



# UNIVERSITY OF CAPE TOWN

## FACULTY OF LAW

### 2018

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Home Page	<a href="http://www.law.uct.ac.za/">http://www.law.uct.ac.za/</a>
Dean's Office	<a href="mailto:law-dean@uct.ac.za">law-dean@uct.ac.za</a>
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International Academic Programmes Office	<a href="mailto:int-iapo@uct.ac.za">int-iapo@uct.ac.za</a>

The Registrar's and General Enquiries offices are located in the Bremner Building and remain open during the lunch hour. The Admissions Office and Student Records Office are located in the Masingene Building, Middle Campus, and are open from 08h30 to 16h30. The Cashier's Office is located in Kramer Building, Middle Campus, and is open from 09h00 to 15h30.

**This handbook is part of a series that consists of**

- Book 1:** Undergraduate Prospectus
- Book 2:** Authorities and information of record
- Book 3:** General Rules and Policies
- Book 4:** Academic Calendar and Meetings
- Book 5:** Student Support and Services
- Book 6-11:** Handbooks of the Faculties of Commerce, Engineering & the Built Environment, Health Sciences, Humanities, Law, Science
- Book 12:** Student Fees
- Book 13:** Bursary and Loan Opportunities for Undergraduate Study
- Book 14:** Financial assistance for Postgraduate Study and Postdoctoral Research

The University has made every effort to ensure the accuracy of the information in its handbooks. However, we reserve the right at any time, if circumstances dictate (for example, if there are not sufficient students registered), to

- (i) make alterations or changes to any of the published details of the opportunities on offer; or
- (ii) add to or withdraw any of the opportunities on offer.

Our students are given every assurance that changes to opportunities will only be made under compelling circumstances and students will be fully informed as soon as possible.

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## Guide to the usage of this Handbook

The following is a general overview of the structure of this Handbook for the guidance of users. The contents are organised in a number of different sections (see below) each of which has a particular focus. The sections are interlinked by cross-references where relevant.

- (a) *General Information:* This section includes information on the professional status and recognition of the Faculty's degrees, its links with professional bodies and the list of qualifications offered. It also includes lists of the various prizes, medals and scholarships awarded on academic merit and contains information on the criteria for the Dean's Merit List.
- (b) *Rules for degrees:* This section covers the Faculty rules for each of the various degree programmes. These rules should be read in conjunction with the general University rules in the General Rules and Policies Handbook (Handbook 3). Students are expected to acquaint themselves with the rules in both Handbooks and to check annually whether the rules or curriculum requirements have changed since the last edition. *Important rules:* All students must familiarise themselves with the Degree Rules in this Handbook. In addition, students must refer to Handbook 3, General Rules and Policies and particularly take note of the following:

- rules relating to registration and examinations;
- rules relating to changes of curriculum;
- rules relating to leave of absence;
- rules on Academic Conduct, N.B. the rules concerning dishonest conduct and plagiarism.

Detailed information on the undergraduate entrance requirements can be found in the University Prospectus. The PhD Degree rules are published in *Handbook 3, General Rules and Policies*.

- (c) *Departments and Programmes:* This section contains entries for each department in the Faculty. Each lists members of staff, a summary of laboratory, workshop and other facilities, the research entities, and the programmes of study administered by each department. The curriculum for each programme (list of required courses) is set out in table form. The curriculum tables must be read together with (cross-referenced to) the lists of courses in the Courses Offered section which is described under (e) below.
- (d) *Centres/Units established in the Faculty and Centres, Departments, Schools and Units Established in other Faculties:* There are entries for the principal Faculty entities/units which do not fall directly under academic departments e.g. the Centre for Research in Engineering Education and the Continuing Professional Development Programme and entries for the centres, units and departments in other faculties which offer courses for students registered in the Faculty. This is cross referenced to the list of courses offered in section (e).
- (e) *Courses Offered:* The full list and descriptions of courses offered by the Faculty, both undergraduate and postgraduate, is set out in this section in alpha-numeric order (i.e. based on the course code prefix) which identifies the department offering the course and the course number. The courses offered by other faculties which are more commonly taken by students in the Faculty of Engineering & the Built Environment are also listed and described. N.B. A key (guide) to the course code system, the credit system and terminology (definitions) is set out at the beginning of this section.

## FACULTY OF LAW STATEMENT OF VALUES AND GOALS

We, the staff and students of the Faculty of Law of the University of Cape Town, recognise that we are a community of scholars, striving for excellence in all that we do. We are conscious of the fact that we are part of the broader South African society, and also the African and international academic community. We acknowledge the role played by the law in creating a society that was characterised by oppression and remains deeply divided by inequality.

We commit ourselves to the following goals: teaching and research which is of the highest quality; developing all staff and students to their fullest potential; promoting an institutional culture founded on mutual tolerance, respect, understanding, integrity and openness, one which values our common humanity and which celebrates and promotes diversity. In the pursuit of all these goals we hope to contribute to redressing the inequality and disparity that continues to exist within South African society.

We recognise that the realisation of these goals requires:

- Scholarship that is critical and compassionate, and which explores the potential of the law as a means to achieving justice for all;
- Leadership that is effective and promotes the values of the faculty;
- Accountable, inclusive and transparent decision-making in which staff and students are given the opportunity for effective participation;
- Open and critical debate that protects and promotes academic freedom and university autonomy;
- Provision to staff and students of opportunities and resources necessary for their optimal development.

We will strive to live these values and achieve these goals in our daily activities and exchanges with one another.

### Historical Note

The Faculty of Law had its beginnings in the institution of a lectureship in law in 1859 and is the oldest faculty of law in South Africa. The first professor of law, appointed at a salary of £300 per year, was JH Brand, LLD Barrister-at-Law, who left in 1863 to become President of the Orange Free State.

For a detailed account of the history and development of the Faculty of Law see DV Cowen *The History of the Faculty of Law in the University of Cape Town, 1859 -- 1959 (Acta Juridica, 1959)*; *Taught law is tough law: the evolution of a South African Law School (1914 -)* (Tydskrif vir Hedendaagse Romeins-Hollandse Reg, 1988); DP Visser *As durable as the mountain: the story of the Cape Town Law School since 1859 (Consultus, April 1992)*; and Denis Cowen and Daniel Visser *The University of Cape Town Law Faculty: A History 1859 -- 2004* (Siber Ink 2004).

# GENERAL INFORMATION

## Officers in the Faculty

	<b>Telephone (021) 650 +</b>
<b>Dean of the Faculty:</b> Professor P Andrews, BA LLB <i>Natal LLM Columbia</i>	2706
<b>Administrative Officer in the Dean's Office:</b> Ms S Ronnie	2706
<b>Deputy Dean (Undergraduate Studies):</b> Associate Professor T L Gutuza BSocSc LLB <i>Cape Town</i> BA(Hons) LLM <i>Unisa LLM London</i> PhD <i>Cape Town</i> Attorney of the High Court	5009
<b>Deputy Dean (Postgraduate Studies):</b> G Bradfield, BCom LLB <i>Natal LLM Cape Town</i> Attorney of the High Court	
<b>Deputy Dean (Internationalisation and Outreach):</b> Associate Professor W Amien, BA LLB <i>Cape Town</i> LLM <i>UWC</i> PhD <i>Ghent</i> Attorney of the High Court	2676 5885
<b>Deputy Dean (Research):</b> Professor D Smythe, BA LLB <i>Cape Town</i> JSM JSD <i>Stanford</i>	5680
<b>Development and Marketing Manager:</b> Ms G Richie, BA(Hons) MA <i>Cape Town</i>	5602
<b>Professional Development Manager:</b> Mrs I Wasserfall, BJuris LLB <i>UPE</i> Attorney of the High Court	5621
<b>Faculty Finance Staff:</b> <b>Finance Manager:</b> Ms V Stemmet, BCom(Hons) <i>UWC</i>	5657
<b>Senior Finance Officer:</b> Ms A Mfeketo, ND: Cost & Management Accounting <i>WSU</i>	2487
<b>Finance Officer:</b> Ms R Ferguson, Dip Acc <i>Oxbridge Academy</i>	5653
<b>Purchaser:</b> Ms E Roos	2214
<b>Human Resources Management:</b> <b>Senior Human Resources Advisor:</b> Ms S L Hill, BA <i>Unisa</i>	2940
<b>Human Resources Practitioner:</b> Ms L Sibiya, BTech <i>CPUT</i>	2162
<b>Faculty Administrative Staff:</b> <b>Faculty Manager: Academic Administration:</b> Ms S Chetty, BSocScHons PGDipArts BBibHons <i>UKZN</i> MPhil <i>Cape Town</i> <b>Undergraduate Manager: Academic Administration</b> TBC	
<b>Administrative Officer:</b> Ms K van der Vent, Dip in Business and Office Administration <i>Montrose</i> <i>Business College</i>	3086
<b>Postgraduate Manager: Academic Administration:</b> Ms P Phillips, BA <i>Cape Town</i>	5400
<b>Administrative Officer:</b> Ms C S Richfield, BSW BSocSc(Hons) <i>Cape Town</i>	1677

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<b>Administrative Assistant:</b> Mr M C Jacobs, LSTD <i>UWC</i>	5745
<b>Faculty Office Assistant:</b> Ms M Kerspay	3086

### Student Advisors

#### LLB Curriculum:

Associate Professor A Hutchinson, BA LLB LLM PhD <i>Cape Town</i>	5613
Ms J Omar, LLB LLM <i>Cape Town</i> Attorney of the High Court	2672
Associate Professor A M Price, BBusSc LLB <i>Cape Town BCL Oxon</i> PhD <i>Cantab</i> Advocate of the High Court	5612
Ms S Singlee, LLB LLM <i>Cape Town</i> LLM <i>UNSW</i>	5690
Associate Professor L Tong, BA(Hons) LLB <i>Cape Town</i> LLM <i>Turin</i> PhD <i>Cape Town</i> Attorney of the High Court	5686

#### Other Curricula:

<b>Business Law courses:</b> Ms S Buthelezi, LLB LLM <i>UKZN</i>	5639
<b>Humanities courses:</b> Mr K Bassuday, LLM <i>UKZN</i> LLM <i>Cape Town</i> Attorney of the High Court	2959
<b>Exchange students:</b> Mr T Thabane, BA Law LLB <i>Lesotho</i> LLM <i>Pret</i> LLM <i>Free State</i>	5299

#### SALS:

Associate Professor J Hattingh, BCom LLB <i>Stell</i> LLM <i>Cape Town</i>	5883
LLM <i>Leiden</i> Advocate of the High Court	
Associate Professor C Powell, BA LLB <i>Cape Town</i> LLM <i>Humboldt</i> SJD <i>Toronto</i>	5103

**Students registered in the Commerce Faculty** (BCom and BBusSc Law and Commerce Programme): Enquiries should be referred to the Student Advisors in the Commerce Faculty. See details in the Commerce Faculty handbook.

**Students registered in the Humanities Faculty** (BA and BSocSc with Law major): Enquiries should be referred to the Student Advisors in the Humanities Faculty. See details in the Humanities Faculty handbook.

### Year Co-ordinators

1st year UG LLB & Preliminary 1:	Associate Professor A Barratt	3083
2nd year UG LLB & Preliminary 2:	Associate Professor C Powell	5103
Intermediate Level:	Associate Professor J Yeats	3069
Final Level:	Associate Professor A Hutchison	5613

### Postgraduate Programme Conveners

Commercial Law	Associate Professor J Yeats	3069
Comparative Law in Africa ( <i>not on offer in 2018</i> )	TBA	
Constitutional and Administrative Law	Professor P De Vos	3079
Criminology, Law and Society	Dr K Moulton	1285
Dispute Resolution	Mr K Bassuday	2959
Human Rights Law	Associate Professor C Powell	5103
Environmental Law	Professor A Paterson	5644
Intellectual Property Law	Associate Professor L-A Tong	5686
International Law	Associate Professor C Powell	5103
International Trade Law	Associate Professor A Ordor	5687



Labour Law	Ms S Singlee	5690
Marine and Environmental Law	Professor A Paterson	5644
Private Law and Human Rights	Associate Professor A M Price	5612
Public Law	Professor P de Vos	3079
Shipping Law	Associate Professor G Bradfield	2676
Tax Law	Ms A Titus	2617
International Taxation	Associate Professor J Hattingh	5883

## Law Students' Council

**Telephone: (021) 6504723**

**Fax: (021) 6505662**

**E-mail address:  
lsc.uct@gmail.com**

President	Naledi Mbaba	<a href="mailto:lsc.president.uct@gmail.com">lsc.president.uct@gmail.com</a>
Vice-President External	Kelly Sease	<a href="mailto:lsc.vp.external@gmail.com">lsc.vp.external@gmail.com</a>
Vice-President Internal	Nthabi Selepe	<a href="mailto:lsc.vp.internal@gmail.com">lsc.vp.internal@gmail.com</a>
Treasurer	Adeeb Moosa	<a href="mailto:lsc.treasurer.uct@gmail.com">lsc.treasurer.uct@gmail.com</a>
Secretary-General	Siyabulela Boto	<a href="mailto:lsc.secretary.uct@gmail.com">lsc.secretary.uct@gmail.com</a>
Transformation Officer	Luyolo Mfithi	<a href="mailto:lsc.transformation@gmail.com">lsc.transformation@gmail.com</a>
Academic Officer	Itumeleng Chaba	<a href="mailto:lsc.academic.uct@gmail.com">lsc.academic.uct@gmail.com</a>
Media & Communications	Thato Gololo	<a href="mailto:lsc.communication@gmail.com">lsc.communication@gmail.com</a>
Student Life	Tanaka Dhombo	<a href="mailto:lsc.studentlife@gmail.com">lsc.studentlife@gmail.com</a>

## Postgraduate Law Students' Council

Chairperson	Gloria Chikaonda	<a href="mailto:chkgl002@myuct.ac.za">chkgl002@myuct.ac.za</a>
Vice Chairperson	Chimwemwe Bwalya	<a href="mailto:bwlchi002@myuct.ac.za">bwlchi002@myuct.ac.za</a>
Secretary General and Academics	Shamila Mpinga	<a href="mailto:mpnsha004@myuct.ac.za">mpnsha004@myuct.ac.za</a>
Treasurer	Julieth Gudo	<a href="mailto:gdxjul002@myuct.ac.za">gdxjul002@myuct.ac.za</a>
Events and Marketing	Faith Tunde-Yara	<a href="mailto:tndfai002@myuct.ac.za">tndfai002@myuct.ac.za</a>

## Professional Qualification

The Qualifications of Legal Practitioners Amendment Act of 1997 provides that the LLB is the universal legal qualification for admission and enrolment as an advocate or attorney. Normally those who wish to enter private practice as advocates are required to become members of a Bar Association by undergoing a period of training in pupillage with a practising member of the Bar and by sitting an admission examination. Before admission as an attorney, an LLB graduate must serve as a candidate attorney with a practising attorney. Attendance at a practical legal training course or performance of community service may reduce the period required to serve articles. Thereafter candidates write a professional examination set by the relevant provincial Law Society. The Act of Parliament regulating admission to practise law is being revised and a new law is expected in the near future, which may change these requirements. Obtaining the LLB does not entitle non-citizens of South Africa to be admitted to practise in this country.

## Language proficiency in the legal profession

There are no statutory language requirements for the practice of law. Language proficiency is, however, very important for the study and practice of law. Prospective lawyers are encouraged, therefore, to include courses in the national languages in their curricula. The four-year undergraduate LLB requires the inclusion of languages in its curriculum.

## Degrees and Diplomas offered in the Faculty

*Unless otherwise indicated, all qualifications are HEQSF aligned but SAQA registration numbers are still awaited for some qualifications.*

<b>Qualification</b>	<b>Abbreviation</b>	<b>Minimum Duration</b>	<b>SAQA ID</b>
Bachelor of Laws (graduate stream)	LLB	3 years	
Bachelor of Laws (undergraduate stream)	LLB	4 years	10695
Postgraduate Diploma in Law	PGDip	1 year	4393
Postgraduate Diploma in Law in Dispute Resolution	PGDip (Dispute Resolution)	1 year	
Postgraduate Diploma in Law in Environmental Law	PGDip (Environmental Law)	1 year	
Postgraduate Diploma in Law in Labour Law	PGDip (Labour Law)	1 year	
Postgraduate Diploma in Law in Marine and Environmental Law	PGDip (Marine and Environmental Law)	1 year	
Postgraduate Diploma in Law in Shipping Law	PGDip (Shipping Law)	1 year	
Postgraduate Diploma in Law in Tax Law	PGDip (Tax Law)	1 year	
Postgraduate Diploma in Law in Criminology, Law and Society	PGDip (Criminology, Law and Society)	1 year	
Master of Laws #	LLM	1 year	10701
Master of Laws in Commercial Law	LLM (Commercial Law)	1 year	93690
Master of Laws in Dispute Resolution	LLM (Dispute Resolution)	1 year	93815
Master of Laws in Environmental Law	LLM (Environmental Law)	1 year	
Master of Laws in Intellectual Property Law	LLM (Intellectual Property Law)	1 year	93688
Master of Laws in International Trade Law	LLM (International Trade Law)	1 year	93689
Master of Laws in International Taxation Masters	LLM (International Taxation)	2 years	
Master of Laws in Labour Law	LLM (Labour Law)	1 year	93671
Master of Laws in Marine and Environmental Law	LLM (Marine & Environmental Law)	1 year	
Master of Laws in Private Law and Human Rights	LM (Private Law & Human Rights)	1 year	
Master of Laws in Shipping Law	LLM (Shipping Law)	1 year	93670
Master of Laws in Tax Law	LLM (Tax Law)	2 years	93669
Master of Philosophy #	MPhil	1 year	
Doctor of Laws (by published work)	LLD	1 year	
Doctor of Philosophy (by thesis)	PhD	2 years	

# *The LLM and MPhil degrees may be taken by coursework and minor dissertation or by dissertation only.*

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## QUALIFICATIONS IN THE FACULTY

The programmes in the Law Faculty are the Basic Legal Education Programme (leading to the LLB degree), the Advanced Legal Education Programme (leading to the LLM degree or a Postgraduate Diploma in Law) and the Practical Legal Education Programme (leading to a Certificate in Legal Practice).

### **Basic Legal Education programme**

The LLB degree provides students with a sound knowledge of the general principles of the South African legal system, and an ability to use legal materials effectively. Graduates should be able critically to assess, interpret and apply the law and have the historical, comparative and jurisprudential background that is essential for a thorough and critical understanding of law and legal institutions.

The courses taken for the LLB are Administrative Law, African Customary Law, Civil Procedure, Commercial Transactions Law, Constitutional Law, Corporation Law, Criminal Law, Criminal Procedure, Evidence, Foundations of South African Law, International Law, Jurisprudence, Labour Law, Law of Contract, Law of Delict, Law of Persons and Marriage, Law of Property, Law of Succession, South African Private Law: System and Context, Quantitative Literacy for Law and optional and research components.

These courses are offered in three streams: a three year graduate LLB stream, a five or six year combined Law and Humanities or Law and Commerce LLB stream, and a four year undergraduate LLB stream.

In each of these streams the courses are graded into three levels.

- At the Preliminary Level the courses acquaint students with both the background to and the foundations of the South African legal system, with legal thinking and analysis, and with an understanding of the role and function of law. In addition, particular attention is paid to reading and writing skills required for the senior courses.
- The Intermediate Level courses provide instruction on a more advanced level in a broad range of core subjects.
- The Final Level completes the degree and students are able to specialise by choosing from a range of optional courses.

Each level of the LLB degree curriculum includes a skills component which forms part of the degree programme and which cumulatively teaches students generic practical skills such as problem solving, analysis, research and communication skills, as well as practical legal skills such as drafting of particular kinds of legal documents and legal argumentation, both written and verbal. In particular, at the Final Level, a compulsory integrated assessment project draws on elements of the skills component and courses studied in the earlier parts of the curriculum. Law students are required in the Intermediate Level to make constructive use of the knowledge and skills they acquire by contributing to the community through Legal Aid, Community Service, Shawco, Rape Crisis, Parliamentary Monitoring Group or similar outreach activities.

### **Graduate LLB stream**

Students enter this stream after having completed a bachelor's degree without law subjects. Students who have done a full degree in another discipline will have had an opportunity to develop their critical and analytical skills in a non-legal environment, and therefore will be equipped to benefit from legal studies.

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### **Five or six year combined Law and Humanities or Law and Commerce LLB stream**

Students enter this stream with the intention of following an undergraduate programme in Law and Humanities or Law and Commerce, leading to a BA, BSocSc or a BCom/BBusSc and thereafter a two year graduate LLB. The objective of a broad-based education is achieved in this stream by including cognate courses which ensure that the student has a thorough grasp of at least one discipline outside of law.

### **Four-year undergraduate LLB stream**

Students enter this stream as matriculants and complete the LLB degree in four years. Humanities courses are included in the curriculum so as to fulfil the objective of providing UCT Law graduates with a well-rounded broad-based legal education.

### **Five-year undergraduate LLB stream**

The undergraduate stream includes the possibility of an extended curriculum for the purpose of accommodating students from educationally disadvantaged backgrounds.

### **Advanced Legal Education programme**

This programme provides an opportunity for law graduates to pursue their academic interests at a higher postgraduate level (towards an LLM or Postgraduate Diploma) or for any other suitably qualified graduate to gain high-level knowledge of a particular field of law (through an MPhil degree) by way of coursework (in a very wide range of subjects) and an associated dissertation.

The Faculty also offers degrees at an advanced level which require satisfactory completion of independent research and writing.

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## DEPARTMENTS IN THE FACULTY

The Departments of the Faculty are located in the Wilfred and Jules Kramer Law School Building, Middle Campus. There are also Research units attached to each of these departments.

