of demands in terms of reproductive and sexual rights in terms of international law including the "African Charter on Human and Peoples' Rights".

**Integrated knowledge:**

Advanced study of the application of human rights principles on selected areas of reproductive and sexual health.

**MNR 704: Selected Reproductive and Sexual Health Issues**

**Learning outcomes:**

A student must:

- i) Demonstrate an in-depth knowledge of local legislation and policy pertaining to specific and selected reproductive and sexual health issues;
- ii) Evaluate critically domestic legislation and policy pertaining to specific and selected reproductive and sexual health issues against the background of international human rights standards.
- iii) Formulate policy and jurisprudentially founded evaluations on domestic legislation and policy that do not meet international standards.

**Integrated knowledge:**

Advanced study of the application of human right principles on selected areas of reproductive and sexual health.

**MNR 705: Human Rights that focus on Reproductive and Sexual Health Rights****Learning outcomes:**

The student must be able to:

- (i) demonstrate knowledge of the basic concepts of health and the links with human rights from a global perspective;
- (ii) understand the concepts of reproductive and sexual health;
- (iii) apply the concepts of health and human rights to reproductive health and sexual health;
- (iv) understand the intersection between reproductive and sexual health, and health care systems;
- (v) understand and apply the ethics of health care to reproductive and sexual health.

**Integrated knowledge**

Advanced study of the general principles and doctrines of reproductive and sexual health rights.

**MNR 791: Constitutional Law and Legal Philosophy (extended research essay)**

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

**MNR 792: Constitutional Law and Legal Philosophy (research essay)**

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

**OGR 701: Environmental Law**

**Learning outcomes:**

The successful students will:

- 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.

**OGR 702: International and National Measures for the Protection of the Environment**

**Learning outcomes:**

Students must be able to:

- i) understand and be able to explain the main developments in International law with regard to the protection of the environment;
- ii) identify, explain and evaluate the main International law principles governing the protection of the environment;
- iii) understand the relevance of International Environmental law for South Africa.

**Integrated knowledge:**

UN declarations and conventions on the protection of the environment; the importance thereof for South African environmental law; and other principles relevant to the enforcement of environmental laws.

**OGR 791: Constitutional Law and Legal Philosophy (extended research essay)**

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

**OGR 792: Constitutional Law and Legal Philosophy (research essay)**

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

**RGL 701 Foundations of Jurisprudence****Learning outcomes:**

The student must be able to:

- i) Acquire a systematic knowledge and understanding of Jurisprudence and Philosophy of Law;
- ii) Acquire a knowledge: of the historical development of the bases and principles of Jurisprudence;
- iii) Understand the development of various paradigms of jurisprudential thinking about legal paradigms.

**Integrated knowledge:**

The various paradigms dealing with the interpretation and understanding of Jurisprudence and the Philosophy of Law; the different major schools of thought dealing with law and its theoretical application; the practical effects of the different paradigms of Jurisprudence and Philosophy of Law.

## **RGL 702 Jurisprudence and Justice**

### **Learning outcomes:**

The student must be able to:

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

### **Integrated knowledge:**

Is law necessary?; law and force; law and morals; natural law and natural rights; legal positivism; law and justice; law and freedom; law, sovereignty and the state; law and society; law and custom; the judicial process; conceptual thinking in law; some leading legal concepts.

## **RGL 703: Ideology and Jurisprudence**

### **Learning outcomes:**

The student must be able to:

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

### **Integrated knowledge:**

The nature of jurisprudence within different ideological contexts; the meaning of law and its ideological roots; appreciating the legal ideologies manifested in classical positivism, the pure theory of law, modern trends in analytical and normative jurisprudence,

sociological jurisprudence and the realistic approach to law; the practical effects of legal ideologies in various contexts.

#### **RGL 704: Modern, Post Modern and Reformational Legal Paradigms**

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

The student must be able to:

- i) Understand and appreciate the views of modern, post modern and Reformational legal paradigms;
- ii) Understand and apply the views of modern, post modern and reformational legal paradigms to legal sources, adjudication, Stare decisis, judges and their discretions, legal interpretation, the integrity of law, legality and legitimacy, judge-made law, judicial reasoning, statutory construction and democracy.