\* *Denotes on leave for part or all of the 2018 academic year.*

### **Professor Ad Hominem in the Faculty:**

D P Visser, B Juris LLB LLD *Pret* Dr Jur *Leiden* Advocate of the High Court

### **Honorary Professors in the Faculty:**

D M Davis, BCom LLB *Cape Town* MPhil *Cantab* Judge of the High Court

I Farlam, BA LLB *Cape Town*

K O'Regan, BA LLB *Cape Town* LLM *Sydney* PhD *London*

J Stewart, LLB(Hons) *London* Director of the Women's Law Centre in Zimbabwe

W Trengove, BCom LLB *Pret*

M Weiss, LLB *Freiburg* PhD *Giessen*

### **Adjunct Professors in the Faculty:**

M Judge, BSocSc (Hons) *Cape Town* MA PhD *UWC*

F Ismail, BA LLB *UKZN* MPhil IDS *Sussex* PhD *Manchester*

A Mohamed, BA LLB *Cape Town* Attorney of the High Court

M Shaw, BA BA(Hons) PhD *Witwatersrand*

G White, BA LLB *Cape Town* MA *Oxon* Barrister (Inner Temple)

D Yach, BA LLB *Cape Town* LLM *London* Fellow of the CIPD United Kingdom

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## DEPARTMENT OF COMMERCIAL LAW

### **Professor and Head of Department:**

R le Roux, BJuris LLB *UPE* LLM *Stell* PG Dip (Employment Law and Social Security Law) *Cape Town* LLM *Anglia Polytechnic* PhD *Cape Town* Attorney and Conveyancer of the High Court

### **Professors:**

\*C Ncube, LLB *Zimbabwe* LLM *Cantab* PhD *Cape Town* Legal Practitioner, Notary Public & Conveyancer *Zimbabwe*

A J Rycroft, BA *Rhodes* LLB *Natal* LLM *London* Attorney of the High Court

D Unterhalter, BA (Hons) *Cantab* LLB *Witwatersrand* BCL *Oxon* (Part-time)

### **Emeritus Professors:**

E R Kalula, LLB *Zambia* LLM *London* PhD *Warwick*

J E Hare, BCom LLB *Cape Town* LLM *London* LLD *Cape Town* DipNavigation *City of London Polytechnic* Attorney and Notary Public of the High Court

R D Jooste, BA BCom(Hons) (Taxation) LLB *Cape Town* DCLS LLM *Cantab* Attorney of the High Court

J Kinderlerer, BSc (Hons) *Cape Town* PhD *Cantab*

### **Adjunct Professors:**

A Bosman, BA LLB *Cape Town* LLM *Notre Dame*

N Jeram, BA LLB LLM *Cape Town*

T Madima, BJuris *North* LLM PhD *Essex* EMBA *Cape Town* Advocate of the High Court

E Swanepoel, BA LLB LLM *Cape Town*

## 14 DEPARTMENTS IN THE FACULTY

### Associate Professors:

G Bradfield, BCom LLB *Natal LLM Cape Town* Attorney of the High Court  
\*D Collier, BA LLB *Rhodes LLM PhD Cape Town* Attorney of the High Court  
T L Gutuza, BSocSc LLB Cape Town BA(Hons) LLM Unisa LLM London PhD Cape Town  
Attorney of the High Court  
J Hattingh, BCom LLB *Stell LLM Cape Town LLM Leiden* Advocate of the High Court  
A Hutchison, BA LLB LLM PhD *Cape Town*  
A Ordor, LLB *Jos LLM Nig PhD Cape Town*  
\*L-A Tong, BA(Hons) LLB *Cape Town LLM London LLM Turin PhD Cape Town* Attorney of the  
High Court  
J Yeats, BA LLB LLM *Stell PhD Cape Town* Attorney of the High Court

### Emeritus Associate Professor:

J Hofman, BL LLB *Zimbabwe LPhil Heytrop B Theol LJC Greg* Legal Practitioner *Zimbabwe*  
T S Emslie, SC BA LLB *Witwatersrand BCom(Hons)(Taxation) MBA Cape Town* Advocate of the  
High Court (Part-time)

### Senior Lecturers:

R Bradstreet, BA LLB PGDip (Dispute Resolution) PGDip (Intellectual Property Law) LLM *Cape  
Town* Advocate of the High Court  
E Fergus, BPsych *Stell LLM PhD Cape Town*  
J Franco, BA LLB *Cape Town* Attorney and Notary Public and Conveyancer of the High Court  
K Idensohn, BA LLB *Cape Town LLM Cantab PhD Cape Town* Advocate of the High Court  
K Lehmann, BA LLB *Cape Town LLM Nottingham* Attorney and Conveyancer of the High Court  
M Nkomo, LLB *Wales LLM Pret/UWC* Master of International Law and Economics *Berne,  
Fribourg and Neuchatel*  
\*A L Titus, BCom LLB MCom *Cape Town*

### Lecturers:

K Bassuday LLB *UKZN LLM Cape Town* Attorney of the High Court  
S Buthelezi, LLB LLM *UKZN*, LLM with Merit *UCL* Attorney of the High Court  
\*L Naidoo, LLB *UKZN LLM Cape Town*  
S Singlee, LLB LLM *Cape Town LLM UNSW*  
\*H Stoop, LLB *Pret LLM Stell*  
T Thabane BA Law LLB *Lesotho LLM Pret*

### Adjunct Lecturer

MM Le Roux BA, LLB *Cape Town LLM New York*

### Honorary Research Associate:

T Kruger, BA LLB *Stell PhD Leuven*

### Administrative Officer:

C Elissac, BAdmin(Hons) *UWC*

### Administrative Assistant: Law Service Courses

Vacant

## Centre for Comparative Law in Africa

The Centre for Comparative Law in Africa (CCLA) was established in 2011 to promote the study of comparative law and draw on the strengths of comparative methodology to research into the multifaceted field of law in Africa. The Centre presents an opportunity to develop a discipline that lends itself to optimal application in the pluralistic legal frameworks within which life is lived in

Africa. In its mission to contribute to the development of comparative law in Africa, the strategy of the CCLA is to establish the field at UCT, build capacity in it across the continent through academic programmes, apply comparative law expertise in consultancies and disseminate new knowledge in comparative law in Africa through conferences, publications and professional networks. Its location within the Department of Commercial Law recognises the centrality of comparative law to ongoing efforts at economic integration on the African continent. The CCLA offers an LLM and a postgraduate diploma specialising in Comparative Law and conducts research on a variety of themes that apply the comparative methodology. The CCLA also provides support for Africa-focused doctoral research and undertakes capacity-building programmes in various issues of law in development in Africa that require comparative methods.

**Professor and Chair:**

\*S Mancuso, LLB *Palermo* PhD *Trieste*

**Associate Professor:**

A Oordor, LLB *Jos* LLM *Nig* PhD *Cape Town*

**Adjunct Professor**

F Ismail, BA, LLB *UKZN*; MPhil *IDS Sussex*, PhD *Manchester*

**Postdoctoral Research Fellow**

A Diala, LLB (Hons) *ESUT* LLM *Pret* PhD *Cape Town*

**Administrator:**

P Dhlamini

## **Institute of Development and Labour Law**

The Institute was established at the beginning of 1996 through the merger of the Labour Law Unit (established in 1987) and the Institute of Development Law (established in 1992). It is situated in the Faculty of Law. The objectives of the Institute are to promote research into the law relating to development and labour in Southern Africa, foster links and provide a reference point for scholarship and policy. It convenes conferences, seminars and workshops. It also produces, either independently or as part of joint projects, several publications, including the *Industrial Law Journal* and the *Southern African Development and Labour Monographs*. The Institute also runs postgraduate diplomas in Employment Law and Dispute Resolution as part of the School of Advanced Legal Studies programme.

**Founding Directors:**

C R Thompson (Labour Law Unit, 1987); D P Visser (Institute of Development Law, 1992)

**Professor and Director:**

R le Roux, BJuris LLB *UPE* LLM *Stell* PG Dip (Employment Law and Social Security Law) *Cape Town* LLM *Anglia Polytechnic* PhD *Cape Town* Attorney and Conveyancer of the High Court

**Labour and Enterprise Project Co-ordinator and Senior Researcher:**

S Godfrey, MA PhD *Cape Town*

**Research Associates:**

C Bosch, BA LLB *Stell* LLM *Cape Town*

A Breetzke, BA LLB *Stell* PG Dip (Employment Law and Social Security Law) *Cape Town*

S H Christie, BA(Hons) LLB *Rhodes* Attorney of the High Court

M Clarke, MA PhD *Toronto*

D du Toit, BA LLB *Cape Town* LLD *Leiden* Advocate of the High Court

## 16 DEPARTMENTS IN THE FACULTY

C Fenwick, LLB *Melbourne* LLM *Virginia*

S Gallo, MA *London* PhD *Cape Town*

G Giles, BA *Stell* LLB *UJ*

I Manley, BA LLB *London*

N Ndumo, BA LLB *Lesotho* LLM *Cape Town*

B Rutinwa, LLB *Dar es Salaam* BCL DPhil *Oxon*

R Sikwese, LLB *Malawi* LLM *Indiana*

R van Voore, BA LLB *Cape Town* LLM *London* Attorney of the High Court (Part-time)

D Woolfrey, BA LLB *Natal* Attorney of the High Court

### **Administrator:**

PC Murphy

## **Intellectual Property Unit**

The Intellectual Property Unit (IP Unit) was set up in 2007 as a centre for policy research and teaching in intellectual property law. The IP Research Unit believes that it is important that developing countries participate in the evolution of the Intellectual Property policy and law systems to ensure that any changes take full account of the needs of emerging economies and therefore can benefit them.

The Unit and its members focus on examining the link between IP, innovation, development and public policy. The objective of the Unit is to create a leading IP programme in Africa that translates cutting edge research into excellent teaching and increases the number of highly-skilled African IP experts. Important issues range from the way in which we access and share knowledge to strategies how to commercialise inventions and avoid misappropriation. IP is a key determinant of human development, economic growth and competitiveness; and IP rules impact on various public policy areas including health, research and development, bio-diversity, clean technologies, food security, and education.

### **Founding Director:**

D P Visser, B Juris LLB LLD *Pret* Dr Jur *Leiden* Advocate of the High Court

### **Director:**

T Schönwetter, LLB equivalent *Hamburg* LLM PhD *Cape Town*

### **Unit Staff:**

N Warner, MEd *UWC*

T Hume, NDip (*TUT*)

## **Shipping Law Unit**

The Shipping Law Unit has been in operation since the beginning of 1993. The Unit was set up within the Department of Commercial Law to accommodate part-time and full-time studies in Shipping Law at higher postgraduate level, and to support the Maritime Law option offered to Final Level LLB students. The Shipping Law Unit provides postgraduate and higher postgraduate tuition and research in Admiralty law and practice and in all private law aspects of the law relating to the sea and ships. It serves as an information and advice centre to the shipping industry, and monitors developments in maritime law and policy in South Africa and abroad. The Unit co-operates closely with the Institute of Marine and Environmental Law which handles the public law elements of the Law of the Sea and related subjects.



**Associate Professor and Head:**

G Bradfield, BCom LLB *Natal LLM Cape Town* Attorney of the High Court

**Tax Unit for Fiscal Research**

The Tax Unit for Fiscal Research is an interdisciplinary grouping that draws together academics from UCT's Faculties of Law and Commerce. It was founded in 2015. The Unit's vision is to be Africa's leading academic research unit in fiscal matters; to draw on global knowledge and research networks in developing fiscal knowledge for the benefit of developing countries, particularly the African continent and South Africa; to provide a globally recognised platform for engagement in fiscal matters, with an emphasis on a developing country / BRICS context; to maximise UCT's existing research and teaching capacity in the field of taxation and to develop and retain African expertise within Africa. Several large research projects, consultancy work for government bodies and private entities are all undertaken in the Unit. Academic staff associated with the Unit teach a substantial offering of tax courses across the Faculties of Law and Commerce, as well as organising and participating in conferences, seminars and public engagements. The Unit's activities are supported by a comprehensive cooperation agreement concluded with the International Bureau of Fiscal Documentation (IBFD).

**Director:**

Professor Jennifer Roeleveld

**Unit Staff:**

D April

**Unit Members:**

Professor I Woolard  
 Professor C van Walbeek  
 A/Professor T Gutuza  
 A/Professor J Hattingh  
 A/Professor C West  
 T Johnson  
 M Foster  
 A Titus

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**DEPARTMENT OF PRIVATE LAW****Associate Professor and Head of Department:**

A Barratt, BA(Hons) HDLIS *Cape Town* LLB LLM *Unisa* PhD *Cape Town* (up to 30 June 2018)  
 M Paleker, BA LLB LLM *Cape Town* Attorney of the High Court (from 1 July 2018)

**Distinguished Professor:**

Ph-J Salazar, Ecole Normale Supérieure *Paris*, M Philosophy *Paris-Sorbonne*, M Modern Letters *Paris-Sorbonne*, M Political Science *Paris-Panthéon-Sorbonne*, PhD Social and Cultural Anthropology *Paris-René Descartes*, Doctorat d'Etat Letters and Human Sciences *Paris-Sorbonne*

**Professors:**

\*A J Barnard-Naudé, BCom LLB *Pret* MA *Cape Town* LLD *Pret*  
 \*A G Fagan, BA LLB *Cape Town* MA DPhil *Oxon* (WP Schreiner Chair)  
 D B Hutchison, BCom LLB *Cape Town* PhD *Cantab* Advocate of the High Court (Part-time)  
 H Mostert, BA LLB LLM LLD *Stell* (DST/NRF SAHRChI Research Chair: Mineral Law in Africa)  
 T Naudé, BA LLB LLD *Stell* Attorney of the High Court

## 18 DEPARTMENTS IN THE FACULTY

### **Emeritus Professor:**

C N Himonga, LLB *Zambia* LLM PhD *London*

### **Associate Professors:**

A Barratt, BA(Hons) HDLIS *Cape Town* LLB LLM *Unisa* PhD *Cape Town*

\*L Greenbaum, BA LLB *Natal* MEd(HE) PhD *UKZN*

M Paleker, BA LLB LLM *Cape Town* Attorney of the High Court

A M Price, BBusSc LLB *Cape Town* BCL *Oxon* PhD *Cantab* Advocate of the High Court

### **Emeritus Associate Professor:**

A Pope, LDipLib *Stell* BA LLB *Rhodes* PG Dip Int Res Ethics *Cape Town*

### **Visiting Professor:**

R Evans-Jones, LLB *Aberdeen* PhD *Edinburgh*

### **Lecturers:**

S Fick, LLB LLM *Stell*

K Moshikaro, LLB *UP* BCLMSc *Oxon*

F Osman, BBusSc LLB LLM *Cape Town*

J Wilke, BA LLB *Wits* LLM *Canterbury* Advocate of the High Court

### **Honorary Research Associates:**

E J M Descheemaeker, Maîtrise DEA *Sorb* LLM *Lond* DPhil *Oxon*

F G du Bois, BA LLB *Stell* MA BCL *Oxon*

M L Hewett, BA(Hons) BEd *Cape Town* PhD *Amsterdam*

D Meyerson, BA *Witwatersrand* LLB *Cape Town* BPhil DPhil *Oxon*

B van Heerden, BA LLB *Stell* BA MA *Oxon* Former Judge of the Supreme Court of Appeal

### **Administrative Officer:**

N Campbell

### **Senior Secretary:**

F Mohamed

## **UCT Law Clinic**

The UCT Law Clinic operates as a fully functioning law practice run by a professional staff of experienced practising attorneys who litigate in the District, Regional and High Courts on behalf of indigent people who would otherwise not have access to the law.

Final year students who work at the Law Clinic register for the Legal Practice course (DOL4500F/S) which allows them the opportunity to work as legal advisors under the supervision of the Clinic's attorneys. The students take instruction from clients and learning is largely experiential. Skills learnt include how to consult and communicate with clients, communication and organisational skills, file management, trial advocacy, just to list a few.

The Law Clinic is accredited by the Cape Law Society and adheres strictly to its guidelines with regard to professional conduct. The Law Clinic may be contacted at [uctlawclinic@uct.ac.za](mailto:uctlawclinic@uct.ac.za) or on the following number: 021- 650 3775.

### **Director:**

Y S Moodley, BA HDE LLB LLM *Cape Town* Attorney of the High Court

### **Attorneys:**

M Le Roux BSocSc LLB *Cape Town* Attorney of the High Court of South Africa

L Soopen BA, UHDE,(UDW); FDE (RAU) LLB(UNISA), Attorney of the High Court of South Africa

**Administrative Assistant:**

S Abrahams

## Centre for Rhetoric Studies

The Centre for Rhetoric Studies is located in the Kramer Law Building, Cross Campus Road, Middle Campus. The Centre can be contacted by email: philippe.salazar@uct.ac.za. External Website: [www.rhetoricafrica.org](http://www.rhetoricafrica.org). The Centre was founded in 1995 and remains unique on the African continent where it has pioneered the emergence of rhetoric studies (as mentioned in Blackwell's *International Encyclopaedia of Communication*). It concerns itself with multidisciplinary research in public rhetoric, deliberative democracy and argumentative culture. The Centre engages in three main activities: hosting research fellows, organizing academic conferences and registering postgraduate students (M and PhD). It publishes its findings through the open access journal *African Yearbook of Rhetoric* (<http://africanrhetoric.org/>). Postgraduate and postdoctoral enrollment is supported by a generous grant of the A W Mellon Foundation of New York.

**Director:** Ph-J Salazar, Distinguished Professor in Rhetoric

**AW Mellon Postdoctoral Fellow:** TBA

## DEPARTMENT OF PUBLIC LAW

**Professor and Head of Department:**

D M Chirwa, LLB (Hons) *Malawi* LLM *Pret* PhD *UWC* Practitioner of the High Court of Malawi

**Professors:**

H M Corder, BCom LLB *Cape Town* LLB *Cantab* DPhil *Oxon* Advocate of the High Court

P de Vos, BCom LLB LLM *Stell* LLM *Columbia* LLD *UWC* (Claude Leon Foundation Chair in Constitutional Governance)

L A Feris, BA LLB *Stell* LLM *Georgetown* LLD *Stell*

\*J I Glazewski, BCom LLB MA *Cape Town* LLM *London* LLD *Cape Town* Advocate of the High Court

R Manjoo, BA LLB LLM *Natal* Advocate of the High Court (Part-time)

C M Murray, BA LLB *Stell* LLM *Michigan* (Part-time)

A R Paterson, BSocSc LLB LLM PhD *Cape Town* Attorney of the High Court

P J Schwikkard, BA *Witwatersrand* LLB LLM *Natal* LLD *Stell* Attorney of the High Court

D Smythe, BA LLB *Cape Town* JSM *JSD Stanford*

\*E van der Spuy, BA(Hons) MA *Stell* PhD *Cape Town*

**Emeritus Professors:**

T W Bennett, BA LLB *Rhodes* PhD *Cape Town*

J Burchell, BA LLB *Natal* LLM *Cantab* PhD *Witwatersrand*

M H Cheadle, BA(Hons) *Natal* BProc *Unisa* LLB *Witwatersrand* Advocate of the High Court of South Africa, Advocate of the High Court of Namibia (Part-time)

D J Devine, BA LLB *NUI* LLB *Unisa* LLD *Cape Town* Solicitor of the Supreme Court of Ireland, Advocate of the High Court of Kenya

I Leeman, BA LLB *Stell*

C D Shearing, BSocSc(Hons) *Natal* MA PhD *Toronto* (Senior Scholar)

## 20 DEPARTMENTS IN THE FACULTY

### **Honorary Professors:**

J Dugard, BA LLB *Stell* LLB LLD Dip International Law *Cantab*  
W Trengove, BComm LLB *Pret*

### **Associate Professors:**

\*W Amien, BA LLB *Cape Town* LLM *UWC* PhD *Ghent* Attorney of the High Court  
C Powell, BA LLB *Cape Town* LLM *Humboldt* SJD *Toronto*  
\*R Calland, BA(Hons) LLB *Dunelm* LLM *Cape Town* Dip World Politics *London*

### **Senior Lecturers:**

S Lutchman, LLB *UKZN* LLM *NYU*  
\*K Phelps, BA BSocSc(Hons) *Cape Town* BA (Law) MA LLM *Cantab*  
\*H Woolaver, LLB *Dunelm* BCL *Oxon* PhD *Cantab*

### **Lecturers:**

L Kohn, LLB LLM *Cape Town*  
AZ Mkhonza, LLB *UFS* LLM *Kwazulu-Natal*  
P Ntliziywana, LLB LLM *UWC*  
J Omar, LLB LLM *Cape Town* Attorney of the High Court

### **Honorary Research Associates:**

L W H Ackermann, BA LLB *Stell* MA *Oxon* LLD (hc) *Stell* Honorary Fellow Worcester College Oxford, Emeritus Justice Constitutional Court of South Africa  
C Darch, BA *Oxon*ALA (Library and Information Science) *Northwestern Polytechnic* PhD *Bradford*  
S Jagwanth, BA LLB LLM *UKZN*  
D C Nel, MPhil MSc PhD *Cape Town*  
M F Osborne, BA LLB *Witwatersrand* LLM *Notre Dame* Advocate of the High Court of South Africa, Member of New York and Cape Bars

### **Administrative Officer:**

D Mwambala

### **Senior Secretary:**

R Francke

The Department of Public Law offers degrees in both the Faculty of Law and the Faculty of Humanities. The Centre for Law and Society, the Democratic Governance and Rights Unit, the Land and Accountability Research Unit, the Institute of Marine and Environment Law, the Institute for Safety Governance and Criminology and the Refugee Rights Unit are all linked to the Department of Public Law.

The Department of Public Law and most of its research units are housed in the Kramer Law Building, 5th and 6th Levels, on Middle Campus.

The letter code for the Department is PBL.

The Department can be contacted by email at [Rene.Francke@uct.ac.za](mailto:Rene.Francke@uct.ac.za).

## **Centre for Law and Society**

The Centre is an innovative and multi-disciplinary hub located in the Law Faculty at UCT, which strives to be a place where scholars, students and activists engage critically with, and work together on, the challenges facing contemporary South Africa and Africa at the intersection of law and society. Through socio-legal research, teaching and critical exchange, the centre aims to shape a new

generation of lawyers, scholars, practitioners and activists working at the law and society interface, and to build the field of responsive and relevant legal theory, scholarship and practice. The Centre is committed to social justice, constitutionalism and transformation, and aims to provide an interactive space to collaborate on solutions to pressing social injustices, and to incubate ideas and projects to promote justice. The Centre hosts a vibrant mix of young and established researchers, working across a range of disciplines, including development studies, law, anthropology and history, and we actively support the work of public intellectuals.

In 2014, a postgraduate Programme in Criminology, Law and Society was launched, in partnership with the Centre for Criminology, to train the next generation of scholars concerned with issues of law and society in Africa.

**Director:**

K Moul, BSocSc *Cape Town* MA *George Washington University* PhD *American University*

**Deputy Director and Researcher**

D Jefthas, BSocSc(Hons) MSocSc *Cape Town*

**Researchers**

N Luwaya, BA LLB *Cape Town*

**Hub Co-ordinator**

V Jere, BSocSc LLB LLM *Cape Town*

**Research Assistants:**

J Diala, LLB(Hons) *Madonna* PGDip *Nigerian Law School* LLM *Cape Town*

C Maimela, BA *Cape Town*

K Maphalle, LLB *University of Venda* MPhil(African Customary Law) *Cape Town*

Y Ndamase, LLB *University of Fort Hare*

R Nekura, LLB *Moi* PGDip (Legal Practice) *Kenya School of Law* LLM *Cape Town*

R Nyirongo, LLB *Nelson Mandela Metropolitan University* LLM *Cape Town*

**Research Associates:**

M Judge, BSocSc(Hons) *Cape Town* MA PhD *UWC*

D Smythe, BA LLB *Cape Town* JSM JSD *Stanford*

**Finance Officer/Administrator:**

J Thomas

## **Democratic Governance and Rights Unit (DGRU)**

Our vision is of a socially just Africa, where equality and constitutional democracy are upheld by progressive and accountable legal systems, enforced by independent and transformative judiciaries anchored by a strong rule of law.

Our mission is to advance social justice and constitutional democracy in Africa by:

- Conducting applied and comparative research;
- Supporting the development of an independent, accountable and progressive judiciary;
- Promoting gender equality and diversity in the judiciary and in the legal profession;
- Providing free access to law; and
- Enabling scholarship, advocacy and online access to legal information.

## 22 DEPARTMENTS IN THE FACULTY

### **Co-Directors:**

H M Corder, BCom LLB *Cape Town* LLB *Cantab* DPhil *Oxon* Advocate of the High Court  
V Karth, BA(Hons) MPhil *Cape Town*

### **Senior Researcher:**

C Oxtoby, BSocSc LLB *Cape Town* LLM *NYU* Attorney of the High Court  
T Masengu, LLB *Rhodes* LLM *LSE* Attorney of the High Court

### **Professional Staff**

Operations Manager: C Pillay

Policy and advocacy  
lead: Vacant

Content Editors : S Mrwashu, BSc PGDip (Library and Information Science) *Cape Town*

I Papp, BA LLB PGDip(Library and Information Science) *Cape Town*

ICTS Lead : A Mahlangu, BSc *Cape Town* PGDip (Mathematics) *Stell*

## **Institute of Marine and Environmental Law (IMEL)**

The Institute of Marine and Environmental Law offers courses and research supervision for postgraduate students in Environmental Law and aspects of the Law of the Sea; monitors developments in Environmental Law and Law of the Sea and at both the international level and in the Southern African context. Its functions include keeping interested parties, in both the public and private sectors, informed of these developments; publishing from time to time substantial articles of an academic nature as monographs or occasional papers; providing opinions and undertaking research projects on a fee-paying basis when commissioned to do so; building up library and reference centres on Environmental Law and the Law of the Sea; and providing such incidental lectures on these subjects as may be required by the University or outside interests.

### **Professors:**

\* Glazewski, BCom LLB MA *Cape Town* LLM *London* LLD *Cape Town* Advocate of the High Court

A R Paterson, BSocSc LLB LLM PhD *Cape Town* Attorney of the High Court

### **Emeritus Professor:**

D J Devine, BA LLB *NUI* LLB *Unisa* LLD *Cape Town* Solicitor of the Supreme Court in Ireland, Advocate of the High Court of Kenya

### **Lecturer:**

AZ Mkhonza, LLB *UFS* LLM *Kwazulu-Natal*

### **Senior Secretary:**

PC Murphy

## **Institute for Safety Governance and Criminology (SafGo) (previously Centre for Criminology)**

The Institute for Safety Governance and Criminology (SafGo) was established in 2017 as interdisciplinary institute bringing together the Safety and Violence Initiative, the Centre of Criminology, the Graduate School of Development Policy and Practice, and the Global Risk Governance Programme. It aims to develop a multi-disciplinary research and teaching hub focused on safety promotion and violence prevention within global and local contexts. The Institute is

pioneering a new concept of safety governance that focuses on enhancing the development and well-being of people, and the societies in which they live, through the appropriate management and allocation of resources that promote safety in an increasingly complex and challenging policy environment. The focus of the Institute will thus be on safety governance at all levels: on campus, in cities, countries, regionally and globally. SafGo currently employs a core team of staff members, but also draws on the expertise of numerous UCT academics that specialise in violence prevention and community safety.

**Co-Director:**

G Lamb, BSocSc(Hons) MSocSc PhD *Cape Town*

**Professor:**

\*E van der Spuy, BA(Hons) MA *Stell* PhD *Cape Town*

**Emeritus Professor:**

C D Shearing, BSocSc(Hons) Natal MA PhD *Toronto (Senior Scholar)*

**Researchers**

N Mngqibisa, BA Hons *UWC* MA *Cape Town*

A Netshikulwe, BSocSc(Hons) MSocSc PGDip *Cape Town*

L October, BA(Hons) MA *Stell*

M Skade, BA *UWC* PGDip *Cape Town* Dip (Advance Project Management) *Damelin Group*

G Warton, BSc(Hons) MPhil *Cape Town*

**Research Associate:**

D H Pinnock, BA MA *Cape Town* PhD *Rhodes*

**Operations Manager**

L Mota

**Administrative Assistant**

L Collins

## Land and Accountability Research Centre (LARC)

LARC is a research and advocacy unit concerned with power relations, and the impact of national laws and policy in framing the balance of patriarchal and autocratic power within which rural women and men struggle for democratic change at the local level. There has recently been a push from government to introduce laws and policies giving traditional leaders unaccountable powers over “subjects” living in the former homeland areas of South Africa. The objective is to hold back traditional leadership laws that threaten rural democracy and propose alternative laws and policies that promote rural democracy and are consistent with living law.

**Director:**

A Claassens, BA *Cape Town* BA(Hons) *Witwatersrand* PhD *Roskilde*

**Senior Researchers:**

B Boyle

M de Souza Louw, LLB LLM *Cape Town*

**Researchers:**

T Duda BSocSc(Hons) *Cape Town*

P Ndinisa LLB *Fort Hare*

P Ntuli BSocSc(Hons) *Pretoria* MSocSci *Pretoria*

## 24 DEPARTMENTS IN THE FACULTY

N Sihlali BSocSc *Witwatersrand* BSocSci(Hons) *Rhodes* MSocSc *Witwatersrand*  
A Motala LLB *KwaZulu-Natal* LLM *KwaZulu-Natal*  
M Muroa BA *Stellenbosch* BCOM(Hons) *Stellenbosch*

### **Research Associates:**

T Nhlapo, BA *UBLS* LLB(Hons) *Glasgow* DPhil *Oxford*  
J Bellamy BA LLB *Witwatersrand*  
J Ubink LLB *Leiden* PhD *Leiden*  
S Gumbi  
S Mnisi-Weeks BA *Cape Town* LLB *Cape Town* PhD *Oxford*  
M Clark LLB *Stellenbosch*  
T Weinberg BA(Hons) *Cape Town* MA *Chicago*

### **Research Assistant:**

N Karimakwenda BA *Wellesley College* JD *Northeastern University* MA *Yale*

### **Administrative Officer:**

A Wilkinson BA *NMMU* BA(Hons) *NMMU* MA *NMMU*

### **Finance Administrative Officer:**

L George

## **Refugee Rights Unit**

The work of the Refugee Rights Unit has four major aspects to it: it is a legal practice registered with the Cape Law Society; it performs an academic function by teaching and conducting research and it provides training to government officials, the judiciary as well as various other stakeholders.

The Refugee Rights Unit teaches 3 courses at the university: A Refugee Law and Immigration Law and Public Interest Law course to the final year LLB students as an elective; a Refugee Law and Human Rights course to the LLM class The Unit's teaching component includes the direct supervision of undergraduate and graduate level research work in the field of refugee and immigration law. Students who take courses with the Unit often engage with the most current issues facing refugees and asylum seekers in South Africa, including those involved in the strategic litigations undertaken by the Practice. Students are also encouraged to volunteer at the Refugee Law Clinic in order to gain practical experience and fulfil community service requirements. The Unit hosts between 50 to 60 students for community service every year.

The legal practice provides the Unit with a close link to the practical application of refugee law in South Africa and therefore directly informs and supports the Unit's teaching activities and research outputs. As experts and practitioners in the area of refugee law, immigration law, migration and policy the Unit produces academic articles and research in the area of refugee protection and migration with a particular focus on forced migration.

The Unit produced a textbook in Refugee Law in South Africa and is in the process of completing a book on South Africa's Immigration Laws. The Working Paper Series ([http://www.refugeerights.uct.ac.za/research/working\\_papers/](http://www.refugeerights.uct.ac.za/research/working_papers/)) publishes the research reports of the Refugee Rights Unit, occasional papers of the Unit members and versions of some of the papers presented by the Refugee Rights Unit members. A key focus of the Working Papers is the promotion of the rights of refugees in South Africa and the Global South.

The Unit remains not only committed to directly assisting refugees and asylum seekers but also to teaching and engaging in research which can be used to promote and further the law in this area and as an advocacy tool in the future. Further details on the Refugee Rights Unit may be obtained from



the Refugee Rights Unit, Department of Public Law, Faculty of Law, University of Cape Town, Private Bag X3, Rondebosch, 7701, Telephone +27 21 650 5632, Fax: +27 21 650 4107 or Web: <http://www.refugeerights.uct.ac.za>

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## BRAND VAN ZYL LAW LIBRARY

**Section Manager:**

S Keraan, BA(Hons) *Unisa* BBibI(Hons) *Cape Town*

**Information Services Librarian:**

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**Junior Librarian:**

E Moll-Willard, LLB *Stell* PGDipLIS *Cape Town*

**Senior Library Assistant:**

T Sotshonondo, LLB *UWC* PGDipLIS *Cape Town*

**Library Assistant:**

Z Jaffer

The Brand Van Zyl Law Library is located in the Wilfred & Jules Kramer Law School building and has South African, foreign, international and comparative legal materials, including monographs, law reports, statutes and journals. It also offers electronic resources, including indexes and full-text databases of case law, statutes and journal articles.

The Brand van Zyl antiquarian collection, reputedly the finest outside Europe and the USA, comprises about 5,000 volumes chiefly on Roman-Dutch Law, including many 17th- and 18th-century legal works.

The facilities include the Postgraduate Research Commons, the computer Training Room, private and group study carrels, and multifunctional printers. It has 350 seating spaces, 90 computers, and power and data sockets for 30 laptops. Students can access our electronic resources on and off campus, the internet and word processing software.

The library offers a reference service in person and electronically, on-line quizzes, Libguides, Faculty research guides and Youtube videos. Students can also access the RefWorks and EndNote bibliographic management tools. The library offers a current awareness service to academics and students via Legalbrief.

## Computer Resources

The Law Faculty believes that all its graduates should be computer literate and must know how to use the Internet and electronic legal resources for research and communication. Each and every student registered in the Faculty has a UCT email account, along with the use of the computers in the Law Faculty email bar in the Kramer Law building (on level 2) and in the Brand Van Zyl Law Library (level 2 and 1). Among the facilities available to students are word-processing for assignments, internet and email, and access to a range of South African and international electronic legal databases.

Students in the Faculty are offered training in general computer knowledge and word processing skills, also in the use of a wide range of electronic legal resources, such as LexisNexis and Jutastat. Many of these resources are listed on the Law Library's homepage at <http://www.lib.uct.ac.za/law>

The Law Faculty has a comprehensive website which gives details about degrees and courses offered in the Faculty, about the staff and their teaching and research, and about the Brand Van Zyl Law Library and the services offered.

The Law Faculty homepage also supports the Constitutional Assembly Database of information relating to the drafting of South Africa's 1993 and 1996 Constitutions. Visit the Law Faculty's homepage at [www.law.uct.ac.za](http://www.law.uct.ac.za)

# COURSES IN THE FACULTY

## STRUCTURE OF COURSE CODES

Every course described in this Handbook has a course name and a corresponding course code. The code structure is uniform, and it gives important information about the course. Each code, e.g. DDD1nnnS, has eight characters, where

DDD	first 3 letters of the code denote the name of the Department offering the course
1	is a number representing the year of study in which the course is usually taken
nnn	is a 3 character number that identifies the course uniquely
S	is a single alpha character, specifying the time period during which the course is offered

The following are used:

F	first semester course
H	half course taught over whole year
Q	first semester distance course
R	second semester distance course
S	second semester course
W	full course, year long
X	research task
Z	non-standard period

The following examples show how this works:

<b>RDL2002H</b>	Law of Property
RDL	designates a Private Law course
2	designates a second year course
002	character number unique to course
H	designates a half course, over the whole year
<b>PBL4604F</b>	Social Justice and the Constitution
PBL	designates a Public Law course
4	designates a fourth year course
604	character number unique to course
F	designates a first semester course

## LECTURE PERIODS

1	08:00 - 08:45	Meridian	13:00 - 13:45
2	09:00 - 09:45	6	14:00 - 14:45
3	10:00 - 10:45	7	15:00 - 15:45
4	11:00 - 11:45	8	16:00 - 16:45
5	12:00 - 12:45	9	17:00 - 17:45

## Dean of Law

DOL3000X	Moot Competition
DOL3001X	Community Service
DOL3002X	Intermediate Year Skills Component
DOL4000H	Integrative Assessment Project

*Lectures and examination electives: Final Level LLB*

DOL4500F/S	Legal Practice
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*Seminars and research paper electives: Final Level LLB*  
 DOL4501S Law, Democracy and Social Justice

### **Department of Commercial Law**

CML3001W Corporation Law CML4004S  
 Labour Law - LLB  
 CML4006W Commercial Transactions Law

*Lectures and examination electives: Final Level LLB*

CML4501F Dispute Resolution  
 CML4502F Insurance Law  
 CML4503F Intellectual Property Law A  
 CML4504S Intellectual Property Law B (*Not offered in 2018*)  
 CML4505F International Trade and Maritime Law (*Not offered in 2018*)  
 CML4506F Tax Law A  
 CML4507S Tax Law B  
 CML4508S Trusts and Estate Planning  
 CML4509S Ways of Doing Business

*Seminars and-research paper electives: Final Level LLB*

CML4401H Independent Research Option  
 CML4601F Theory and Practice of Commercial Regulation and Governance  
 CML4602S Competition Law  
 CML4603S Banking Law  
 CML4604F Current Developments in Company Law  
 CML4605F Law, Development, Labour and Social Policy (*not offered in 2018*)  
 CML4606H Moot Caput

*Undergraduate courses (for students from other faculties)*

CML1001F Business Law I  
 CML1004S Business Law I  
 CML2001F Company Law  
 CML2005F Labour Law UG  
 CML2010S Business Law II  
 CML4607Z Law for Engineers

*Postgraduate Diploma courses*

CML4613S Collective Labour Law  
 CML4615W Practical Tax Tasks  
 CML4624F Admiralty Jurisdiction and Practice  
 CML4625F Maritime Law  
 CML4626S Carriage of Goods by Sea  
 CML4631S Mediation  
 CML4641S Commercial Arbitration  
 CML4651F Individual Employment Law  
 CML4661F General Tax Law Provisions  
 CML4661S Specific Tax Law Provisions  
 CML4671F Negotiation  
 CML4673S International Commercial Transactions Law  
 CML4676S Workplace Discrimination and Equality Law  
 CML4693S Marine Insurance Law

### 30 COURSES IN THE FACULTY

#### *Higher postgraduate courses*

CML5601F	Advanced Company Law
CML5613S	Collective Labour Law
CML5619F	The Law of International Trade
CML5624F	Admiralty Jurisdiction and Practice
CML5625F	Maritime Law
CML5626S	Carriage of Goods by Sea
CML5631S	Mediation
CML5641S	Commercial Arbitration
CML5651F	Individual Employment Law
CML5654S	Competition Law
CML5657F	Electronic Intellectual Property Law
CML5658S	Electronic Transactions Law ( <i>not on offer in 2018</i> )
CML5661F	General Tax Law Provisions
CML5661S	Specific Tax Law Provisions
CML5663W	Advanced Tax Law
CML5664F	Law and Regional Integration in Africa: Comparative Perspective
CML5671F	Negotiation
CML5672S	The Legal Aspects of Corporate Financing Structures
CML5673S	International Commercial Transactions Law
CML5676S	Workplace Discrimination and Equality Law
CML5677F	Islamic Law and Finance ( <i>not on offer in 2018</i> )
CML5678F	Principles of Intellectual Property Law
CML5680S	Advanced Intellectual Property Law
CML5683F	Comparative Legal Systems ( <i>not on offer in 2018</i> )
CML5684F	African Law ( <i>not on offer in 2018</i> )
CML5685F	Common Law ( <i>not on offer in 2018</i> )
CML5686S	Civil Law ( <i>not on offer in 2018</i> )
CML5687S	Chinese Law and Investments in Africa ( <i>not on offer in 2018</i> )
CML5691S	Intellectual Property Law, Development and Innovation
CML5692F	Company Law, Corporate Governance and Labour Law
CML5693S	Marine Insurance Law
FTX4036S	Research Methods in Taxation
FTX5034F	International Tax
FTX5033S	International Tax II

#### *Thesis, dissertation*

CML5600W	Masters in Commercial Law
CML5606W	Masters in Commercial Law Dissertation Part
CML5611W	Masters in Tax Law Dissertation Part
CML5614W	Masters in Labour Law Dissertation Part
CML5616W	Masters in Shipping Law Dissertation Part
CML5632W	Masters in Dispute Resolution Dissertation Part
CML5674W	Masters in International Trade Law Dissertation Part
CML5681W	Masters in Intellectual Property Law Dissertation Part
CML5688W	Masters in Comparative Law in Africa Dissertation Part
CML5694W	Masters in International Taxation Dissertation Part
CML6700W	PhD in Commercial Law
CML6701W	LLD in Commercial Law (Thesis)
CML6702W	LLD in Commercial Law (Published Work)

*Research project codes for Professional Master's*

CML5000X	Commercial Law - Research Task
CML5601X	Advanced Company Law – Research Task
CML5613X	Collective Labour Law – Research Task
CML5619X	The Law of International Trade – Research Task
CML5624X	Admiralty Jurisdiction and Practice – Research Task
CML5625X	Maritime Law – Research Task
CML5626X	Carriage of Goods by Sea – Research Task
CML5631X	Mediation – Research Task
CML5641X	Commercial Arbitration – Research Task
CML5651X	Individual Employment Law – Research Task
CML5654X	Competition Law – Research Task
CML5657X	Electronic Intellectual Property Law – Research Task
CML5658X	Electronic Transactions Law – Research Task ( <i>not on offer in 2018</i> )
CML5660X	Tax Law – Research Task
CML5661X	Tax Law – Research Task
CML5662X	Advanced Tax Law – Research Task
CML5663X	Advanced Tax Law – Research Task
CML5664X	Law and Regional Integration in Africa – Research Task
CML5671X	Negotiation – Research Task
CML5672X	The Legal Aspects of Corp Financing Structures – Research Task
CML5673X	International Commercial Transactions Law – Research Task
CML5676X	Workplace Discrimination and Equality Law – Research Task
CML5677X	Islamic Law and Finance – Research Task ( <i>not on offer in 2018</i> )
CML5678X	Principles of Intellectual Property Law – Research Task
CML5680X	Advanced Intellectual Property Law – Research Task
CML5687X	Chinese Law and Investments in Africa – Research Task ( <i>not on offer in 2018</i> )
CML5691X	Intellectual Property Law, Development and Innovation – Research Task
CML5692X	Company Law, Corporate Governance and Labour Law – Research Task
CML5693X	Marine Insurance Law – Research Task

**Department of Private Law**

RDL1003W	Foundations of South African Law
RDL1004H	South African Private Law: System and Context
RDL1006W	Foundations of South African Law (Extended Curriculum)
RDL1007H	South African Private Law: System and Context (Extended Curriculum)
RDL1008H	Law of Persons and Family
RDL1009H	Law of Persons and Family (Extended Curriculum)
RDL2002H	Law of Property
RDL2003H	Law of Succession
DOL3003H	African Customary Law
RDL3003H	Law of Delict
RDL3005W	Law of Contract
RDL3006H	Jurisprudence
RDL4008H	Civil Procedure

*Lectures and examination electives: Final Level LLB*

RDL4501S	HIV/Aids, Bioethics and the Law ( <i>not offered in 2018</i> )
RDL4504S	South African Mineral Law: Theory, Context and Reform
RDL4505F	The Law of Cession
RDL4507F	Conflict of Laws

## 32 COURSES IN THE FACULTY

### *Seminars and research paper electives: Final Level LLB*

RDL4401H	Independent Research Option
RDL4601F	Advanced Property Law: Capita Selecta
RDL4602S	Civil Justice Reform
RDL4603F	Jurisprudence and South African Law ( <i>not offered in 2018</i> )
RDL4604S	Law and Post-Apartheid Literature
RDL4605F	Legal Pluralism, Religion, Culture and Human Rights ( <i>not offered in 2018</i> )
RDL4606F	Private Law and Human Rights ( <i>not offered in 2018</i> )
RDL4608S	The South African Law of Delict in Theoretical and Comparative Perspective ( <i>not offered in 2018</i> )
RDL4609H	Moot Caput

### *Exchange programme courses*

RDL1003F	Foundations of South African Law (Part A)
RDL1003S	Foundations of South African Law (Part B)

### *Postgraduate Diploma Courses*

RDL4624F	Human Rights and Private Law
RDL4625F	Property Law in a Constitutional Order
RDL4630S	Comparative Mineral Law in Africa
RDL4631S	Negotiation of mining contracts
RDL4632F	Oil and Gas Law in South Africa

### *Higher postgraduate courses*

RDL5620S	Advanced Contract Law RDL5624F Human Rights and Private Law
RDL5625F	Property Law in a Constitutional Order
RDL5626S	Human Rights, Gender, and Family
RDL5627S	Delict, Unjustified Enrichment, and Human Rights
RDL5630S	Comparative Mineral Law in Africa
RDL5631S	Negotiation of mining contracts
RDL5632F	Oil and Gas Law in South Africa

### *Thesis and dissertation codes*

RDL5606W	Masters in Private Law
RDL5607W	Masters in Rhetoric Studies
RDL5628W	Masters in Private Law and Human Rights Dissertation Part
RDL6700W	PhD in Private Law
RDL6703W	PhD in Rhetoric Studies
RDL6701W	LLD in Private Law (Thesis)
RDL6702W	LLD in Private Law (Publication)

### *Research project codes for Professional Master's*

RDL5000X	Private Law - Research Task
RDL5620X	Advanced Contract Law – Research Task RDL5624X Human Rights and Private Law – Research Task
RDL5625X	Property Law in a Constitutional Order – Research Task
RDL5626X	Human Rights, Gender, and Family – Research Task
RDL5627X	Delict, Unjustified Enrichment and Human Rights - Research Task
RDL5630X	Comparative Mineral Law in Africa – Research Task
RDL5631X	Negotiation of mining contracts -Research Task
RDL5632X	Oil and Gas Law in South Africa - Research Task



**Department of Public Law**

PBL2000W	Constitutional Law
PBL2002W	Constitutional Law (Extended Curriculum)
PBL3001H	International Law
PBL3801W	Criminal Law
PBL4001W	Administrative Law
PBL4801F	Evidence
PBL4802F	Criminal Procedure

*Lectures and examination electives: Final Level LLB*

PBL4111S	Public Interest Litigation
PBL4501F	Criminology: Selected Issues ( <i>not offered in 2018</i> )
PBL4502F	Environmental Law
PBL4503F	European Union Law
PBL4504F	International Criminal Law and Africa
PBL4505F	International Human Rights Law and the Constitution
PBL4506F	Refugee and Immigration Law
PBL4507F	Introduction to Forensic Sciences and the Law ( <i>not offered in 2018</i> )
PBL4508F	Local Government Law

*Seminars and research paper electives: Final Level LLB PBL4401H*

	Independent Research Option (Public Law)
PBL4402H	Independent Research Option (Criminal Justice)
PBL4601S	Constitutional Litigation
PBL4602F	Criminal Justice and the Constitution
PBL4604F	Social Justice and the Constitution
PBL4605F	Women and Law
PBL4606H	Moot Caput

*Exchange programme courses*

PBL2000F	Constitutional Law (Part A)
PBL3001F	International Law (Part A)
PBL3801F	Criminal Law (Part A)

*Undergraduate Criminology course (for Humanities students only)*

PBL2800F	Crime and Deviance in South African Cities
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*Science Master's in Climate change and sustainable development (for Science students only)*

PBL5045S	Environmental Law for Non-Lawyers
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*Postgraduate Diploma courses*

PBL4607F	International Law of the Sea
PBL4618S	International Law on Disputes and the Use of Force
PBL4615F	International Law in Theory and Practice
PBL4619S	International Environmental Law
PBL4623F	Governing under the Constitution: Law and Practice
PBL4631F	International Protection of Human Rights
PBL4640F	Principles of Environmental Law
PBL4641F	Land Use Planning Law
PBL4642S	Natural Resources Law

### 34 COURSES IN THE FACULTY

PBL4643S	Pollution Law
PBL4658S	Administrative Justice and Open Government
PBL4659S	Human Rights, Legal Pluralism, Religion and Culture ( <i>not offered in 2018</i> )
PBL4660S	Issues in Crime and Justice: Organised Non-State Violence in Africa
PBL4808S	International Criminal Law
PBL4815S	Punishment and Human Rights
PBL4820F	Theories of Crime and Social Order
PBL4822S	Victims and Victimology: Theory, Policy and Practice ( <i>not offered in 2018</i> )
PBL4844S	Police and Policing: Explorations in Security Governance
PBL4847S	Forensics and the Law
PBL4849F	Law in Action – Research Methods

#### *Higher postgraduate courses*

PBL5602F	International Law of the Sea
PBL5615F	International Law in Theory and Practice
PBL5618S	International Law on Disputes and the Use of Force
PBL5619S	International Environmental Law
PBL5623F	Governing under the Constitution: Law and Practice
PBL5628S	International Rights of the Child
PBL5631F	International Protection of Human Rights
PBL5640F	Principles of Environmental Law
PBL5641F	Land Use Planning Law
PBL5642S	Natural Resources Law
PBL5643S	Pollution Law
PBL5651F	International Protection of Women's Human Rights
PBL5653F	Refugee Law and Human Rights
PBL5658S	Administrative Justice and Open Government
PBL5659S	Human Rights, Legal Pluralism, Religion and Culture ( <i>not offered in 2018</i> )
PBL5660S	Issues in Crime and Justice: Organised Non-State Violence in Africa
PBL5661S	Litigating the South African Bill of Rights
PBL5807S	International Criminal Law
PBL5815S	Punishment and Human Rights
PBL5820F	Theories of Crime and Social Order
PBL5822S	Victims and Victimology: Theory, Policy and Practice ( <i>not offered in 2018</i> )
PBL5844S	Police and Policing: Explorations in Security Governance
PBL5847S	Forensics and the Law PBL5848F
	Law and Society in Africa
PBL5849F	Law in Action – Research Methods

#### *Thesis, dissertation and research paper codes*

PBL5600W	Masters in Public Law
PBL5601W	Masters in Public Law Dissertation Part
PBL5602W	Masters in Constitutional and Administrative Law Dissertation Part
PBL5624W	Masters in Marine and Environmental Law Dissertation Part
PBL5625W	Masters in Constitutional Law Dissertation Part
PBL5626W	Masters in Human Rights Law Dissertation Part
PBL5627W	Masters in International Public Law Dissertation Part
PBL5654W	Masters in Environmental Law Dissertation Part
PBL5800W	Masters in Criminology
PBL5809W	Masters in Criminal Justice
PBL5850W	Masters in Criminology, Law and Society Dissertation Part
PBL6700W	PhD in Public Law PBL6701W
	LLD in Public Law (Thesis)
PBL6702W	LLD in Public Law (Published Work)

PBL6703W	PhD in Criminal Justice
PBL6704W	PhD in Criminology

*Research project code for Professional Master's*

PBL5000X	Public Law - Research Task
PBL5602X	International Law of the Sea – Research Task
PBL5619X	International Environmental Law – Research Task
PBL5640X	Principles of Environmental Law – Research Task
PBL5641X	Land Use Planning Law – Research Task
PBL5642X	Natural Resources Law – Research Task
PBL5643X	Pollution Law – Research Task
PBL5658X	Administrative Justice and Open Government – Research Task

**Courses offered by other departments**

*Elective courses: Final Level LLB*

PTY4008S	Medicina Forensis
SLL1134H	isiXhosa for Law ( <i>not offered in 2018</i> )
SLL1135H	Afrikaans Communication for Law ( <i>not offered in 2018</i> )

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## RULES FOR LLB DEGREE STREAMS

The following are rules for specific study programmes in the Faculty. They must be read in conjunction with the general rules for degrees and diplomas in Book 3: General Rules and Policies of the University of Cape Town.