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

The nature of legal sources; the institution of adjudication; stare decisis; judges and discretion; Dworkin and “hard cases”; Dworkin and discretion; Dworkin and interpretation; Law as integrity; one right answer? ; integrity and legitimacy; judge-made law; judicial reasoning; statutory construction; statutory construction and democracy.

#### **RGL 705: Law Reform in Jurisprudential Perspective**

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

The student must be able to:

- i) Understand and appreciate the needs for law reform in the South African legal system and other legal paradigms;
- ii) Know and understand the basic concepts underlying our legal system which are in need of law reform;
- iii) Appreciate the theoretical and practical implications of law reform flowing from different jurisprudential ideologies.

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

Identifying the areas in which law reform from a jurisprudential perspective is needed; applying the various jurisprudential theories

and mechanisms to areas in need of law reform; formulating proposals and submissions from jurisprudential perspective to address the needs for reform; producing legal documentation of publishable standard by using the tools, motivations and theories of jurisprudence to improve our legal system.

**RGL 791: Constitutional Law and Legal Philosophy (extended research essay)**

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

**RGL 792: Constitutional Law and Legal Philosophy (research essay)**

The research essay in Jurisprudence is facilitated by the Department of Constitutional Law and Philosophy of Law. The student, in consultation with the prospective study leader(s) and the head of the department, chooses the theme.

**STR 702: Constitutional Law: Municipal Law**

**Learning outcomes:**

Leaners must:

- i) Be able to explain the development of local government structures and powers in South Africa;
- ii) Know and explain the constitutional provisions regarding municipal government structures and functions;
- iii) Know and explain the content of applicable local government legislation;
- iv) Understand and explain the composition, powers and functions of local government structures and their relationship to provincial and national government;
- v) Understand and be able to apply the principles of judicial review of the exercise of local government powers.

**Integrated knowledge:**

- i) The historical development of local government in South Africa.
- ii) The provisions of the constitution and their interpretation regarding local government.
- iii) The provisions of all applicable legislation regarding local government in the constitutional era.
- iv) The composition, powers and functions of local government structures.
- v) Judicial review of the exercise of local government functions.
- vi) The relationship of local, provincial and national government.

**STR 791: Constitutional Law and Legal Philosophy (extended research essay)**

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

**STR 792: Constitutional Law and Legal Philosophy (research essay)**

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

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

**SFR 701: Capita Selecta from Criminal Law****Learning outcomes:**

The student must show knowledge and understanding of the legal historical development, legal nature, legal sources, conventions, the legal issues, as well as a critical analysis of:

- i) violent and sexual offences;
- ii) financial- and drugs offences;
- iii) children and criminal law;
- iv) computer crime;
- v) witness protection;
- vi) the National Prosecuting Authority;
- vii) Family violence.

**Integrated knowledge:**

The legal historical development, legal nature, legislation, conventions, court cases and legal questions of family violence; child abuse, molesting and sexual abuse of children; fraud, corruption, forgery, uttering, witness protection; computer crime; National Prosecuting Authority.

**SFR 703: Capita Selecta from Medicina Forensis****Learning outcomes:**

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

- i) regulation of the Health Care Professions in South Africa;
- ii) certain legal/ethical aspects of medicine;
- iii) regulation of ethical research;
- iv) regulation of the pharmaceutical industry



**Integrated knowledge:**

The historical development, legal nature, legislation, regulations, conventions, court cases and legal questions of the South African Health Professions Council; medical records – keeping and access thereto; HIV/AIDS – legal and ethical aspects; medical aid schemes – regulating; the doctrine of informed consent; blood and blood products; alcohol; surrogate motherhood and in vitro conception; research on human beings - South African Medical Research Council; the Pharmaceutical industry – regulating and working; cloning and genetic engineering.

**SFR 704: Capita Selecta from Serious Economic Crimes****Learning outcomes:**

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

- i) the mechanisms / working of the Criminal law system and economic crimes;
- ii) serious economic crimes;
- iii) legislation;
- iv) victims of economic crimes.

**Integrated knowledge:**

The historical development, legal nature, legislation, regulations, conventions, court cases and legal questions of the criminal justice system and economic crimes; serious economic offences such as theft of money, theft of trust money, corruption in private and civil sector, cheque and credit card fraud, money laundering, gang activities, syndicates, drug activities, pyramid schemes and insider trading; national and international economic crime combating systems; legislation; international co-operation; victims of economic crimes.