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**NOTE:** *The rules in this section apply to all students who registered for the LLB for the first time in 2012 or who repeated the preliminary year in 2012. Students who registered for the LLB for the first time up to and including 2011 should refer to Rules for LLB Degree Streams (up to 2011) in the 2015 Law Faculty Handbook.*

### Admission and Curriculum Rules

The Basic Legal Education Programme is offered in three streams:

- (a) the three year graduate LLB
- (b) the two year graduate LLB
- (c) the four year undergraduate LLB

Admission requirements for these streams as well as for the combined Law and Humanities and Law and Commerce LLB streams may be found in Book 1: *Undergraduate Prospectus*.

### Transferring students

#### Internal

A UCT student who has not been excluded from another faculty within UCT may be considered for admission to the Faculty of Law for the purpose of taking or completing the LLB degree, provided the applicant satisfies the requirements for admission to the degree programme into which the student would be transferring. Successful applicants may be granted credits or exemptions or both for courses already completed, up to a maximum of four full courses (or the equivalent).

#### External

A non-UCT student who has not been excluded from another university may be considered for admission to the Faculty of Law, provided the applicant satisfies the requirements for admission to the degree programme into which the student would be transferring. Successful applicants may be granted credits or exemptions or both for courses already completed, up to a maximum of four full courses (or the equivalent). Credits and exemptions will only be granted for courses completed at another institution if the Faculty is satisfied that the courses taken elsewhere are substantially equivalent, in both content and standard, to the courses offered at UCT. Such transferring students will be required to complete the remaining courses prescribed for the degree at this University over a period of not less than two years.

### Duration of the streams of the Basic Legal Education programme

- FP1      Subject to the provisions that follow, the curriculum for the four year undergraduate stream of the Basic Legal Education programme will extend over four years; the curriculum for the five year undergraduate curriculum stream will extend over five years.
- FP2      Subject to the provisions that follow, the curriculum for the three year graduate stream of the Basic Legal Education programme will extend over three years.

FP3 Subject to the provisions that follow, the curriculum for the two year graduate stream of the Basic Legal Education programme will extend over two years.

## Curriculum Requirements:

### Graduate LLB Stream [LP001]

FP4.1 The courses prescribed for the graduate LLB stream are:

#### First Year YEAR 1 (PRELIMINARY LEVEL)

Code	Course	NQF Credits	HEQSF Level
RDL1003W	Foundations of South African Law .....	36	5
RDL1004H	South African Private Law: System and Context .....	18	5
RDL1008H	Law of Persons and Family .....	18	6
PBL2000W	Constitutional Law .....	36	7
RDL2002H	Law of Property .....	18	7
RDL2003H	Law of Succession .....	18	8
<b>Total credits for Preliminary Level .....</b>		<b>144</b>	

#### Second Year YEAR 2 (INTERMEDIATE LEVEL)

Code	Course	NQF Credits	HEQSF Level
CML3001W	Corporation Law .....	36	7
PBL3001H	International Law .....	18	7
PBL3801W	Criminal Law .....	36	7
DOL3003H	African Customary Law .....	18	7
RDL3003H	Law of Delict .....	18	7
RDL3005W	Law of Contract .....	36	7
RDL3006H	Jurisprudence .....	18	7
DOL3001X	Community Service .....	0	7
DOL3002X	Intermediate Year Skills Component .....	0	7
<b>Total credits for Intermediate Level .....</b>		<b>180</b>	

#### Third Year YEAR 3 (FINAL LEVEL)

Code	Course	NQF Credits	HEQSF Level
CML4004S	Labour Law .....	18	8
CML4006W	Commercial Transactions Law .....	36	8
PBL4001W	Administrative Law .....	36	8
PBL4801F	Evidence .....	18	8
PBL4802F	Criminal Procedure .....	18	8
RDL4008H	Civil Procedure .....	18	8
DOL4000H	Integrative Assessment Project .....	0	8
	Research Component (elective courses and research paper) .....	36	8
<b>Total credits for Final Level .....</b>		<b>180</b>	
<b>Total credits for the graduate LLB stream .....</b>		<b>504</b>	

FP4.2 The research component and Community Service are compulsory requirements for the degree; the research component is weighted 36 NQF credits.

FP4.3 Elective courses in the Final Level of the degree are weighted 9 NQF credits each.

## 38 RULES FOR LLB DEGREE STREAMS

- FP4.4 A candidate in the Final Level of the degree must choose elective courses totalling a minimum of 36 NQF credits. Two kinds of electives are on offer: lectures and examination electives and seminars and research paper electives. Every Final Level student must do at least one seminars and research paper elective, but any student may do an Independent Research Paper of 8000 words instead of the seminars and research paper elective.
- FP4.5 A candidate may undertake additional elective courses amounting to not more than 18 NQF credits.
- FP4.6 The maximum number of credits for elective courses in the Final Level is 54 credits.
- FP4.7 Intermediate Level students may register for DOL4500F/S Legal Practice (previously Legal Aid and Legal Practice) if
- (i) they have achieved an average of 65% in the Preliminary Level law courses; and
  - (ii) the Director of UCT Law Clinic has admitted them into the course.

*NOTE: The Head of Department together with the Faculty member concerned is responsible for deciding whether an approved optional course for which fewer than five students register should be offered.*

### Four year undergraduate LLB stream (LB002)

- FP5.1 The curriculum for the four-year, undergraduate LLB stream requires a candidate to complete prescribed law courses and a minimum number of non-law courses as set out below.
- FP5.2 A candidate must
- (a) show in a test prescribed by Senate that he or she has an ability to deal with the numerical problems that arise in law; or
  - (b) if he or she fails this test, complete the course MAM1013F/S Law That Counts: Quantitative Literacy for Law
- A candidate may not attempt the numeracy test a second time.*  
Note that candidates admitted to the third (Intermediate) year and graduate LLB programme are exempted from this course.  
*Candidates are referred to FP5.3.1. A candidate who has passed the numeracy test must complete an additional semester course offered in another faculty.*
- FP5.3 The courses prescribed for the undergraduate LLB stream are:

#### First Year YEAR 1 (PRELIMINARY LEVEL)

Code	Course	NQF Credits	HEQSF Level
<b>RDL1003W</b>	Foundations of South African Law.....	36	5
<b>RDL1004H</b>	South African Private Law: Systems and Context.....	18	5
<b>RDL1008H</b>	Law of Persons and Family.....	18	6
	One English (ELL) course OR SLL1002S Word Power.....	18	5
<b>MAM1013F</b>	Law That Counts.....	18	5
or			
<b>MAM1013S</b>	Law That Counts.....	18	5

Code	Course	NQF Credits	HEQSF Level
	AND two semester courses in another faculty .....	36	5
	<b>Total credits for first (Preliminary) year .....</b>	<b>144</b>	

**Second Year YEAR 2 (PRELIMINARY LEVEL)**

Code	Course	NQF Credits	HEQSF Level
<b>PBL2000W</b>	Constitutional Law .....	36	7
<b>RDL2002H</b>	Law of Property .....	18	7
<b>RDL2003H</b>	Law of Succession .....	18	8
	Two semester courses in a single language, or a whole course in a language .....	36	5
	Two 200-level semester courses in one discipline (e.g. English) offered in another faculty .....	48	6
	<b>Total credits for second (Preliminary) year .....</b>	<b>156</b>	

**Third Year YEAR 3 (INTERMEDIATE LEVEL)**

Code	Course	NQF Credits	HEQSF Level
<b>CML3001W</b>	Corporation Law .....	36	7
<b>PBL3001H</b>	International Law .....	18	7
<b>PBL3801W</b>	Criminal Law .....	36	7
<b>DOL3003H</b>	African Customary Law .....	18	7
<b>RDL3003H</b>	Law of Delict .....	18	7
<b>RDL3005W</b>	Law of Contract .....	36	7
<b>RDL3006H</b>	Jurisprudence .....	18	7
<b>DOL3001X</b>	Community Service .....	0	7
<b>DOL3002X</b>	Intermediate Year Skills Component .....	0	7
	<b>Total credits for third (Intermediate) year .....</b>	<b>180</b>	

**Fourth Year YEAR 4 (FINAL LEVEL)**

Code	Course	NQF Credits	HEQSF Level
<b>CML4004S</b>	Labour Law .....	18	8
<b>CML4006W</b>	Commercial Transactions Law .....	36	8
<b>PBL4001W</b>	Administrative Law .....	36	8
<b>PBL4801F</b>	Evidence .....	18	8
<b>PBL4802F</b>	Criminal Procedure .....	18	8
<b>RDL4008H</b>	Civil Procedure .....	18	8
<b>DOL4000H</b>	Integrative Assessment Project .....	0	8
	Research Component (elective courses and research paper) .....	36	8
	<b>Total credits for fourth (Final) year .....</b>	<b>180</b>	
	<b>Total credits for the undergraduate LLB stream .....</b>	<b>660</b>	

*Note: FP4.2 – FP4.7 apply also to the undergraduate LLB curriculum.*

FP5.3.1 A candidate who has passed the numeracy test must complete an additional semester course offered in another faculty.

FP5.3.2 A candidate who wishes to take a course in Economics must take both ECO1010F Microeconomics and ECO1011S Macroeconomics, must have obtained a minimum D symbol for Mathematics (HG) at senior certificate or a minimum of 5 at national senior certificate or equivalent.

**NOTE:** Students are advised to ascertain the Entrance requirements for all courses they wish to take in another faculty. In the second year, a candidate is required to take two courses in another faculty at second year level in one discipline (e.g. History). Usually one course (semester) (e.g. in

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*History*) is sufficient for admission to second year courses in a discipline. However, if he or she wishes to take English courses in the second year, he or she must take two courses in English, one of which must be ELL1013F English Literary Studies, in the first year.

Students are further advised that the language course should not be in a language in which the student is fluent or one taken for Grade 12, unless it is proposed that the language concerned be taken at a more advanced level than beginner.

### Five year undergraduate LLB stream [LB003]

FP5.4 The courses prescribed for the five-year LLB stream are:

#### First Year Core Modules

Code	Course	NQF Credits	HEQSF Level
<b>RDL1006W</b>	Foundations of South African Law (EC).....	36	5
<b>RDL1009H</b>	Law of Persons and Family (EC) .....	18	6
<b>MAM1013F</b>	Law That Counts .....	18	5
<b>SLL1002S</b>	Word Power.....	18	5
	<b>Total credits for first year</b> .....	<b>90</b>	

#### Second Year Core Modules

Code	Course	NQF Credits	HEQSF Level
<b>RDL1007H</b>	South African Private Law: System and Context (EC) .....	18	5
<b>PBL2002W</b>	Constitutional Law (EC).....	36	7
	Two semester courses in another faculty .....	36	5
	<b>Total credits for second year</b> .....	<b>90</b>	

#### Third Year Core Modules

Code	Course	NQF Credits	HEQSF Level
<b>RDL2002H</b>	Law of Property .....	18	7
<b>RDL2003H</b>	Law of Succession .....	18	8
<b>PBL3801W</b>	Criminal Law .....	36	7
	Two semester courses in a single language, or a whole course in a language.....	36	5
	Two 2000-level semester courses in one discipline (e.g. English) offered in another faculty. ....	48	6
	<b>Total credits for third year</b> .....	<b>156</b>	

#### Fourth Year Core Modules

Code	Course	NQF Credits	HEQSF Level
<b>CML3001W</b>	Corporation Law .....	36	7
<b>PBL3001H</b>	International Law .....	18	7
<b>DOL3003H</b>	African Customary Law .....	18	7
<b>RDL3003H</b>	Law of Delict .....	18	7
<b>RDL3005W</b>	Law of Contract .....	36	7
<b>RDL3006H</b>	Jurisprudence .....	18	7
<b>DOL3001X</b>	Community Service.....	0	7
<b>DOL3002X</b>	Intermediate Year Skills Component.....	0	7
	<b>Total credits for fourth year</b> .....	<b>144</b>	



**Fifth Year Core Modules**

Code	Course	NQF Credits	HEQSF Level
<b>CML4004S</b>	Labour Law.....	18	8
<b>CML4006W</b>	Commercial Transactions Law .....	36	8
<b>PBL4001W</b>	Administrative Law .....	36	8
<b>PBL4801F</b>	Evidence .....	18	8
<b>PBL4802F</b>	Criminal Procedure.....	18	8
<b>RDL4008H</b>	Civil Procedure .....	18	8
<b>DOL4000H</b>	Integrative Assessment Project.....	0	8
	Research Component (elective courses and research paper) .....	36	8
	<b>Total credits for fifth year .....</b>	<b>180</b>	
	<b>Total credits for the five year undergraduate LLB stream....</b>	<b>660</b>	

*Note: FP4.2 – FP4.7 and FP5.1 – FP5.3 apply also to the five year undergraduate LLB curriculum.*

- FP6.1 All streams of the curriculum for the LLB degree have a skills component which forms part of each level of the degree programme. The skills component is compulsory. Candidates in the respective levels of the degree must comply with the requirements of the skills component tasks. For the purposes of design and co-ordination, the four-year LLB stream pattern is used.
- FP6.2 In each academic year the following are included:
- writing skills (including essay work, opinion work and drafting)
  - computer skills
  - problem solving
  - analysis
  - research (including library skills)
  - oral presentation (including preparation for debates, seminars and moots)
- FP6.3 In the FIRST year, there should be emphasis on:
- writing skills
  - problem solving
  - reading skills
- FP6.4 In the SECOND year, there should be emphasis on:
- problem solving
  - analysis including critical analysis
  - oral presentation
- FP6.5 In the THIRD year, in addition to fulfilling course-specific requirements such as assignments and tests, every student must:
- write one essay and one opinion
  - participate in a moot
  - attend all tutorials (or submit written work at the discretion of the course convener)
- FP6.6 In the FOURTH year, there should be:
- interviews
  - an Integrative Assessment Project. This project will test the accumulated skills and ability of students to demonstrate an overall grasp of South African law and how it operates in real life situations by posing a problem which integrates a variety of areas of law taught as separate subjects earlier in the curriculum.

## Progress rules for LLB degree streams

### Graduate LLB stream

*Note: In the following rules provision is made for the permission of Senate to deviate from the rules. Senate's authority to permit deviations from the rules governing the curriculum of an LLB student is delegated to the Deputy Dean (Undergraduate Studies).*

FP7.1 A candidate who has only *one half course* outstanding from the Preliminary Level may proceed to the Intermediate Level of study and repeat the outstanding half course in that year; and a candidate who has only *one course* (or two half courses) outstanding from the Intermediate Level may proceed to the Final Level of study and repeat the outstanding course (or two half courses) in that year. Additional courses may only be carried with the permission of Senate.

**NOTE:** *Such candidates are advised that they must check lecture timetables to ensure that they do not register for courses inducing clashes either during the year, or in the examinations. Students are required to fulfil all course requirements, including attendance, when repeating a course.*

FP7.2 A candidate who has more than

- (a) one half course outstanding from the Preliminary Level may not register for more than four full courses or the equivalent, which must include the outstanding course(s) from the Preliminary Level; or
- (b) one course (or two half courses) outstanding from the Intermediate Level may not register for more than four full courses or the equivalent, which must include the outstanding course(s) from the Intermediate Level.

**NOTE:** *With permission of the relevant course convener and provided he or she is representing the Faculty at a national, regional or international moot court competition, a student at Intermediate Level may register for DOL3000X Moot Competition. The student may be credited with 9 NQF credits and may be exempted from a seminars and research paper elective (Moot Caput option) in the Final Level of the LLB.*

### Combined undergraduate/graduate stream

A student in the combined stream must follow the curriculum as set out below subject to the rules of the Humanities or Commerce Faculties. Please note that students are not permitted to register for senior law courses unless the pre-requisites are met. See the syllabus section in the relevant Faculty handbook for details.

### Four year undergraduate LLB stream

FP8.1 A candidate who has only *one half course* outstanding from the first or second year may proceed, with permission of Senate, to the second or third year respectively and repeat the outstanding half course in that year. This provision applies in respect of non-law and law courses inclusively.

A candidate who has only *one course* (or two half courses) outstanding from the third year may proceed, with permission of Senate, to the fourth year of study and repeat the outstanding course (or two half courses) in that year.

**NOTE:** *Such candidates are advised that they must check lecture timetables to ensure that they do not register for courses inducing clashes either during the year, or in the examinations. Students are required to fulfil all course requirements, including attendance, when repeating a course.*

FP8.2 A candidate who has failed more than one half course in the first or second year, or a candidate who has failed more than one course (or two half courses) in the third year, may not register for the set of courses prescribed for the second, third or final year of study (respectively) but may, nevertheless, register for not more than four full courses or the equivalent, which must include the course(s) outstanding from the previous year of study.

***NOTE:** With permission of the relevant course convener and provided he or she is representing the Faculty at a national, regional or international moot court competition, a student at Intermediate Level may register for DOL3000X Moot Competition. The student may be credited with 9 NQF credits and may be exempted from a seminars and research paper elective (Moot Caput option) in the Final Level of the LLB.*

### **Five year LLB stream**

FP9.1 Except with permission of Senate, a candidate may not register for any course prescribed for the second year of study unless he or she has completed all the courses prescribed for the first year of study.

FP9.2 Except with permission of Senate, a candidate may not register for any course prescribed for the third year of study unless he or she has completed all the courses prescribed for the second year of study.

FP9.3 Except with permission of Senate, a candidate may not register for any course prescribed for the fourth year of study unless he or she has completed all the courses prescribed for the third year of study.

FP9.4 Except with permission of Senate, a candidate may not register for any course prescribed for the fifth year of study unless he or she has completed all the courses prescribed for the fourth year of study.

***NOTE:** With permission of the relevant course convener and provided he or she is representing the Faculty at a national, regional or international moot court competition, a student at Intermediate Level may register for DOL3000X Moot Competition. The student may be credited with 9 NQF credits and may be exempted from a seminars and research paper elective (Moot Caput option) in the Final Level of the LLB.*

FP9.5 Notwithstanding the provisions of Rules FP9.1, FP9.2, FP9.3 and FP9.4, a candidate who has only one half course outstanding from the first, second or third year may proceed, with permission of Senate, to the second, third or fourth year respectively and repeat the outstanding half course in that year. This provision applies in respect of non-law and law courses inclusively.  
A candidate who has only one course (or two half courses) outstanding from the fourth year may proceed, with permission of Senate, to the fifth year of study and repeat the outstanding course (or two half courses) in that year.

***NOTE:** Such candidates are advised that they must check lecture timetables to ensure that they do not register for courses inducing clashes either during the year or in the examinations. Students are required to fulfil all course requirements, including attendance, when repeating a course.*

FP9.6 In addition to the provisions of Rules FP9.1, FP9.2, FP9.3 and FP9.4, a candidate who has failed more than one half course in the first, second or third year, and a candidate who has failed more than one course (or two half courses) in the fourth

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year, may register for not more than four full courses or the equivalent, which must include all the courses outstanding from the previous year of study.

### General progress rules for all streams

#### Maximum number of courses in any year

- FP10.1 Except with permission of Senate, a candidate may not register for more than the equivalent of:
- (i) nine half courses at the Preliminary Level
  - (ii) twelve half courses at the Intermediate Level
  - (iii) fourteen half courses at the Final Level.

*NOTE: For the purposes of this rule, year 3 of the undergraduate five year curriculum stream is regarded as Preliminary Level.*

- FP10.2 Notwithstanding FP10.1 a student may take Humanities courses offered in the Summer Term.

#### Minimum requirements for re-admission

- FP11.1 A candidate may be refused permission to renew his/her registration in the Faculty if he/she fails:
- (i) the equivalent of four half courses or more at any level; or
  - (ii) to complete all the courses prescribed for the degree within the prescribed time plus two years.

- FP11.2 A student on a five-year undergraduate curriculum stream may be refused permission to renew his/her registration in the Faculty if he or she fails the equivalent of three half courses.

*NOTE: F16.1 Supplementary examinations rule applies before the FP11 Minimum requirements for re-admission takes effect.*

- FP12 A student who is refused permission to re-register in the Faculty may appeal to the Faculty Readmission Appeal Committee in accordance with procedures laid down by Senate. The decision of the Faculty Readmission Appeal Committee will be final and will not be subject to further review or appeal.

#### Absence from examinations

- FP13.1 A student who fails to write the examination in a course for which he or she is registered will be deemed to have failed the course for the purposes of the minimum requirements for re-admission.
- FP13.2 Senate may grant permission to a student to write a test on a different day where he or she is unable to write for medical reasons, or has religious objections, or political objections, or other good cause for not writing on the scheduled day or days. The granting of permission is entirely at the discretion of Senate, irrespective of the grounds (including medical) on which the application is made. The application must be made to the Dean within 7 days of the test. Exemption from a test or other course requirement is a concession to depart from degree requirements (see FP20).

### Subminimum mark in final examinations

FP14 A candidate must obtain a sub-minimum of 45% in each University examination in a course in order to obtain credit for that course, subject to Rule FP15.

### Oral examination

FP15.1 A candidate in his or her final year of study has the right to an oral examination in any course which he or she has failed (because he or she failed to obtain a mark of 50% overall or failed to obtain a mark of 45% in the final examination) if he or she has:

- (i) scored 47% or more overall in that course *and*
- (ii) scored 45% or more in the final examination in that course.

FP15.2 A candidate must be given at least three days' (72 hours) notice of any oral examination.

FP15.3 Where possible, the external examiner will be present at an oral examination. If the external examiner is not able to be present, another examiner external to the course, who may be a member of staff, must be present.

**NOTE:** *Oral examinations may be held over a weekend.*

### Supplementary examinations

FP16.1 Senate may permit a candidate to write supplementary examinations in the equivalent of three half courses in any one year, provided that he or she has reached a sufficiently high standard when failing such course(s).

*The decision on whether to award a supplementary examination will be taken by Faculty Examination Committee on the recommendation of the Head of Department in which the course is offered.*

*Students who are granted supplementary examinations will be required to re-write the whole formal examination component, including all papers, practicals, etc., which constituted the original formal examination component.*

### Deferred examinations

FP17.1 Deferred examinations on medical or compassionate grounds are considered by a committee established by Senate for this purpose in terms of the general university rules. (see G25.1 in "General Rules for Degrees", Handbook 3 *General Rules and Policies*). If the deferred examination is granted, the candidate will be required to write only those portions of the original examination which he or she missed.

FP17.2 Application must be made on the prescribed form obtainable at the Records Office in the Student Administration Building, within seven days from the first examination (written, oral, or practical) which the student missed or was unable to complete.

FP17.3 A student who becomes ill during an examination must proceed directly from the examination venue to the Student Health Service unless the nature of the illness makes this impossible.

FP17.4 Misreading of the examination timetable will not be condoned or accepted; neither is it a ground for a deferred examination. (See G18.9 in "General Rules for Degrees", Handbook 3 *General Rules and Policies*.)

### Distinction

FP18 The degree may be awarded *cum laude* or *magna cum laude*.

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- FP18.1 For the degree to be awarded *cum laude* a candidate must:
- (i) complete the curriculum in the minimum time without failing any course, unless such failure is condoned by Senate;
  - (ii) obtain an average of 70% in all law courses completed at this University; and
  - (iii) obtain a First Class pass in at least six full law courses or the equivalent.
- FP18.2 For the degree to be awarded *magna cum laude* a candidate must:
- (i) complete the curriculum in the minimum time without failing any course, unless such failure is condoned by Senate;
  - (ii) obtain an average of 75% in all law courses completed at this University; and
  - (iii) obtain a First Class pass in at least nine full law courses, or the equivalent.
- FP18.3 In the case of a candidate who has transferred from another university, Senate may in exceptional circumstances depart from the rules relating to the number of courses for which a First Class pass must be obtained and award a degree *cum laude* or *magna cum laude*. Senate may do so only if, after having reviewed the academic record of the candidate at such other university, Senate is satisfied that the candidate would have fulfilled the requirements for the degree to be so awarded if he or she had completed the degree at this University.

**NOTE:** For an explanation on how averages are computed, please refer to the entry on “Dean’s Merit List”.

### Concurrent registration

- FP19 Except with permission of Senate, a student may not register for any course taken at another university in the same year during which such student is registered at the University of Cape Town.

### Deviations from the rules

- FP20 Senate may, on the recommendation of the Dean after consultation with the Head of Department concerned, permit a deviation from the rules governing the curriculum of a student.  
A student may apply for such deviation by timeously submitting to the Dean a completed concession application form, obtainable from the Faculty Office.

**NOTE:** Senate’s authority to permit deviations from the rules governing the curriculum of an LLB student is delegated to the Deputy Dean: Undergraduate Studies.

### Revision of the rules

- FP21 Senate may at any time revise any rule.

### Pattern of courses for the LLB degree streams

**NOTE:** In the absence of compelling circumstances a student may not register for the following optional courses in Intermediate Level:  
*Revenue Law, Trusts and Estate Planning, Competition Law, Constitutional Litigation, Current Issues in Constitutional Law, Conflict of Laws, Unjustified Enrichment and Cession, Moot Option.*

**Graduate LLB Main Stream (LP001)**

<b>Preliminary Level</b>	<b>Intermediate Level</b>	<b>Final Level</b>
Foundations of SA Law: RDL1003W	Corporation Law: CML3001W	Labour Law: CML4004S
South African Private Law: System and Context RDL1004H	International Law: PBL3001H	Commercial Transactions Law: CML4006W
Law of Persons and Family: RDL1008H	Criminal Law: PBL3801W	Administrative Law: PBL4001W
Constitutional Law: PBL2000W	African Customary Law: DOL3003H	Evidence: PBL4801F
Law of Property: RDL2002H	Law of Delict: RDL3003H	Criminal Procedure: PBL4802F
Law of Succession: RDL2003H	Law of Contract: RDL3005W	Civil Procedure RDL4008H
	Jurisprudence: RDL3006H	Integrative Assessment Project: DOL4000H
	Community Service: DOL3001X	Research Component (36 credits)
	Intermediate Year Skills Component: DOL3002X	

**Combined Undergraduate / Graduate LLB Main Stream (LP001)**

<b>Preliminary completed in BA, BCom, etc.</b>	<b>Intermediate Level</b>	<b>Final Level</b>
Foundations of SA Law: RDL1003W	Corporation Law: CML3001W	Labour Law: CML4004S
South African Private Law: System and Context RDL1004H	International Law: PBL3001H	Commercial Transactions Law: CML4006W
Law of Persons and Family: RDL1008H	Criminal Law: PBL3801W	Administrative Law: PBL4001W
Constitutional Law: PBL2000W	African Customary Law: DOL3003H	Evidence: PBL4801F
Law of Property: RDL2002H	Law of Delict: RDL3003H	Criminal Procedure: PBL4802F
Law of Succession: RDL2003H	Law of Contract: RDL3005W	Civil Procedure: RDL4008H
	Jurisprudence: RDL3006H	Integrated Assessment Project: DOL4000H
	Community Service: DOL3001X	Research Component: (36 credits)
	Intermediate Year Skills Component: DOL3002X	

**NOTE:** Admission to the graduate part of this stream is NOT automatic and it is subject to the admission requirements as set out in Book 1: Undergraduate Prospectus.

**Four Year Undergraduate LLB Main Stream (LB002)**

Preliminary Level A	Preliminary Level B	Intermediate Level	Final Level
Foundations of SA Law: RDL1003W	Constitutional Law: PBL2000W	Corporation Law: CML3001W	Labour Law: CML4004S
South African Private Law: System and Context RDL1004H	Law of Property: RDL2002H	International Law: PBL3001H	Commercial Transactions Law: CML4006W
Law of Persons and Family: RDL1008H	Law of Succession: RDL2003H	Criminal Law: PBL3801W	Administrative Law: PBL4001W
ELL course(s) * or Word Power	Language option (1 <sup>st</sup> and 2 <sup>nd</sup> semester)	African Customary Law: DOL3003H	Evidence: PBL4801F
Non-law option (1 <sup>st</sup> and 2 <sup>nd</sup> semester) **	200-level non-law option (1 <sup>st</sup> and 2 <sup>nd</sup> semester)	Law of Delict: RDL3003H	Criminal Procedure: PBL4802F
Law That Counts: MAM1013F/S		Law of Contract: RDL3005W	Civil Procedure: RDL4008H
		Jurisprudence: RDL3006H	Integrative Assessment Project: DOL4000H
		Community Service: DOL3001X	Research Component (36 credits)
		Intermediate Year Skills Component: DOL3002X	

**NOTE:** Non-law components are drawn from the Law and Humanities programme. See Rule FP5 for details.

\* Candidates who wish to take English in Year 2 must register for two semester courses in English in Year 1, one of which must be ELL1013F.

\*\* Candidates who wish to take Economics and who meet the entrance requirements for Economics courses (minimum D symbol HG Mathematics or 5 on national senior certificate), take ECO1010F/ECO1011S.

**Five year Undergraduate LLB Curriculum Stream (LB003)**

Year 1	Year 2	Year 3	Year 4	Year 5
Foundations of South African Law (EC): RDL1006W	South African Private Law: System and Context (EC): RDL1007H	Criminal Law: PBL3801W	Corporation Law: CML3001W	Labour Law: CML4004S
Law of Persons and Family (EC): RDL1009H	Constitutional Law (EC): PBL2002W	Law of Property: RDL2002H	International Law: PBL3001H	Commercial Transactions Law: CML4006W
Word Power (2nd semester)	Non-law option (1st and 2nd semester) *	Law of Succession: RDL2003H	African Customary Law: DOL3003H	Administrative Law: PBL4001W



Law That Counts: MAM1013F		Law of Delict: RDL3003H	Evidence: PBL4801F
	Language option (1st and 2nd semester)	Law of Contract: RDL3005W	Criminal Procedure: PBL4802F
		Jurisprudence: RDL3006H	Civil Procedure: RDL4008H
		Community Service: DOL3001X	Integrative Assessment Project: DOL4000H
		Intermediate Year Skills Component: DOL3002X	Research Component (36 credits)

*NOTE: Non-law components are drawn from the Law and Humanities programme. See Rule FP5 for details.*

\* Candidates must ensure that their ‘first year’ non-law choices enable them to proceed to their ‘second year’ non-law choices. The Entrance requirements for the second year course should be checked with the appropriate Faculty.

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## COURSE OUTLINES (LLB)

### COURSE OUTLINES (LLB)

#### Preliminary Level LLB

#### Non-Law Courses: Undergraduate LLB

*NOTE: Some of the non-Law courses required for the undergraduate LLB appear below. This is not an exhaustive list. Curriculum requirements for the different LLB streams are set out in the section Rules for LLB degree streams.*

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#### ELL1013F LITERATURE: HOW AND WHY?

18 NQF credits at HEQSF level 5

**Convener:** Dr P Anderson

**Course entry requirements:** None

**Course outline:**

What is 'literature' and how does it work? How and why can we read and think critically? What does close attention to plays, novels and poems tell us as we grapple with the meanings of being human within a 21<sup>st</sup> century world? How can we trace the shift from 'English literature' to 'literature in English', from our specific and simultaneously myriad locations? This introduction to literary studies offers a range of critical tools and methods for reading and writing about texts in the most interesting and thought-provoking ways possible. The course also introduces students to literary and rhetorical terms, and to basic issues in literary studies. Different literary genres will be explored and analysed, including the novel, poetry and drama. Students will be introduced to different kinds of critical writing and will engage in honing their own critical skills.

**Lecture times:** 2<sup>nd</sup> period, Monday, Tuesday and Thursday.

**DP requirements:** All written work to be handed in and at least 75% attendance at tutorials.

**Assessment:** Lecture series: two-hour examination counts for 50% of the final mark; tutorial classwork counts for 50%.

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#### ELL1016S IMAGE, VOICE, WORD

18 NQF credits at HEQSF level 5

**Convener:** Dr P Anderson

**Course entry requirements:** None

**Course outline:**

As an introduction to cultural and literary studies, this course examines an array of modes of expression as we seek to understand how texts of various kinds accomplish their acts of meaning-making and persuade their readers. We will give attention to the impact of a text's form and context in shaping its message, as well as its content. In trying to understand the rhetorical effects of any given text, we will examine examples from across a variety of genres that use words, images and even sound to engage their audience or readers, within a variety of historical and political contexts. Objects of study will include texts that use sound as well as words (such as contemporary ballads, performance poetry and hip hop, or contemporary adaptations of Shakespeare's plays), visual images (such as posters in a protest action, photographs that document war and suffering, and historical maps that retraced the shape the world), and words collated and presented in particular ways on the page (such as the archived documents from the apartheid censors, the published journal of a fugitive slave, the extended prose of a stream-of-consciousness novel). By drawing on key theoretical insights into the politics of representation, we aim to develop the critical skills needed to become savvy readers of contemporary culture and politics. The course aims to build upon the skills in critical reading and writing taught in ELL1013F.

**Lecture times:** 2<sup>nd</sup> period, Monday, Tuesday and Thursday.

**DP requirements:** All written work to be handed in and at least 75% attendance at tutorials.

**Assessment:** Lecture series: two-hour examination counts for 50% of the final mark; tutorial classwork counts for 50%.

### **SLL1002F/S WORD POWER**

*(A course in etymology) (NOTE: This course may also be offered in Summer/Winter Term - please consult the Faculty.)*

18 NQF credits at HEQSF level 5

**Convener:** Dr J Murray

**Course entry requirements:** None

**Course outline:**

The course consists of two components:

- i. words and ideas: focus on concepts associated with the ancient Greek and Roman civilisations of the Mediterranean and key words in English derived from Greek and Latin;
- ii. a knowledge of English word-formation and evolution from the lexical resources of the Greek and Latin languages, particularly as this knowledge enhances word-building skills and increases confidence in the use of English of an academic register.

**Lecture times:** 1st semester: Monday, Tuesday, Wednesday 5<sup>th</sup> period; 2<sup>nd</sup> semester: Monday, Tuesday, Wednesday 5<sup>th</sup> or 8<sup>th</sup> periods.

**DP requirements:** Students must attend all tutorials, submit all tutorial assignments, and write all tests.

**Assessment:** One two-hour examination at the end of the semester counts for 50% of the final mark; coursework counts for 50%.

### **MAM1013F LAW THAT COUNTS**

18 NQF credits at HEQSF level 5

**Convener:** Ms P Lloyd

**Course entry requirements:** None. Students can be exempted ONLY on the basis of adequate performance in the Quantitative Literacy component of the National Benchmark Test.

**Objective:** The course is intended to provide Law students with the necessary quantitative literacy to be able to understand, express and interpret appropriate quantitative ideas. The aim of the course is to give students an appreciation and understanding of mathematical and statistical ideas within real life and legal contexts, and generally with a social justice focus.

**Course outline:**

Content covered includes percentages, ratios, interest and finance concepts, interpretation of graphs, manipulation of data, interpretation of statistics and use of spreadsheets.

**Lecture times:** Monday - Friday, 4th period

**DP requirements:** Achieve a class record of 40% and 75% attendance at lectures and tutorials.

**Assessment:** Two written assessments, one assignment and assessment of computer tutorials contribute to the class record that counts 50% of the final mark. The final examination consists of a written paper and a computer assessment that together count 50% of the final mark.

### **MAM1013S LAW THAT COUNTS**

18 NQF credits at HEQSF level 5

**Convener:** To be advised

**Course entry requirements:** None. Students can be exempted ONLY on the basis of adequate performance in the Quantitative Literacy component of the National Benchmark Test.

**Objective:** The course is intended to provide Law students with the necessary quantitative literacy to be able to understand, express and interpret appropriate quantitative ideas. The aim of the course is to give students an appreciation and understanding of mathematical and statistical ideas within real life and legal contexts, and generally with a social justice focus.

## 52 COURSE OUTLINES (LLB)

### **Course outline:**

Content covered includes percentages, ratios, interest and finance concepts, interpretation of graphs, manipulation of data, interpretation of statistics and use of spreadsheets.

**Lecture times:** Monday – Friday, 4th period

**DP requirements:** Achieve a class record of 40% and 75% attendance at lectures and tutorials.

**Assessment:** Two written assessments, one assignment and assessment of computer tutorials contribute to the class record that counts 50% of the final mark. The final examination consists of a written paper and a computer assessment that together count 50% of the final mark.

## **Law Courses**

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### **PBL2000W CONSTITUTIONAL LAW**

*Preliminary Level, whole year course*

36 NQF credits at HEQSF level 7

**Convener:** Associate Professor C Powell

**Course entry requirements:** Undergraduate LLB students: concurrent registration with PBL2001H and RDL2002H. Graduate LLB students: concurrent registration with RDL1003W, RDL1004H, RDL1008H, RDL2002H, RDL2003H.

#### **Course outline:**

The first part of the course provides an introduction to the history of South African constitutional law and basic concepts such as democracy, legitimacy, constitutionalism, federalism, separation of powers and the rule of law. It then considers the institutional framework provided by the South African Constitution in detail.

The second part of the course focuses on the protection of human rights in the Constitution. It examines the operation of the Bill of Rights and, using both SA cases and the jurisprudence of constitutional courts in other jurisdictions as well as the European Court of Human Rights, considers freedom of speech, equality and affirmative action, the protection of property rights and social and economic rights among other issues.

**DP requirements:** None

**Assessment:** November examination (3 hour) 60%; The year mark contributes the remaining 40% of the mark.

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### **PBL2002W CONSTITUTIONAL LAW (EXTENDED CURRICULUM)**

*Preliminary Level, whole year course*

36 NQF credits at HEQSF level 7

**Convener:** Ms L Kohn.

**Course entry requirements:** Undergraduate LLB curriculum students: concurrent registration with RDL1007H. Graduate LLB students: concurrent registration with RDL1009H, RDL1006W, RDL1007H.

#### **Course outline:**

The first part of the course provides an introduction to the history of South African constitutional law and basic concepts such as democracy, legitimacy, constitutionalism, federalism, separation of powers and the rule of law. It then considers the institutional framework provided by the South African Constitution in detail.

The second part of the course focuses on the protection of human rights in the Constitution. It examines the operation of the Bill of Rights and, using both SA cases and the jurisprudence of constitutional courts in other jurisdictions as well as the European Court of Human Rights, considers freedom of speech, equality and affirmative action, the protection of property rights and social and economic rights among other issues.

**DP requirements:** None

**Assessment:** June test, tutorial assignments 35%; Five year curriculum assignments and tests 5%; November examination (3 hour) 60%

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**RDL1003W FOUNDATIONS OF SOUTH AFRICAN LAW**

*Preliminary Level, whole year course, four lectures per week.*

36 NQF credits at HEQSF level 5

**Convener:** Associate Professor L Greenbaum (1st semester) and Professor A J Barnard-Naudé (2nd semester)

**Course entry requirements:** Undergraduate LLB students: concurrent registration with RDL1004H and RDL1008H. Graduate LLB students: concurrent registration with RDL1004H, RDL1008H, PBL2000W, RDL2002H, RDL2003H.

**Course outline:**

The objectives of this course are that firstly students should develop foundational knowledge about the legal system in South Africa, including a knowledge of the history, sources of law, hierarchy of the courts, legal reasoning, with special attention to the doctrine of precedent, classifications of the law and fundamental legal concepts, as well as areas of the law relating to HIV and AIDS.

Students then engage in a review of the development of the culture of public law, through the fluctuating fortunes of the rule of law, followed by a section on the role of law in the transformation from Apartheid to constitutional democracy, transformative constitutionalism, and transformative legal culture.

The course then provides students with an overview of the rules relating to interpretation of statutes, and their practical application.

Students' writing and research skills are developed through tutorial exercises and written assignments.

A series of workshops on analytical legal writing are presented to support students in their development of legal writing and argumentation skills. Independent research and oral skills are developed in an Independent Assessment Project and in the course of visits to the courts.

**DP requirements:** Attendance at 80% of tutorials.

**Assessment: Coursework (1<sup>st</sup> semester):** 1<sup>st</sup> Tutorial assignment 1%, March test 1.5%, 2<sup>nd</sup> Tutorial assignment 2.5%, June test 20%; **Coursework (2<sup>nd</sup> semester):** Integrated Assessment Project written component (group work) 5%, Integrated Assessment Project oral component 3%, court visit report 2%, Essay 12.5%, 3<sup>rd</sup> Tutorial assignment 2.5%, final examination 50%

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**RDL1004H SOUTH AFRICAN PRIVATE LAW: SYSTEM AND CONTEXT**

*Preliminary Level, half course, three lectures per week.*

18 NQF credits at HEQSF level 5

**Convener:** Professor AG Fagan

**Course entry requirements:** Undergraduate LLB students: concurrent registration with RDL1003W and RDL1008H. Graduate LLB students: concurrent registration with RDL1003W, RDL1008H, PBL2000W, RDL2002H, RDL2003H.

**Course outline:**

The course serves primarily as an introduction to the common law of property and obligations, although other areas of private law may be covered. Its main aims are, first, to provide both a map of the law and an understanding of the operation of the system of private law rules; and, second, to provide students with an understanding of the development of legal rules in their historical and comparative contexts.

During the first semester the focus is on the content and function of important institutions such as ownership, possession, contract, unjustified enrichment and delict, and on the relationship between these institutions. During the second semester we examine the history of a number of important legal rules, in each case beginning with their roots in Roman law and tracing their development into the 20<sup>th</sup> century, but investigating also the influence of other legal systems, such as -English law, and drawing comparisons with African customary law where appropriate. This half of the course emphasises the contingency of legal rules and the factors which have refashioned the law in every age, aiming to equip students to engage critically with legal texts drawn from a wide range of contexts.

**DP requirements:** None

## 54 COURSE OUTLINES (LLB)

**Assessment:** Coursework: April test 5%, 2 tutorial assignments 10% (5% each), June test 25% , Essay 10%, Final examination 50%

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### **RDL1006W FOUNDATIONS OF SOUTH AFRICAN LAW (EXTENDED CURRICULUM)**

*Preliminary Level, whole year course, four lectures per week.*

36 NQF credits at HEQSF level 5

**Convener:** Associate Professor L Greenbaum

**Course entry requirements:** Undergraduate LLB curriculum students: concurrent registration with RDL1009H and MAM1013F. Graduate LLB students: concurrent registration with RDL1009H, RDL1007H, PBL2002W.

**Co-requisites:** This course supplements the material covered in the Foundations of SA Law (RDL1003W) course.

**Objective:** In this course additional daily classes, based on the material covered in RDL1003W, provide students with the opportunity to engage with the material in greater depth, in order to support students in their development of academic and legal writing skills.

#### **Course outline:**

The objectives of RDL1003W and RDL1006W are that students should develop foundational knowledge about the legal system in South Africa, including a knowledge of the history, sources of law, hierarchy of the courts, legal reasoning, with special attention to the doctrine of precedent, classifications of the law and fundamental legal concepts, and areas of the law relating to HIV and AIDS.

Students then engage in a review of the development of the culture of public law, through the fluctuating fortunes of the rule of law, followed by a section on the role of law in the transformation from Apartheid to constitutional democracy, transformative constitutionalism, and transformative legal culture.

The course provides students with an overview of the rules relating to interpretation of statutes, and their practical application.

Students' writing and research skills are developed through weekly written assignments and tests. The development of students' academic skills is given particular attention in this course. Workshops on analytical legal writing are presented to support students in their acquisition of legal writing and reasoning skills.

RDL1006W provides augmented support based on the materials covered in RDL1003W.

**DP requirements:** Attendance at 80% of tutorials; submission of regular writing exercises and assessments; and attendance at 80% of the daily RDL1006W lectures.

**Assessment: Coursework** (1<sup>st</sup> semester): 1<sup>st</sup> Tutorial assignment 1%, March test 1.5%, 2<sup>nd</sup> Tutorial assignment 2.5%, June test 15%, **Coursework** (2<sup>nd</sup> semester): Integrated Assessment Project written component (group work) 5%, Integrated Assessment Project oral component 3%, court visit report 2%, Essay 12.5%, 3<sup>rd</sup> Tutorial assignment 2.5%, Five year curriculum year mark for weekly class tests and assignments 5%, final examination 50%

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### **RDL1007H SOUTH AFRICAN PRIVATE LAW: SYSTEM AND CONTEXT (EXTENDED CURRICULUM)**

*Preliminary Level, half course, three lectures per week.*

18 NQF credits at HEQSF level 5

**Convener:** Professor AG Fagan

**Course entry requirements:** Undergraduate LLB curriculum students: concurrent registration with PBL2002W. Graduate LLB students: concurrent registration with RDL1006W, RDL1009H, PBL2002W.