**SFR 714: Credit Module (Criminal Law)**

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

**SFR 791: Criminal and Medical Law (extended research essay)**

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

**SFR 792: Criminal and Medical Law (research essay)**

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

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

<p style="text-align: center;"><b>DEPARTMENT OF PROCEDURAL LAW AND LAW OF EVIDENCE</b></p>
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**SPR 701: Capita Selecta from Law of Evidence**

**Learning outcomes:**

The student must be able to:

- i) understand the function of the Law of Evidence in the structure of a court system;
- ii) be able to integrate and apply the constitutional rights in criminal and civil trials;
- iii) be able to apply to a set of facts the various aspects regarding the admissibility of relevant evidence;
- iv) must be in a position to handle the various aspects regarding the inclusion evidence;
- v) have the theoretical and practical knowledge in regards to admissions and confessions in civil and criminal trials;
- vi) be in a position to arrange, establish and apply the kinds of evidence in a trial;
- vii) be able to apply all aspects in regards to witnesses in trials;
- viii) have a complete knowledge, understanding and be able to apply the standards of proof and burdens of proof in criminal trials.

**Integrated knowledge:**

- i) A general knowledge and insight into the history and theory of the Law of Evidence.
- ii) Draw distinction between concepts and distinction in principles.
- iii) Knowledge of the function of evidence and all forms of exclusions of such evidence.
- iv) Knowledge of the proceedings at a trial in its various and integrated components.
- 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.

**SPR 791: Procedural Law and Law of Evidence (extended research essay)**

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

**SPR 792: Procedural Law and Law of Evidence (research essay)**

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

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

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

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

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

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

#### **Regulations**

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

#### **Syllabi**

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

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

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

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

ABR 711 History of the South African Labour Law, the impact by the Constitution on Labour Law; the contract of employment and the Basic Conditions of Employment Act, 1999; International Labour Organization (ILO).  
(First semester)

- ABR 712 The relevant provisions of the Labour Relations Act, 1995 with regard to freedom of association; trade unions and employer organizations; bargaining councils and dismissal.  
(First semester)
- ABR 713 The relevant provisions of the Labour Relations Act, 1995 with regard to strikes; other industrial action and lock-outs; the transfer of business; and unfair labour practices.  
(Second semester)
- ABR 714 The relevant provisions of the Labour Relations Act, 1995 with regard to dispute resolution, the CCMA and the Labour Courts; and Representation.  
(Second semester)
- ABR 715 The relevant provisions of the Employment Equity Act, 1998 with regard to discrimination and affirmative action; preparation of an employment equity plan.  
(Second semester)
- ABR 716 Social legislation *inter alia* relevant provisions of the Skills Development Act, 1998; the Unemployment Insurance Act, 1996; the Compensation for Occupational Injuries and Diseases Act, 1993 and the Occupational Health and Safety Act, 1993.  
(Second semester)

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

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

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

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

#### **Regulations**

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

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

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

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

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

**Curriculum:**

<b>FBR 711</b>	<b>FBR 712</b>	<b>FBR 713</b>	<b>FBR 714</b>
<b>The financial planning environment.</b>	<b>Personal financial planning</b>	<b>Corporate financial planning</b>	<b>Practical case study</b>
The regulatory environment. Regulatory legislation Tax legislation. General legislation. Ethics and liability. Compliance.	Personal risk management. Tax. Individual investment products. Group products. Financial planning and reporting techniques.	Business environment. Business insurance: needs and solutions. Retirement fund administration. Retirement funds. Health care. Employee benefits.	This module consists of a four hour examination, testing a student's knowledge and ability to draw up a comprehensive financial plan and to write a report to the client.



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

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

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

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

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

FBR 803 Personal Risk Management  
FBR 806 Asset Types and Investment Planning

**OR**

FBR 803 Personal Risk Management  
FBR 808 Estate Planning

**OR**

FBR 808 Estate Planning  
FBR 806 Asset Types and Investment Planning

**OR**

FBR 806 Asset Types and Investment Planning  
FBR 807 Principles of Portfolio Planning and Management

**OR**

FBR 801 Fund Governance and Maintenance  
FBR 802 Fund Design and Financing

**OR**

FBR 804 Health Benefits I  
FBR 805 Health Benefits II