#### **Course outline:**

The course serves primarily as an introduction to the common law of property and obligations, although other areas of private law may be covered. Its main aims are, first, to provide both a map of the law and an understanding of the operation of the system of private law rules; and, second, to

provide students with an understanding of the development of legal rules in their historical and comparative contexts.

During the first semester the focus is on the content and function of important institutions such as ownership, possession, contract, unjustified enrichment and delict, and on the relationship between these institutions. During the second semester we examine the history of a number of important legal rules, in each case beginning with their roots in Roman law and tracing their development into the 20<sup>th</sup> century, but investigating also the influence of other legal systems, such as English law, and drawing comparisons with African customary law where appropriate. This half of the course emphasises the contingency of legal rules and the factors which have refashioned the law in every age, aiming to equip students to engage critically with legal texts drawn from a wide range of contexts.

**DP requirements:** None.

**Assessment:** Coursework: April test 5%, 2 tutorial assignments 10% (5% each), June test 20%, Essay 10%, Five year curriculum year mark for class tests 5%, Final examination 50%

### **RDL1008H LAW OF PERSONS AND FAMILY**

*Preliminary Level, half course, three lectures per week.*

18 NQF credits at HEQSF level 6

**Convener:** Associate Professor A Barratt

**Course entry requirements:** Undergraduate LLB students: concurrent registration with RDL1004H and RDL1003W. Graduate LLB students: concurrent registration with RDL1004H, RDL1003W, PBL2000W, RDL2002H, RDL2003H.

**Course outline:**

This course aims to introduce students to the study of private law. In the first term, the course examines the nature of legal personality; the principles of legal capacity; and looks at the principles of domicile. From the second term, the course focuses on Family Law and looks particularly at the legal relationships between parents and children; the personal consequences of marriage; the law of marital property; divorce; and the law governing unmarried people who live in long-term domestic partnerships. The course also examines the ways in which South African family law is changing to become compliant with the Constitution and Bill of Rights. This course also aims to develop legal problem-solving skills.

**DP requirements:** None

**Assessment:** Coursework: April test 5%, June test 20%, Assignments 15%, November examination (2 hours) 60%

### **RDL1009H LAW OF PERSONS AND FAMILY (EXTENDED CURRICULUM)**

*Preliminary Level, half course, three lectures per week.*

18 NQF credits at HEQSF level 6

**Convener:** Associate Professor A Barratt

**Course entry requirements:** Undergraduate LLB curriculum students: concurrent registration with RDL1006W. Graduate LLB students: concurrent registration with RDL1007H, RDL1006W, PBL2002W.

**Course outline:**

This course aims to introduce students to the study of private law. In the first term, the course examines the nature of legal personality; the principles of legal capacity; and looks at the principles of domicile. From the second term, the course focuses on Family Law and looks particularly at the legal relationships between parents and children; the personal consequences of marriage; the law of marital property; divorce; and the law governing unmarried people who live in long-term domestic partnerships. The course also examines the ways in which South African family law is changing to become compliant with the Constitution and Bill of Rights. This course also aims to develop legal problem-solving skills.

**DP requirements:** None

**Assessment:** Coursework: April test 5%, June test 15%, Assignments 15%, Five year curriculum year mark 5%, November examination (2 hours) 60%

## 56 COURSE OUTLINES (LLB)

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### **RDL2002H LAW OF PROPERTY**

*Preliminary Level, half course, three lectures per week.*

18 NQF credits at HEQSF level 7

**Convener:** Associate Professor A Barratt

**Course entry requirements:** Undergraduate LLB students: concurrent registration with PBL2000W and RDL2003H. Graduate LLB students: concurrent registration with RDL1003W, RDL1004H, RDL1008H, PBL2000W and RDL2003H.

**Course outline:**

The purpose of this course is to introduce students to fundamental concepts and common law principles of the South African Law of Property as regards what is property, how rights in property are acquired or lost and are protected. The law is examined in its current constitutional and socio-political context. In addition to the focus on the content of this area of law, considerable attention is given to development of appropriate analytical and problem-solving skills, independent and active learning as well as appropriate study methodology and techniques.

**DP requirements:** None.

**Assessment:** Coursework: 2 tests 10% (5% each), 2 tests 30% (15% each), November examination 60%

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### **RDL2003H LAW OF SUCCESSION**

*Preliminary Level, half course, two lectures per week.*

18 NQF credits at HEQSF level 8

**Convener:** Associate Professor M Paleker and Ms F Osman

**Course entry requirements:** Undergraduate LLB students: concurrent registration with PBL2000W and RDL2002H. Graduate LLB students: concurrent registration with RDL1003W, RDL1004H, RDL1008H, PBL2000W and RDL2002H.

**Course outline:**

Aims and objectives

The course is concerned with the consequences of death and in particular, the devolution of a person's property on death.

Course content

The course considers the distinction between testate and intestate succession; the devolution of an estate under intestacy law; testamentary capacity; formalities for wills; revocation and revival of wills; capacity to inherit; freedom of testation; vesting and conditional bequests; the different kinds of testamentary vehicles and the content of wills; testamentary trusts; doctrine of collation; interpretation of wills; succession by contract; and a brief introduction into administration of deceased estates.

**DP requirements:** Please refer to course handout.

**Assessment:** Coursework: 50%, Final examination: 50%

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## **Intermediate Level LLB**

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### **CML3001W CORPORATION LAW**

*Intermediate Level, whole course, 72 lectures and tutorials.*

36 NQF credits at HEQSF level 7

**Convener:** Associate Professor J Yeats

**Course entry requirements:** All Preliminary Level courses to have been completed.

**Course outline:**

The course will provide an overview of the law governing various structures available for the carrying on of business and will then focus on the general principles of Company Law, the provisions of the Companies Act 71 of 2008, corporate governance and corporate law reform.

**DP requirements:** Please refer to the course handout and/or the intermediate year schedule.

**Assessment:** Optional essay/moot/opinion 20%, June test (compulsory) 30% November examination 50% (if essay/moot/opinion), 70% (if no essay/moot/opinion).



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**DOL3000X MOOT COMPETITION**

9 NQF credits at HEQSF level 7

**Course outline:**

Intermediate year students selected to participate in national or international moot competitions may register for this course. To complete it successfully, students must submit adequate heads of argument and participate in a national or international moot competition presided over by more than one person. Students may be credited with 9 NQF credits and may be exempted from a seminars-and-research-paper elective (Moot Caput option) in the Final Level of the LLB.

**Assessment:** Heads of argument will count for 100% unless the supervisor agrees to allocate a percentage of the mark to oral presentation. The percentage of the mark allocated to oral presentation may not exceed 50%.

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**DOL3001X COMMUNITY SERVICE**

*Students must be registered for community service in the year that it is performed in order for those hours to qualify as part of their community service. The usual practice is for students to register for the first time in Intermediate Year. However, the total of 30 hours may be performed in whole or in part in any year of the LLB by any student who has successfully completed all the Prelim A courses and has registered for the community service course. Note that the Law Faculty's Community Service Committee may prescribe specific conditions for the performance of community service by students who have successfully completed all Prelim A courses but are not yet in their Intermediate or Final Year, and these will be published on the Vula course site at the beginning of each year. Students must regularly complete and submit their official timesheets to the servicing officer via Vula for verification, signature and uploading. Students who have not completed all 30 hours of community service will not be permitted to graduate. This course does not attract a fee. Details of approved service providers are available from the Community Service Vula site. Administrative queries should be directed to Ms Nikki Campbell (Servicing Officer), Room 4.38.1, Kramer Law Building, email: [nikki.campbell@uct.ac.za](mailto:nikki.campbell@uct.ac.za) and substantive queries may be directed to Dr E Fergus or Ms J Omar, email: [emma.fergus@uct.ac.za](mailto:emma.fergus@uct.ac.za); [jameelah.omar@uct.ac.za](mailto:jameelah.omar@uct.ac.za)*

0 NQF credits at HEQSF level 7

**Convener:** Associate Professor J Yeats

**Course outline:**

It is a compulsory requirement for the LLB degree that, during the course of their degree, all law students must complete a total of 30 hours of unremunerated community service. The service must be legally orientated, must be offered through an approved service provider, and must provide a direct service or benefit to an underprivileged or disadvantaged or vulnerable group or person. An approved service provider is one that has been approved by the Law Faculty's Community Service Committee and may include: a) organisations that are directly affiliated to the Law Faculty; b) organisations that are directly affiliated to Law Faculty-based approved service providers; c) external organisations or projects that have been specifically approved by the Law Faculty's Community Service Committee. Programmes/projects of approved service providers and organisations that are linked to Law Faculty-based approved service providers and through which services are offered must also have been approved by the Law Faculty's Community Service Committee.

**Assessment:** Coursework 100%

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**DOL3002X INTERMEDIATE YEAR SKILLS COMPONENT**

0 NQF credits at HEQSF level 7

**Convener:** Associate Professor J Yeats

**Course outline:**

In the Intermediate year of the LLB, in addition to fulfilling course-specific requirements such as assignments and tests, every student must write one essay and one opinion, participate in a moot and attend all tutorials (or submit written work at the discretion of the course convener). This non-credit

## 58 COURSE OUTLINES (LLB)

bearing course will ensure compliance with the Intermediate year requirements and also ensure that each student benefits from the skills component of the LLB.

**Assessment:** No formal assessment. Students are required to submit two written assignments (one essay and one opinion), participate in one moot and attend all tutorials.

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### **DOL3003H AFRICAN CUSTOMARY LAW**

*Intermediate Level, half course, whole year, 36 lectures and tutorials.*

18 NQF credits at HEQSF level 7

**Convener:** Ms F Osman

**Course entry requirements:** All Preliminary Level courses to have been completed.

**Course outline:**

The course aims to facilitate an understanding of the sources, nature, status and role of customary law in South Africa's pluralist legal system. The course provides an overview of the historical recognition of customary law during the colonial and apartheid periods to demonstrate the effect of these policies on customary law today. It analyses the Constitution's recognition of customary law and impact the Constitution has had on both the application and development of customary law. The course further facilitates an understanding of legal theory with the objective of analysing whether customary law is consistent with modern legal theory. At a substantive level, the course examines the customary law regulating marriage, succession, traditional authority, land and dispute resolution. Lectures and tutorials are aimed at ensuring that students engage critically with customary law sources and are able to contextualise the law, politics and commercial interests surrounding the substantive topics.

**DP requirements:** Please refer to the course handout and/or the intermediate year schedule.

**Assessment:** Optional moot/essay/opinion 20%, Coursework 50% (30% if moot/essay/opinion), Examination 50%.

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### **PBL3001H INTERNATIONAL LAW**

*Intermediate Level, half course.*

18 NQF credits at HEQSF level 7

**Convener:** Dr H Woolaver

**Course entry requirements:** All Preliminary Level courses to have been completed.

**Course outline:**

The course addresses the following aspects of international law: introduction and sources; sovereignty; subjects and objects of international law; the relationship between international and municipal law; limitations upon the exercise of sovereignty; state responsibility; state succession; peaceful settlement of disputes; the use of force; the United Nations and international integration; the African Union and regional integration; prescriptive and enforcement jurisdiction in criminal matters; and international criminal law.

**DP requirements:** Please refer to the course handout and/or the intermediate year schedule.

**Assessment:** Optional essay/moot/opinion 20%; June test 20%; Compulsory assignment 10%; November examination (2 hours): 50% (if essay/moot/opinion), 70% (if no essay/moot/opinion)

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### **PBL3801W CRIMINAL LAW**

*Intermediate Level, whole year course.*

36 NQF credits at HEQSF level 7

**Convener:** Professor PJ Schwikkard

**Course entry requirements:** All Preliminary Level courses to have been completed.

**Course outline:**

**Introduction:** The course covers the general principles of criminal law. Students are introduced to these principles by a brief examination of the nature of criminal law and selected specific offences, the principle of legality and the operation of the Bill of Rights on the rules of criminal law.

**Analysis of principles:**

The course focuses on an analysis of the case law and legal principles governing the elements of (i) voluntariness of conduct (including the defence of automatism); (ii) causation; (iii) defences excluding unlawfulness (private defence, necessity, impossibility, obedience to orders, public authority and consent); (iv) capacity (including the defences of youth, insanity, intoxication, provocation and emotional stress); (v) fault in the forms of intention and negligence; (vi) common purpose, accomplice and accessory-after-the-fact liability; (vii) attempt, incitement and conspiracy

**Selected specific offences:**

Essential elements of crimes such as murder, culpable homicide, assault, rape, theft, robbery, and fraud are considered.

**DP requirements:** Please refer to the course handout and/or the intermediate year schedule.

**Assessment:** Optional essay/moot/opinion 20%; June test 20%; Assignment/test 10%; November examination (2 hour): 50% (if essay/moot/opinion), 70% (if no essay/moot/opinion)

**RDL3003H LAW OF DELICT**

*Intermediate Level, half course, two lectures per week.*

18 NQF credits at HEQSF level 7

**Convener:** Professors A G Fagan and Associate Professor A M Price

**Course entry requirements:** All Preliminary Level courses to have been completed.

**Course outline:**

The course deals with the general principles of the South African law of delict and their application to specific delicts. Among the topics that could be discussed are the following: fault (negligence and intent), wrongfulness, causation, remoteness, damage, contributory negligence and the apportionment of damages, self-defence, necessity, statutory authority, consent, vicarious liability, omissions, pure economic loss, emotional shock, defamation, privacy, wrongful arrest, and insult.

**DP requirements:** Please refer to the course handout and/or the intermediate year schedule.

**Assessment:** Optional moot/essay/opinion 20%, Coursework 30%, November examination 50% (if moot/essay/opinion), 70% (if no moot/essay/opinion)

**RDL3005W LAW OF CONTRACT**

*Intermediate Level, whole course, 72 lectures and tutorials.*

36 NQF credits at HEQSF level 7

**Convener:** Professors D B Hutchison and T Naudé

**Course entry requirements:** All Preliminary Level courses to have been completed.

**Course outline:**

The course aims to give students a thorough understanding of the general principles of the law of contract in South Africa – knowledge which is essential for mastery of many other subjects in the LLB curriculum, and for success in legal practice. All aspects of the law of contract will be covered, including: the nature and basis of contract; formation and termination of a contract; the contents and operation of contracts; breach of contract and remedies for breach; as well as relevant provisions of the Consumer Protection Act and other legislation bearing on contracts.

**DP requirements:** Please refer to the course handout and/or the intermediate year schedule.

**Assessment:** Optional essay/moot/opinion 20%, Coursework 30%, November examination (2 hour) 50% (if essay/moot/opinion), 70% (if no essay/moot/opinion)

**RDL3006H JURISPRUDENCE**

*Intermediate Level, half course, two lectures per week.*

18 NQF credits at HEQSF level 7

**Convener:** Professors A G Fagan and A J Barnard-Naudé and Associate Professor A M Price

**Course entry requirements:** All Preliminary Level courses to have been completed.

**Course outline:**

This course deals with central issues in analytical, normative, and critical and postcolonial jurisprudence. Topics that could be discussed include the following: the nature of law, the nature of

## 60 COURSE OUTLINES (LLB)

adjudication, and the role of morality in each. Authors whose work could be discussed include the following: John Austin, Hans Kelsen, H L A Hart, Joseph Raz, Jules Coleman, Ronald Dworkin, John Finnis, Duncan Kennedy, Kimberlé Crenshaw, Upendra Baxi and Cornell West.

**DP requirements:** Please refer to the course handout and/or the intermediate year schedule.

**Assessment:** Coursework 30%, November examination 70%

### Final Level LLB

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#### CML4004S LABOUR LAW - LLB

*Final Level course, half course, second semester*

18 NQF credits at HEQSF level 8; Add the total number of course interventions, e.g. 10 lectures or 20 tutorials or 1 site visit.

**Convener:** Professor R Le Roux

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The aims of this course are to develop an understanding of the purpose and function of labour law and the industrial legislation framework, and to examine and analyse the role of the common law; basic conditions of employment; unfair dismissal; the institutions of collective bargaining and participative decision-making, statutory and non-statutory dispute resolution as well as discrimination and equity in employment.

**DP requirements:** Completion of all work required of the class and attendance at all tutorials.

**Assessment:** Coursework 40% November examination 60%

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#### CML4006W COMMERCIAL TRANSACTIONS LAW

*Final Level, whole year course, six small group teaching sessions and 72 lectures.*

36 NQF credits at HEQSF level 8; Add the total number of course interventions, e.g. 10 lectures or 20 tutorials or 1 site visit. Refer to the Final Level Year Plan distributed at registration for details regarding the small group teaching dates.

**Convener:** Associate Professor A Hutchison

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The course covers principles of the law of agency, sale, lease, consumer protection, credit agreements, insurance, secured transactions and insolvency.

**DP requirements:** None

**Assessment:** One compulsory class test in June (1 hour, 15 minutes) 20%, One optional oral presentation 10%, One optional written assignment 20% One November examination (3 hour), 50% or 60% or 70% or 80%. Students who do not write the compulsory class test in June through illness will, on production of satisfactory medical certificate, be granted an oral aegrotat test scheduled in the second week of the second semester at a time to be arranged with the course convener. There will be no exemptions from the June test. The material tested in June will not be examined directly in the final examination but students will be expected to be familiar with that material for the final examination. If a student elects to do one or more of the year mark options, the proportion of that student's examination mark to the overall final mark for the course will be adjusted accordingly. Refer to the course outline distributed at the beginning of the year for further details.

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**DOL4000H INTEGRATIVE ASSESSMENT PROJECT**

*It is a requirement for the LLB degree that all Final Level students register for and pass the Integrative Assessment Project.*

0 NQF credits at HEQSF level 8

**Convener:** Dr A Hutchison

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Objective:** The objectives of the project are to assess students' ability, with the benefit of group interaction, to find and apply the relevant law to a fact complex that integrates a variety of areas of law taught as separate subjects in the LLB curriculum; and to demonstrate an overall grasp of South African law and how it operates in real life situations.

**Course outline:**

The Integrative Assessment Project is set as a six-hour project to be completed in the library under open-book examination conditions during the mid-semester break in the second semester. Students registered for the project are divided into groups. Each group is allocated to a day and time in the assessment period. The group is assigned a project question and has a five-hour preparation period followed immediately by a one-hour oral examination. During the preparation period, the group has the opportunity to discuss the project question to identify the legal issues raised and then to research appropriate responses. In the oral examination, members of the group will be asked questions about the project. Each student is assessed individually based on the answers they provide to questions put to them. Each student is graded as a pass/fail. The grading is done by a panel comprising academic staff members.

Further information about the Project is provided at Registration.

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**PBL4001W ADMINISTRATIVE LAW**

*Final level, whole year course.*

36 NQF credits at HEQSF level 8

**Convener:** Professors D M Chirwa and H Corder

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course deals primarily with the legal rules surrounding the exercise of public power, both as they empower and regulate. In particular it deals with the role of the courts in controlling the exercise of public power, but it also looks at alternatives to judicial review as other important ways of holding public power to account. After a general introduction, an overview of administrative law, the course focuses on the sources, types and extent of administrative power, and the scope of judicial review (both in theory and practice) in a democratic state. The course takes into account the combined effect of the Constitution and legislation on administrative law. The second part of the course focuses mainly on the grounds of review which have been developed by the courts, most of which are found in s 6 of the Promotion of Administrative Justice Act.

**DP requirements:** None

**Assessment:** Assessment during the year counts 40%; November examination (3 hour) 60%

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**PBL4801F EVIDENCE**

*Final Level, half course, first semester, three lectures per week.*

18 NQF credits at HEQSF level 8

**Convener:** Ms S Lutchman and Professor PJ Schwikkard

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The aim of the course is to equip students with knowledge of the history and sources of the law of evidence; the rules for admissibility in the context of the relevancy requirement, such as character, similar fact and opinion evidence; rules excluding relevant evidence such as privilege and hearsay;

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detrimental statements such as confessions; kinds of evidence and presentation thereof; witnesses including their competence and compellability and calling of witnesses; proof without evidence; evaluation of evidence; and the standards and burdens of proof.

**DP requirements:** None

**Assessment:** Coursework 40%; June examination (2 hour) 60%

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### **PBL4802F CRIMINAL PROCEDURE**

*Final Level, half course, first semester, three lectures per week.*

18 NQF credits at HEQSF level 8

**Convener:** Ms J Omar

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

Criminal Procedure deals with the practice and procedure of the criminal process, from the police to the courts. Students are given concrete and topical examples in class, tutorials and assignments and are expected to apply their knowledge of general principles in a critical way, having regard to criminal justice and contemporary social justice imperatives. Students are challenged with legal and ethical dilemmas that they would confront in practical situations and are required to provide justiciable answers in conformity with ethics norms often informed by constitutional values. The course draws heavily on principles of criminal law, constitutional law as well as the law of evidence, to illustrate the interaction between adjectival and substantive law.

**DP requirements:** None

**Assessment:** Coursework 40%, June examination 60%.

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### **RDL4008H CIVIL PROCEDURE**

*Intermediate Level, half course, two lectures per week.*

18 NQF credits at HEQSF level 8

**Convener:** Associate Professor M Paleker

**Course entry requirements:** Successful completion of all Preliminary and Intermediate Level courses and in particular, family law, property law, contract law, and the law of delict.

**Course outline:**

Aims and objectives: The aim of this course is to teach the rules and procedures that courts and litigants are obliged to follow when litigating different kinds of civil suits.

Course content: The course covers the rules for commencing a lawsuit; the distinction between the action and the application procedure; procedural points *in limine*; service of process; the types of pleadings in actions and applications; discovery and disclosure; trials and motion hearings; the enforcement of judgments and orders; various available remedies; how the courts and court officials function; and litigation ethics.

**DP requirements:** None.

**Assessment:** Coursework: 45% Examination: 55%

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## **Elective courses: Final Level**

### **(All 9 NQF credits)**

A candidate in the Final Level of the degree must choose elective courses totalling a minimum of 36 NQF credits. Two kinds of electives are on offer: lectures-and-examination electives and seminars-and-research-paper electives. Every Final Level student must do at least one seminars and research paper elective, but any student may do an Independent Research Paper of 8000 words instead of the seminars and research paper elective.

## Dean's Office, Law

### LECTURES AND EXAMINATION ELECTIVE

DOL4500F/S Legal Practice

### SEMINARS AND RESEARCH PAPER ELECTIVES

DOL4501S Law, Democracy and Social Justice

## Department of Commercial Law

### LECTURES AND EXAMINATION ELECTIVES

CML4501F Dispute Resolution  
 CML4502F Insurance Law  
 CML4503F Intellectual Property Law A  
 CML4504S Intellectual Property Law B (*not offered in 2018*)  
 CML4505F International Trade and Maritime Law (*not offered in 2018*)  
 CML4506F Tax Law A  
 CML4507S Tax Law B  
 CML4508S Trusts and Estate Planning  
 CML4509S Ways of Doing Business

### SEMINARS AND RESEARCH PAPER ELECTIVES

CML4601F Theory and Practice of Commercial Regulation and Governance  
 CML4602S Competition Law  
 CML4603S Banking Law  
 CML4604F Current Developments in Company Law  
 CML4605F Law, Development, Labour and Social Policy (*not offered in 2018*)  
 CML4606H Moot Caput

## Department of Private Law

### LECTURES AND EXAMINATION ELECTIVES

RDL4501S HIV/Aids, Bioethics and the Law (*not offered in 2018*)  
 RDL4504S South African Mineral Law: Theory, Context and Reform  
 RDL4505F The Law of Cession  
 RDL4507F Conflict of Laws

### SEMINARS AND RESEARCH PAPER ELECTIVES

RDL4601F Advanced Property Law: Capita Selecta  
 RDL4602S Civil Justice Reform  
 RDL4603F Jurisprudence and South African Law (*not offered in 2018*)  
 RDL4604S Law and Post-Apartheid Literature  
 RDL4605F Legal Pluralism, Religion, Culture and Human Rights (*not offered in 2018*)  
 RDL4606F Private Law and Human Rights (*not offered in 2018*)  
 RDL4608S The South African Law of Delict in Theoretical and Comparative Perspective (*not offered in 2018*)  
 RDL4609H Moot Caput

## Department of Public Law

### LECTURES AND EXAMINATION ELECTIVES

PBL4111S Public Interest Litigation  
 PBL4501F Criminology: Selected Issues (*not offered in 2018*)

## 64 COURSE OUTLINES (LLB)

PBL4502F	Environmental Law
PBL4503F	European Union Law
PBL4504F	International Criminal Law and Africa
PBL4505F	International Human Rights Law and the Constitution
PBL4506F	Refugee and Immigration Law
PBL4507F	Introduction to Forensic Sciences and the Law ( <i>not offered in 2018</i> )
PBL4508F	Local Government Law

### SEMINARS AND RESEARCH PAPER ELECTIVES

PBL4601S	Constitutional Litigation
PBL4602F	Criminal Justice and the Constitution
PBL4604F	Social Justice and the Constitution
PBL4605F	Women and Law
PBL4606H	Moot Caput

### INDEPENDENT RESEARCH PAPER ELECTIVES

CML4401H	Independent Research Option (Commercial Law)
PBL4401H	Independent Research Option (Public Law)
PBL4402H	Independent Research Option (Criminal Justice)
RDL4401H	Independent Research Option (Private Law)

### COURSES OFFERED BY DEPARTMENTS IN OTHER FACULTIES

PTY4008S	Medicina Forensis
SLL1134H	isiXhosa for Law ( <i>not offered in 2018</i> )
SLL1135H	Afrikaans Communication for Law ( <i>not offered in 2018</i> )

## Course Outlines:

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### CML4501F DISPUTE RESOLUTION

*Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Mr K Bassuday

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed. The course is limited to 25 students; application to do the course must be directed to Professor Rycroft by 31 October.

**Course outline:**

The nature and path of conflict; approaches to managing conflict; positional and interest-based mechanisms; comparing adjudication and mediation; defining the process of mediation; the stages of mediation; the dispute system in the Labour Relations Act; specialised forms of mediation; divorce mediation, community mediation and environmental mediation; arbitration: the forms of arbitration and the defining characteristics; dispute systems design.

**DP requirements:** None

**Assessment:** Coursework: Class test 25%, Contemplative journal 25%, June examination: 50%

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### CML4502F INSURANCE LAW

*Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Associate Professor A Hutchison

**Course entry requirements:** All Preliminary and Intermediate Level Courses to have been completed.



**Course outline:**

This course will serve as a complement to the discussion on insurance in Commercial Transactions Law (CML4006W). for those with a deeper interest in the subject. Both capital and indemnity insurance will be discussed. The course seminars will focus on specific topics (which may vary from year to year) and will provide deeper context and detail on South African insurance law than there is time for in Commercial Transactions Law.

**DP requirements:** Satisfactory attendance at and participation in lectures.

**Assessment:** Coursework 3000 word assignment (compulsory) 30%; Presentation on a topic of choice (voluntary) 20%; June examination 50% (if presentation) 70% (if no presentation).

**CML4503F INTELLECTUAL PROPERTY LAW A**

*Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Associate Professor L-A Tong

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course provides an introduction to the international intellectual property rights system and a focused examination, primarily from a South African perspective, of copyright and patents. The course covers the following: intellectual property law theories and justifications; the international intellectual property law instruments; principles of copyright law; principles of patent law, current issues in copyright and patent law. (The topics will be determined at the start of the course. Examples of issues include access to medicines, freedom of expression and parody, social media, and traditional knowledge.) Students are encouraged to register for Intellectual Property Law B as well, in order to gain a complete understanding of intellectual property law.

**DP requirements:** None

**Assessment:** Coursework: 20% optional, Exam: 80% or 100%

**CML4504S INTELLECTUAL PROPERTY LAW B**

*(not offered in 2018) Final Level, half course, second semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Associate Professor L-A Tong

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed. Co-registration with CML4503F Intellectual Property Law A. Students may do this course if they have completed Intellectual Property A in the first semester

**Course outline:**

This course, combined with Intellectual Property Law A, provides a complete overview of the main pillars of intellectual property law. The topics include: unlawful competition in South Africa (including passing off, trade secrets, misappropriation of a rival's performance); principles of trade mark law in South Africa; Geographical Indications; issues related to trademarks (for example the Advertising Standards Authority, domain names).

**DP requirements:** None

**Assessment:** Coursework: 20% optional, Exam: 80% or 100%

**CML4505F INTERNATIONAL TRADE AND MARITIME LAW**

*(Not offered in 2018) Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Ms L Naidoo

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

Part 1: International Trade Law (the business of carriage of goods by sea, incoterms, payment in international law; tender of shipping documents).

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Part 2: Maritime Law (ship registration, admiralty jurisdiction, carriage of goods by sea, charterparties, pollution, salvage and wreck, marine insurance).

**DP requirements:** None

**Assessment:** Coursework 40%, June examination 60%

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### **CML4506F TAX LAW A**

*Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Associate Professor T L Gutuza

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

Every area of the law affects understanding and practical application of tax law. The study of tax law is therefore introduced in the final stage of the LLB curriculum.

Taxation is complex because it overlays all fields of the law, draws on other disciplines, transcends national borders, affects every commercial transaction and often influences societal behaviours.

This course introduces the subject of tax law. It seeks to illustrate the interrelation of tax law with other fields of law by focussing on primary themes and structural challenges faced by a tax system.

In much of the coursework, the emphasis will be on the South African income tax. A selection of fundamental features of the South African income tax will be considered, mainly through critical evaluation of case law. Key jurisdictional concepts comprising the source and residence basis of income taxation will be considered. The course will analyse the statutory and jurisprudential frameworks for the determination of taxable income, including the notion of income, the distinction between capital and revenue receipts and the deductibility of expenditure and losses.

At the end of this course students are expected to be able to start to identify the broader relevance and impact of tax law.

**DP requirements:** None

**Assessment:** June examination 100%

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### **CML4507S TAX LAW B**

*Final Level, half course, second semester, two lectures per week*

9 NQF credits at HEQSF level 8

**Convener:** Associate Professor J Hattingh

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course builds on Tax Law A as a further introductory course for law undergraduates on the subject of tax law.

The focus of the course is on legislation as the primary source of tax law. In much of the coursework, the emphasis will be on the South African income tax legislation.

Because the focus is on legislation, the course is introduced by a recapitulation of the legal framework for statutory construction. Throughout the course, the emphasis will be on development of the competencies required to use revenue legislation in a responsible manner.

A selection of features of the South African Income Tax Act, 58 of 1962, will be considered. The relevant provisions are categorised into those dealing with the main tenants of the taxation of individuals, companies and other vehicles such as trusts and partnerships. Selected issues affecting the taxation of corporate income will be considered. In addition, the legislation imposing tax on capital gains will be dealt with, in overview.

The course is concluded by a consideration of the various common law and statutory measures that address tax evasion and tax avoidance. Brief consideration will be given to common legitimate tax planning techniques.

**DP requirements:** None

**Assessment:** November examination 100%

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**CML4508S TRUSTS AND ESTATE PLANNING**

*Final Level, half course, second semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Ms K Lehmann

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed. Concurrent registration with CML4506F Tax Law A and CML4507S Tax Law B is recommended.

**Course outline:**

The primary objective of this course is to outline aspects of the law relevant to the use of trusts in estate planning. More specifically the course covers the law of trusts, the income tax implications of using trusts, the calculation of estate duty and the standard estate plans using trusts.

**DP requirements:** None

**Assessment:** November examination 100%

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**CML4509S WAYS OF DOING BUSINESS**

*Final Level, half course, second semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Dr K Idensohn

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course provides a comparative and critical overview of the legal nature, regulation, relative advantages and disadvantages, and ideological and theoretical bases of a number of different legal forms and models that are used for the carrying on of commercial activities and in structuring commercial relationships, with an emphasis on those that fall outside the compulsory LLB course curriculum. The particular forms and models that will be considered each year will vary in accordance with current legal and commercial trends and are likely to include partnerships, joint ventures, companies, franchising, licensing and distribution agreements, co-operatives and trusts.

**DP requirements:** None

**Assessment:** Coursework 20%, November examination 80%

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**CML4601F THEORY AND PRACTICE OF COMMERCIAL REGULATION AND GOVERNANCE**

*Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Associate Professor D Collier and Dr K Idensohn

**Course outline:**

The regulation of commercial activities is seen as a necessary measure to manage risk and mediate the conflicting interests of parties. Increasingly however, formalistic legal (or state) regulation of commercial activities is under pressure to give way to 'softer' forms of governance. This course in regulation and governance introduces students to (i) basic economic perspectives on regulation and governance and global trends in this regard; (ii) basic sociological perspectives on the regulation of commercial activities; which will provide students with an understanding of various regulatory models – from the traditional command-and-control to more reflexive/responsive models – and will equip students with the tools to critique the contemporary regulatory regime and its impact on commercial activity.

**DP requirements:** None

**Assessment:** Participation in class 20%, Research paper (5000 words) 80%

**CML4602S COMPETITION LAW**

*Final Level, half course, second semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Judge D M Davis

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Co-requisites:** This course requires a large measure of student participation. Class attendance is compulsory. Class participation takes the form of both group-work and individual presentations.

**Course outline:**

In this course we examine the regulation of competition under the 'new' Competition Act 89 of 1998. The focus of the course is on the statutory regulation of competition and the underlying policy considerations which the Act aims to address. In particular, we examine the practices that firms are prohibited from engaging in under the Act, and the way in which the Act regulates the merger of firms. The content of the Act has been heavily influenced by European and American Antitrust Law and practice. Since the South African competition authorities have not yet had an opportunity to develop an extensive jurisprudence of their own, we look to comparative sources for guidance as to how the Act might come to be interpreted and applied.

**DP requirements:** None

**Assessment:** Research paper (5000 words) 100%

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**CML4603S BANKING LAW**

*Final level, half course, second semester.*

9 NQF credits at HEQSF level 8

**Convener:** Ms S Buthelezi

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

In the first half of the course students are introduced to the private law aspect of banking. The course will examine the concepts of money and payments by exploring both the traditional forms of payments to modern methods such as digital finance. The course also examines African banking concepts such as stokvels and credit-rotating associations, and critically analyse the greater need for financial inclusion in South Africa. In this section students are introduced to the different roles of banks including banks as intermediaries, banks as guarantors, and banks as lenders (domestically and in the international financial markets). This sections also focuses on the bank-customer relationship and bank liability arising out of contract, delict or enrichment. The second half of the course examines the regulation of the banking and finance sector by exploring key legislation such as the Banks Act, the Financial Advisory and Intermediary Services Act, the Financial Markets Act amongst many others. In this section students will be introduced to key theoretical concepts such as systemic risk. This part of the module will also examine South Africa's reform of the banking and finance sector towards Twin Peaks with focus on what is twin peaks and why is there a global trend towards twin peaks.

**DP requirements:** None

**Assessment:** Research Paper (5000 words) 100%

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**CML4604F CURRENT DEVELOPMENTS IN COMPANY LAW**

*Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** TBA

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The background to the enactment of the Companies Act 2008 (including a general desiderata of a modern Companies Act); the perceived weaknesses of the Companies Act 1973; the objectives of

the Act and purposive interpretation; legal personality, including issues of capacity – RF companies – the consequences that ensure where a company’s memorandum of incorporation contains restrictive conditions – the consequences for outsiders who transact with an RF company; the scope for tailoring the structure of a company and its governance to the specific needs of its incorporators – alterable provisions and unalterable provisions of the Act – rules of the company – shareholders’ agreements; directors – the nature of the office – the conceptual basis of the office and fundamental concepts underlying the common-law and statutory duties and liabilities of directors; enforcement and remedies; representation of the company – issues of authority – the Turquand Rule; corporate governance – the inter-relationship between the board of directors and the shareholder meeting; corporate finance; fundamental transactions, and business rescue and compromise with creditors.

**DP requirements:** None

**Assessment:** Research paper (5000 words) 100%

### **CML4605F** LAW, DEVELOPMENT, LABOUR AND SOCIAL POLICY

*(Not offered in 2018) Final Level, half course, first semester, two lectures per week. This course is limited to 15 students.*

9 NQF credits at HEQSF level 8

**Convener:** Associate Professor D Collier

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The aim of this course is to introduce students to selected debates around the role of law in development, specifically in the context of labour market regulation in the era of globalisation. Topics may include developments in case law, social security principles and implementation, statutory and extra-legal social dialogue arrangements, the harmonisation of labour standards and social policy in Southern Africa, workplace discrimination, affirmative action, freedom of association, HIV/AIDS in the workplace, dispute prevention and resolution, and health and safety.

**DP requirements:** None

**Assessment:** Participation in class 20%, Research paper (5000 words) 80%

### **DOL4500F/S** LEGAL PRACTICE

*This course is capped at 60 students.*

9 NQF credits at HEQSF level 8

**Convener:** Ms Y Moodley

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed. Preference is given to final year students on a first come, first serve basis. If there are spaces available, it can be opened up to intermediate students who are on the Dean's merit list. The course cannot accommodate more than 60 students due to capacity issues.

**Course outline:**

This course offers students their first opportunity of working with real clients under the guidance of attorneys at the UCT Law Clinic. Students attend a lecture and a clinical programme. There are 2 lectures/week on practical aspects of litigation. For the clinical programme students have to attend 3 clinics per year where they consult with prospective clients and open up files. At the end of this course students will be able to conduct a proper consultation with a client; draft letters, Notices, Affidavits and Pleadings; Manage a typical attorney's file; draft a will and examine and cross examine witnesses in a simulated trial.

**DP requirements:** None.

**Assessment:** Assignments/Class tests 40%, Assessment of files 60%

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**DOL4501S LAW, DEMOCRACY AND SOCIAL JUSTICE**

*Final Level, half course, first semester, two lectures per week. This course is limited to 20 students, application to do the course must be directed to the Course Convener before 31 October.*

9 NQF credits at HEQSF level 8

**Convener:** TBA

**Course entry requirements:** All Preliminary and Intermediate Level course to have been completed.

**Course outline:**

This will vary from semester to semester dependent on the expertise of visiting lecturers but will broadly be in jurisprudential rights discourse. The course will include methodological instruction in the development of a research proposal, the first and final drafts of the research paper

**DP requirements:** None.

**Assessment:** Research Project Paper proposal 10%, First Draft 20%, Final Paper 60%, Class Participation 10%

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**PBL4111S PUBLIC INTEREST LITIGATION**

*Final Level, half course, second semester.*

9 NQF credits at HEQSF level 8

**Convener:** Dr F Khan and Mr P Mfobu

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course is designed to examine strategic and legal issues related to litigating in the public's interest and social justice cases that advance the constitutional and civil rights of vulnerable groups or communities. The course will draw from the Refugee Rights and the Land and Accountability Research Centre's experience as part of teams engaged in strategic impact litigation about land rights over several years. We will explore public interest litigation and approaches by examining the legal framework, through a variety of case studies, pending litigation and guest lecturers. The course is based on a participatory, active learning approach, with an emphasis on practical learning. Participants will do the required readings, prepare individual and group assignments and participate actively in group discussions.

**DP requirements:** None.

**Assessment:** Two written assignments which will contribute 20% each to the final mark. Class attendance and participation which will contribute 10% to the final mark. An exam which will contribute 10% to the final mark.

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**PBL4501F CRIMINOLOGY: SELECTED ISSUES**

*(Not offered in 2018) Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Professor E van der Spuy

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The aim of this course is to critically engage with a select number of issues of criminological relevance to the South African society. For each of the substantive areas to be discussed we will organise our discussion around a number of key questions: What are the key features of criminological discourse on issues such as: gangs; corporate crime; gendered violence; organised crime; youth violence; crime prevention etc. What are the main strategies (social, legal and administrative) for addressing the particular phenomenon? What is known about the size, shape and content of the phenomenon in South Africa? What are the main features of public/popular debate on the issue in South Africa?

**DP requirements:** Satisfactory attendance at weekly seminars.

**Assessment:** Class attendance, participation and hand-ins 30%; Take home exam (6 hours) 70%

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**PBL4502F ENVIRONMENTAL LAW**

*Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Ms A Mkhonza

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The course examines the law applicable to selected environmental problems. The following issues are covered: an introduction to environmental problems; the nature of environmental law; land-use management (environmental impact assessment & other tools); resource conservation (water, marine living resources, biodiversity); pollution law (water, land, air).

**DP requirements:** None

**Assessment:** Class tests 20%; Short research assignment 20%; Examination 60%

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**PBL4503F EUROPEAN UNION LAW**

*Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Ms S Lutchman and Emeritus Professor D J Devine

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The course provides an introduction to the institutions and instruments of the European Union, with a focus on its relationship with Southern Africa. A few of the aspects covered include: organisation of the European Communities and their Institutions; Union Law and National Law; the foundations of the European Union (Competition Policy and the Internal Market) and Human Rights in the European Union (the relationship between the European Court of Justice and the European Court of Human Rights).

**DP requirements:** None

**Assessment:** June examination (1½ hour) 100%

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**PBL4504F INTERNATIONAL CRIMINAL LAW AND AFRICA**

*Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Dr H Woolaver

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course provides students with a firm understanding of the key aspects of international criminal law, focusing on the impact and application of this body of law in the African continent. The first section of the course will provide an overview of the historical development of international criminal law, from its origins in the Nuremberg Tribunal, culminating in the establishment of the International Criminal Court. The second section of the course will examine the legal elements of the core international crimes: genocide, crimes against humanity, war crimes, and the crime of aggression. Section three will provide an analysis of the modes of liability of international crimes, focusing on liability for the commission of group crimes and superior responsibility. The final section will detail the procedural aspects of enforcement, including jurisdiction of domestic and international courts and the issue of immunity of senior State officials. This section will emphasise prosecution of international crimes in the domestic courts of South Africa, and will also consider the validity of domestic amnesty agreements for international crimes. Case studies throughout the course will be based on situations in the African continent, to draw out the particular challenges and possibilities for enforcement of international criminal law on the continent.

**DP requirements:** Satisfactory attendance at weekly seminars.

**Assessment:** Essay (2500 words) 20%; In-class presentation 10%; Final examination 70%

**PBL4505F INTERNATIONAL HUMAN RIGHTS LAW AND THE CONSTITUTION**

*Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Ms S Lutchman

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The course aims to examine the relationship between International Human Rights Law and the South African Constitution, particularly how international human rights norms are received and enforced under the Constitution and the extent to which the South African Bill of Rights can and does give effect to international human rights norms. It will provide participants with the opportunity to consider and critically reflect upon the relationship between international and municipal law, the development of international human rights norms and standards, the tension between universal norms and cultural specificity, the content and interpretations of the South African Bill of Rights and the suitability of domestic Bills of Rights as vehicles through which to receive and implement international human rights law.

**DP requirements:** Satisfactory attendance at weekly seminars.

**Assessment:** Written assignments and class participation 40%. One written examination (2 hours) 60%.

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**PBL4506F REFUGEE AND IMMIGRATION LAW**

*Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Dr F Khan

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course will focus primarily on the basic criteria for the attainment, denial and withdrawal of refugee status and the rights and treatment of refugees in accordance with the South African Refugees Act (130 of 1998) and other relevant legislation and international instruments. A comprehensive analysis of the South African Refugees Act as well as relevant sections of the Immigration Act (13 of 2002) will be undertaken. Furthermore case-law of the international, regional and national courts will provide an understanding of how refugee law is interpreted and implemented in South Africa as well as in other jurisdictions.

**DP requirements:** None

**Assessment:** One final examination (3 hours) 100%

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**PBL4507F INTRODUCTION TO FORENSIC SCIENCES AND THE LAW**

*Final Level, half course, first semester, two lectures per week. (Not on offer in 2018)*

9 NQF credits at HEQSF level 8

**Convener:** Dr K Moul

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course will give students an understanding of the application of forensic sciences to the law. The course covers the crime scene investigation process, and provides an overview of the various kinds of forensic evidence that may be collected and presented in court. Students will learn about the identification, documentation and collection of physical evidence, including fingerprints, shoe impressions, hair and fibers, firearms evidence, blood spatter and questioned documents. The course will present one lecture each on forensic psychology, DNA evidence, motor vehicle collision investigation, fire investigation and forensic accounting. This course is designed to provide a



foundation in the field of criminalistics to students who are interested in the use of science to solve crime, and considers the impact of television and other media on the field of Forensic Science.

**DP requirements:** None

**Assessment:** Midterm exam 30%, Crime Scene Simulation 40%, Final exam 30%

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#### **PBL4508F LOCAL GOVERNMENT LAW**

*Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Mr P Ntliziywana

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed. The course is limited to 25 students; application to do the course must be directed to Mr Ntliziywana by 31 October.

**Course outline:**

The course is intended to provide students with a deeper understanding of Local Government. It provides students with an opportunity to explore and critically reflect on selected advanced issues in local government law in more detail. Students will critically engage with issues relating to the nexus of local government in the intergovernmental arena, municipal governance and administration, municipal elections, powers and functions, municipal finances and financial management, service delivery and socio-economic rights, community participation, and municipal planning and budgeting.

**DP requirements:** Satisfactory attendance at weekly seminars

**Assessment:** Class participation 20%; Compulsory assignment 30%, Exam 50 %

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#### **PBL4601S CONSTITUTIONAL LITIGATION**

*Final Level, half course, second semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Judge D M Davis

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The object of this course is to gain greater insight into constitutional law by means of learning about litigation. The course focuses on one key area (for example in 1997 abortion was the chosen topic). The course examines key constitutional issues (eg. life, equality, privacy, dignity, bodily integrity) relevant to this issue. A study is also made of the rules of the Constitutional Court. Thereafter students are divided into legal teams and with assistance are required to prepare heads of argument as if the matter is to be heard before the Constitutional Court. The matter is then argued fully. In this way the critical principles of constitutional law and the requirements for constitutional litigation are taught.

**DP requirements:** None

**Assessment:** The mark is given for group work (to be negotiated with the class) based on heads of argument and oral argument.

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#### **PBL4602F CRIMINAL JUSTICE AND THE CONSTITUTION**

*Final level, first semester half course, two lectures per week. The course is limited to 25 students*

9 NQF credits at HEQSF level 8

**Convener:** Ms J Omar

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course provides students with the opportunity to explore selected advanced issues in criminal justice, punishment and the manner in which the Constitution impacts the criminal justice system in the context of South Africa's socio, politico and economic history and the transition to democracy. Students will use the group discussions to develop research skills, including critical thinking and

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produce research papers. The course draws on principles of criminal law, constitutional law, the law of evidence, and interacts with criminology.

**DP requirements:** Satisfactory attendance at weekly seminars.

**Assessment:** Attendance at and participation in seminars 10%; Final research paper 90%

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### **PBL4604F SOCIAL JUSTICE AND THE CONSTITUTION**

*Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Professor P de Vos

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The course is intended to give students an opportunity to engage with a number of discrete constitutional law problems in more detail than is possible in the general introductory Constitutional Law course offered in the preliminary year. The course is aimed at providing a space for contestation, critical discussion and reflection on important constitutional law issues and the manner in which lawyers, judges and legal academics engage with such issues against a broader socio-political background. Aiming to go beyond a black letter law discussion of constitutional law principles and legal precedent (but not ignoring such principles and precedent), the course encourages students to ask questions about the nature of constitutional adjudication; the interaction between law, politics and values; and the various ways in which social and political issues should be dealt with from a constitutional perspective.

**DP requirements:** None

**Assessment:** Presentations by individual students in seminars 25%; End of semester essay 75%

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### **PBL4605F WOMEN AND LAW**

*Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Professor D Smythe

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The course aims to introduce students to literature and debates on the relationship between women and the law, allowing them to examine specific aspects of South African law in the light of feminist theory. In the seminars we consider feminist theories of law and the position of women in South African Law. For these seminars students are required to read and reflect on prescribed texts and participate in discussions. Attention is also paid to research skills and research methodology. Students can research a subject of their choice. Possible subjects include feminist and social theory; the constitutional protection of women; family law including divorce, maintenance, adoption and custody, abortion and surrogate motherhood; the law relating to violent crimes against women, including rape and domestic violence; employment law, including sex discrimination, equal pay, maternity benefits, sexual harassment and domestic workers; aspects of customary law; and the law governing censorship and pornography.

**DP requirements:** None

**Assessment:** Reflection papers 10%; Presentation at symposium on women and law 10%; Research paper 80%

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### **RD4501S HIV/AIDS, BIOETHICS AND THE LAW**

*Not offered in 2018. Final Level, half course, second semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This elective introduces students to an interdisciplinary approach to theoretical, legal and ethical issues which arise when medicine, science, the state and the courts must deal with human responses to illness and suffering, in particular, the HIV/AIDS pandemic and related topics in South Africa. The aim is to promote analytical and critical reflection on the relationship between ethics, politics and the law, especially as they relate to responsibility, autonomy, and paternalism from a human rights perspective.

**DP requirements:** None.

**Assessment:** Coursework (three written assignments) 30% (10% each), Examination assignment 70%

**RDL4504S SOUTH AFRICAN MINERAL LAW: THEORY, CONTEXT AND REFORM**

*Final Level, half course, second semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Professor H Mostert

**Course entry requirements:** RDL2002H (Property Law) at Preliminary B level

**Co-requisites:** PBL4001W (Administrative Law)

**Course outline:**

In enabling the study of the theory and practice of mineral law, this course focuses on building understanding of the complexities of South African mineral law in its historical, constitutional and political setting. It introduces the topic by dealing with the origins and historical development of mineral law, and the core concepts thereof. It deals specifically with the nature and content of rights to minerals and the current regulatory framework for these rights. In doing so, it analyses critically the extent of current regulatory controls and / or lack thereof, focusing specifically on provisions dealing with social and environmental responsibility and the recording of rights to minerals. This allows students to gain a critical understanding of the practical context in which mineral law operates, and the need for reform.

**DP requirements:** None.

**Assessment:** Coursework (assignment or class test) 40%, Examination 60%

**RDL4505F THE LAW OF CESSION**

*Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Professor D B Hutchison

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

Law graduates entering legal practice (particularly in a commercial law firm) will find themselves immediately confronted with issues relating to the transfer of personal rights by cession. Most wealth today is held in the form of personal rights or claims against other parties (including banks, employers, investment and insurance companies, pension funds and the like) and much commercial activity concerns the transfer or pledging of such rights. The course aims to familiarise students with all aspects of the law of cession – a complex and challenging subject – to prepare them for commercial legal practice.

**DP requirements:** None

**Assessment:** Examination (2 hours) 100%

**RDL4507F CONFLICT OF LAWS**

*Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Associate Professor A Barratt

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**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course aims to introduce students to the rules and principles governing conflict of laws questions. How should South African courts decide cases which contain a foreign element? For example: a South African company offering hunting safaris suffers economic loss because of allegedly defamatory statements published and read in the United States. Does a South African court have jurisdiction over this matter? Should the court apply the South African law of delict, or must it apply American tort law? In this course, we will examine the general principles governing application of foreign law and will focus particularly on conflict of law questions that arise in the context of delict, contract, property, succession, marriage, and divorce.

**DP requirements:** None.

**Assessment:** Optional written assignment 30%, Final examination in June (2 hours) 70% (if assignment), 100% (if no assignment).

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### **RDL4601F ADVANCED PROPERTY LAW: CAPITA SELECTA**

*Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Professor H Mostert

**Course entry requirements:** RDL2002H (Property Law) at Preliminary B level

**Course outline:**

This course aims to deepen LLB students' understanding of key aspects of property law, particularly expropriation law by enabling them to explore and specialise in topical areas of this field of study. The course covers the following: (i) the basic theories underlying expropriation law; (ii) the legislative framework governing expropriations; (iii) the importance and influence of the constitutional property clause in respect of the legislative framework; (iv) the various stakeholders impacted by expropriations; (v) the social and political considerations that inform this area, including land reform; (vi) the procedural requirements to effect a lawful expropriation. Upon completion of this course, students must demonstrate their ability to engage critically with an identified issue in expropriation law by researching independently, producing a written analysis, and presenting their findings orally.

**DP requirements:** None.

**Assessment:** Coursework: formulation of research proposal 5%, seminar participation 10%, class participation and oral/poster presentation of preliminary findings 15%, research paper (5000 words) 70%.

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### **RDL4602S CIVIL JUSTICE REFORM**

*Final Level, half course, second semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Associate Professor M Paleker

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Objective:** The aim of the course is to consider contemporary debates in civil justice and civil justice reform and to engage with the different methods of civil dispute resolution.

**Course outline:**

This course will consider the theoretical and philosophical debates around access to civil justice. To this extent, the writings of the famous Venetian proceduralist, Prof Mauro Cappelletti, and many other jurists will be studied to give content to s 34 of the Constitution of the Republic of South Africa, 1996. Secondly, there will be an analysis of the strengths or weaknesses of the South African civil justice system, and how foreign jurisdictions have dealt with challenges in civil justice. For example, the Woolf reforms in England and Wales will be considered. Thirdly, different litigation models will be studied to understand the similarities and differences in adjudication styles between civil law and common law systems.

**DP requirements:** None.

**Assessment:** By coursework comprising: Class attendance and participation 20%, Seminar and presentation 20%, Research paper (5000 words) 60%

### **RDL4603F JURISPRUDENCE AND SOUTH AFRICAN LAW**

*(Not offered in 2018) Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Professor A G Fagan and Associate Professor A M Price

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course aims to deepen LLB students' understanding of the nature of law, adjudication, and the relationship of morality and politics to each, by getting them to explore the implications of important debates in jurisprudence for various aspects of and issues in modern South African law. Questions arising in constitutional theory and the philosophical foundations of civil law, criminal law, and causation, for example, may be addressed.

**DP requirements:** None.

**Assessment:** Presentation of paper in a seminar 10%, Research paper of 5000 words 90%

### **RDL4604S LAW AND POST-APARTHEID LITERATURE**

*Final Level, half course, second semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Professor A J Barnard-Naudé

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course deals with the relationship between law and literature in the context of post-apartheid. The prescribed work is Marlene van Nierkerk's *Agaat*. In the first part of the work we read the novel through various lenses, following a philosophical and literary critical approach that illuminates the dialectics of space, representation, colonisation, apartheid and reconciliation in the novel. While the approach will have a strong focus on the work of Hegel as interpreted by Jacques Lacan, no prior knowledge of either Hegel's philosophy or Lacan's psychoanalysis is required. In the second part of the course, students will present seminars on a number of secondary texts written on *Agaat*, including those authored by legal scholars. We develop the individual research papers in further seminars. The course will rely greatly on engaged thinking 'in action'. Active participation and attendance are essential.

**DP requirements:** None

**Assessment:** Seminar presentation 40%, Research paper of 5000 words 60%

### **RDL4605F LEGAL PLURALISM, RELIGION, CULTURE AND HUMAN RIGHTS**

*(not offered in 2018) Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Associate Professor W Amien

**Course entry requirements:** All Preliminary and Intermediate level courses to have been completed.

**Course outline:**

This course aims to provide an understanding of how pluralities of laws operate in South Africa, at official and unofficial levels. By drawing on legislation and case law, attention is paid to historically marginalised religious, cultural and customary laws including personal and family laws emanating from (but not limited to) Islam, Hinduism, Judaism and traditional and non-traditional customary laws. Students are encouraged to consider how non-dominant systems of personal and family laws can be addressed within a secular legal framework and what the human rights implications of that are. The course comprises: (1) Theoretical foundations of legal pluralism; (2) Selected religious, cultural and customary laws including (but not limited to): Islamic law; Hindu law; Judaic law;

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Customary laws; (3) Manifestations of plural laws through religions, cultures, customs and secular laws in the private law domain including (but not limited to): Marriage; Divorce; Succession; (4) Models of recognition of religious, cultural and customary laws; (5) Human rights implications of official and unofficial application of religious, cultural and customary laws.

**DP requirements:** None

**Assessment:** By coursework comprising: Class attendance and participation 20%, Seminar presentation 30%. Research paper (5000 words) 50%

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### **RDL4606F PRIVATE LAW AND HUMAN RIGHTS**

*Not offered in 2018. Final Level, half course, first semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Professor A J Barnard-Naudé

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The course deals with current issues in private law (common law, legislation and customary law) from a theoretical perspective. Topics include: the public/private law dichotomy in a constitutional democracy; theories of application of the South African Constitution to "private law"; transformation of, and transformative issues in relation to, the following institutions of private law: (a) property (b) contract (c) delict (d) family (e) succession; and the potential of transformative private law, as infused by the Constitution, to resolve the dilemmas of post-apartheid social democracy with specific reference to the apartheid reparations debate.

**DP requirements:** None

**Assessment:** Seminar presentation 40%, An essay of 4000-5000 words 60%

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### **RDL4608S THE SA LAW OF DELICT IN THEORETICAL AND COMPARATIVE PERSPECTIVE**

*Not offered in 2018. Final Level, half course, second semester, two lectures per week.*

9 NQF credits at HEQSF level 8

**Convener:** Professor A G Fagan and Associate Professor A M Price

**Course entry requirements:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course aims to deepen LLB students' understanding of a core part of South Africa law, namely its law of delict, by getting them to explore its theoretical foundations and to compare it to the law of delict or tort in other legal systems (for example, English law or German law).

**DP requirements:** None

**Assessment:** Class participation 10%, Research paper (5000 words) 90%

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### **PTY4008S MEDICINA FORENSIS**

*This course is offered by Division of Forensic Medicine and Toxicology in Department of Pathology. The maximum intake is 30 students.*

9 NQF credits at HEQSF level 5; 15 lectures.

**Convener:** Dr Y van der Heyde

**Course entry requirements:** None

**Course outline:**

This course covers the South African legal system and statutory obligations of doctors and healthcare workers; introduction to human anatomy and physiology; introduction to medico-legal concepts of life and death; the changes which occur in the body after death; the mechanisms of injury and death causation; identity and disputed parenthood; sexual offences and violence against women; choice of pregnancy termination; child abuse and other forensic aspects of paediatric medicine; iatrogenic disorders; intoxication and drunken driving; drug addiction and poisoning as cause of death; pathology of head injury; and anoxic mechanisms as cause of death.

**Lecture times:** Monday double lecture from 15h00 to 16h45

**DP requirements:** None

**Assessment:** One two-hour written examination in October/November (100%) and a 20-minute oral examination for a pass/fail result

## Moot options

CML4606H	Moot Caput	Department of Commercial Law
RDL4609H	Moot Caput	Department of Private Law
PBL4606H	Moot Caput	Department of Public Law

### Course outline:

The option of doing a moot is available in each department in the Faculty. Students should identify the department in which they wish to moot and may register for a moot only with the permission of a member of the department concerned. Usually departments will require at least two students before a moot option will be offered.

To complete a moot option successfully, students must submit adequate heads of argument and participate in moot proceedings presided over by more than one person, at least one of whom should not be a member of the Faculty.

**Assessment:** Heads of argument count for 100% unless the supervisor agrees to allocate a percentage of the mark to oral presentation. The percentage of the mark allocated to oral presentation may not exceed 50%.

## Independent Research Paper electives

CML4401H	Commercial Law
PBL4401H	Public Law
PBL4402H	Criminal Justice
RDL4401H	Private Law

### Course outline:

1. A student may do an Independent Research Paper instead of the seminars-and-research-paper elective. Students prepare their papers by working individually under the supervision of a member of the Faculty.
2. Independent research papers should be 8000 words in length.
3. The final title of research to be done under individual supervision of a member of staff must be approved by registration day.
4. All papers must be completed by the end of the mid-term vacation in the second semester of the final LLB year (i.e. mid-September).
5. Students may be expected to attend a number of general lectures on writing and structuring research papers at the start of the academic year.
6. Students may do more than one research paper (subject to the usual conditions). Each research paper counts 9 credits. All research papers must comply with the requirements for the research papers written in fulfilment of the Final Level research component of the LLB.

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## RULES FOR POSTGRADUATE DEGREES

The Faculty of Law at the University of Cape Town has been offering approved courses for Master of Laws, Master of Philosophy and Postgraduate Diploma purposes since the early 1980s. These courses have been introduced and expanded to meet the particular demands of and to complement the research work undertaken by specialised institutes and research units associated with the Faculty.

The growth in the number of courses in recent years has emphasised the need to produce more integrated programmes. Simultaneously, changes in the social and political environment in South Africa have presented the Faculty with the opportunity to develop its postgraduate studies programme to meet a new set of challenges within an African and international context.

With these ends in mind, the School for Advanced Legal Studies was created in 1992 as the home for existing and planned elements of postgraduate law studies at UCT. It is located within the Faculty of Law, and has assumed responsibility for the co-ordination of all higher coursework teaching. Its objectives extend to the promotion of research and academic exchanges with students and staff at other universities.

### Rules and requirements for degrees and diplomas

For LLM and MPhil purposes, students must select and complete four courses or their equivalent and submit a dissertation of not more than 25 000 words. Full-time students are expected to complete the requirements within an academic year (February to November or July to June), and part-time students are expected to complete the requirements within two years, save that the dissertation may be submitted by not later than the Friday before the first term starts, the year following the completion of the coursework for students who have completed their coursework in December and 15 September of the same year for students who have completed their coursework in June.

For named LLM (Professional Master's degree) purposes, students must select and complete four courses or their equivalent and complete four research tasks. Full-time students are expected to complete the requirements within an academic year (February to November or July to June), and part-time students are expected to complete the requirements within two years.

For Postgraduate Diploma purposes, students must select and complete four courses or their equivalent. Diploma students may, subject to relevant admission criteria, apply to convert their registration to the LLM programme.

Courses will typically involve between 3-4 contact hours per week, although teaching periods may vary from course to course. Details may be obtained from the course convener in each instance.

### The Postgraduate Centre

The Postgraduate Centre is in the Otto Beit Building, Upper Campus. This state-of-the-art facility houses the executive committee of the Postgraduate Students Association (PGSA) as well as the Postgraduate Funding Office. The centre is equipped with IT facilities and includes a seminar room. This facility is open to all Master's and PhD students as well as postdoctoral research fellows. Postgraduates are encouraged to make full use of this centre, in particular the Funding Office, which administers all postgraduate bursaries and scholarships. The Postgraduate Centre may be contacted at [gradcentre@uct.ac.za](mailto:gradcentre@uct.ac.za) or visited at [www.pgfo.uct.ac.za](http://www.pgfo.uct.ac.za)

For further information on postgraduate studies at the University of Cape Town see <https://www.uct.ac.za/students/postgraduates/administration/>



## RULES FOR POSTGRADUATE QUALIFICATIONS

### Postgraduate Diploma in Law

These rules must be read in conjunction with the general rules for degrees and diplomas in Book 3: *General Rules and Policies*.

The following are the rules for all Postgraduate Diploma in Law programmes; additional rules applicable to certain Diplomas are included after these generally applicable rules.

FG1 The Faculty offers a Postgraduate Diploma in Law which is examined by coursework subject to these rules.

#### Specialist areas

FG2 The Postgraduate Diploma in Law may be conferred without specialisation ("General" below) or in any of the following specialist areas:

Specialisation	Qualification Code	Academic Plan Code
Postgraduate Diploma in Law in Dispute Resolution	LG002	CM11
Postgraduate Diploma in Law in Environmental Law	LG002	PBL04
Postgraduate Diploma in Law General	LG002	RDL03
Postgraduate Diploma in Law in Labour Law	LG002	CML07
Postgraduate Diploma in Law in Marine and Environmental Law	LG002	PBL07
Postgraduate Diploma in Law in Shipping Law	LG002	CML09
Postgraduate Diploma in Law in Tax Law	LG002	CML10
Postgraduate Diploma in Law in Criminology, Law and Society	LG002	PBL11

Rules regarding areas of specialisation, in addition to those below, appear in the **Postgraduate Study Programmes** section of this book.

#### Admission

FG3 A person may be considered for admission as a candidate for the Postgraduate Diploma in Law if:

1. he or she has a law degree of the University, or an equivalent degree of another university or institution recognised by Senate for this purpose;
2. he or she is a graduate of this University, or of any other university or institution recognised by Senate for this purpose, who has completed such course or courses as in the opinion of Senate on the recommendation of the Faculty of Law, qualify him/her for admission to the Diploma;
3. he or she is an enrolled advocate or attorney of the High Court of South Africa;
4. in the case of the Diploma in Tax Law, a person who has passed the final professional chartered accountancy examination of the Public Accountants and Auditors Board of South Africa, or an examination which, in the opinion of the Board and of Senate, is of equivalent standard, or a Bachelor of Commerce graduate of the University who has completed a course in

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taxation;

5. With regard to the Postgraduate Diploma in Law in Shipping Law, and with reference to Rule FG3 above,
  - a. In principle, a Master's certificate together with sufficient appropriate experience in the Shipping field, may serve as a ground for admission
  - b. the essential requirement for admission in the absence of a degree is the possession of sufficient appropriate experience in the field in question, whether evidenced by possession of a Master's certificate or not.
6. he or she holds any other academic or professional qualification which Senate has approved as a ground for admission to the Diploma; or
7. a person who has satisfied Senate, by means of such test as may be prescribed, that his/her qualifications are equivalent to any one of those enumerated in FG3.1 - 3.5 above;
8. in the case of an applicant whose primary language is not English, he or she has submitted evidence of proficiency in English of a sufficiently high standard to undertake postgraduate studies in Law. Evidence of proficiency may include one of the following:
  - a recent score (obtained within 3 - 5 years before application for admission) of at least 570 (paper-based test) or 230 (computer-based test) or 88 (Internet-based test) on the Test of English as a Foreign Language (TOEFL)
  - a recent overall band score of 7.0 (with no individual element of the test scoring below 6.0) on the International English Language Testing System (IELTS)
  - a score of at least 75% on the Academic Literacy component of the National Benchmark Test (NBT).

An applicant may be required to pass a law-specific English proficiency test before being permitted to register in the Faculty.

### Obtaining the diploma

FG4 A candidate must undertake advanced study in four approved courses (or the equivalent). A candidate must obtain at least 50% for each course.

### Examination

FG5.1 A candidate may be required to submit prepared assignments, participate in debates or moots, and to undergo a written and/or oral examination in all or any of his/her approved courses.

FG5.2 A candidate who has failed any approved course with 47% or more has the right to an oral examination in that course.

FG5.3 Any such oral examination shall be convened upon a minimum of three days notice given by the Faculty to the candidate, and shall be held at the Faculty in the presence of two examiners, one of whom shall be external to the course concerned, but who may be a member of the Faculty staff.

FG5.4 Supplementary examinations are not set for any of the approved courses.

### Credit and exemption

FG6.1 Senate may accept examinations in an appropriate course of equivalent weight

passed at this or another university recognised for the purpose of exempting a candidate from one course of the work prescribed in **Rule FG4**; provided that Senate may, in advance, approve an individual course or courses offered by another university, as a course which, if completed, will allow credit for and exemption from a course prescribed for the Postgraduate Diploma in Law. Such approval will be valid for one year but may be renewed on the recommendation of the Faculty of Law.

FG6.2 Notwithstanding Rule FG6.1, a candidate will not be admitted to the Diploma unless he or she has completed at least two courses at this University.

### **Exclusion from a course**

#### **Minimum requirements for readmission to the diploma**

FG7.1 Senate may refuse readmission to a candidate who fails two courses, or the same course twice. For the purpose of this Rule, a 60-credit course shall be regarded as one course.

FG7.2 Should a candidate fail a course he or she may only continue by taking another course, unless Senate gives permission to repeat the course failed or study for a longer period.

### **Exclusion from the diploma**

FG8.1 A candidate who fails two courses or the same course twice will not be allowed to reregister for any other Diploma course, except with the permission of Senate. For the purpose of this Rule, a double course shall be regarded as one course.

### **Duration**

FG9 Except with the permission of Senate:

1. a full-time candidate must complete the approved coursework required for the diploma in one academic year; and
2. a part-time candidate must complete the approved coursework required for the diploma within two academic years (one course per semester).

### **Distinction**

FG10.1 The Diploma may be awarded with distinction.

FG10.2 For the Diploma to be awarded with distinction, a candidate must

- (a) complete the diploma within the prescribed period
- (b) obtain an average mark of at least 75%

### **Exemption from or modification of rules**

FG11 Any exemption from or modification of these rules must be approved specifically by Senate.

### **Conversion to LLM degree**

*Candidates who have registered for the Postgraduate Diploma in Law may, subject to the requisite qualifications and acceptability, upgrade their registration to the LLM programme. Candidates who have had the Diploma conferred on them may NOT convert to registration for the LLM retrospectively (see Rule FMC6.3).*

*Students are referred to the Notes which appear immediately below the LLM degree rules, which are applicable to the Diploma.*

## Master's degrees

### Master of Laws (LLM) in approved courses and research tasks (Professional Master's degree)

These rules must be read in conjunction with the general rules for degrees and diplomas in Book 3: *General Rules and Policies*.

FPM1 The Faculty offers a Master of Laws (LLM) degree which is examined by coursework and research tasks, subject to these rules in particular, and the following named Professional Master's degrees are:

Qualification	Code
Master of Laws in Commercial Law	LM020
Master of Laws in Dispute Resolution	LM021
Master of Laws in Environmental Law	LM028
Master of Laws in Intellectual Property Law	LM022
Master of Laws in International Trade Law	LM023
Master of Laws in Labour Law	LM024
Master of Laws in Marine and Environmental Law	LM029
Master of Laws in Private Law and Human Rights	LM027
Master of Laws in Shipping Law	LM025
Master of Laws in Tax Law	LM026

### Admission

FPM2 A person may be considered for admission as a candidate for one of the named Professional Master of Laws degrees if

- 2.1 he or she has a law degree of the University or an equivalent degree of another University or institution recognised by the Senate for the purpose; or
- 2.2 he or she has in any other manner attained a level of competence, which, in the opinion of Senate, on the recommendation of the Faculty of Law, is adequate for the purposes of admission as a candidate for the degree.
- 2.3 in the case of an applicant whose primary language is not English, he or she has submitted evidence of proficiency in English of a sufficiently high standard to undertake postgraduate studies in Law. Evidence of proficiency may include one of the following:
  - a recent score (obtained within 3 - 5 years before application for admission) of at least 570 (paper-based test) or 230 (computer-based test) or 88 (Internet-based test) on the Test of English as a Foreign Language (TOEFL)
  - a recent overall band score of 7.0 (with no individual element of the test scoring below 6.0) on the International English Language Testing System (IELTS)
  - a score of at least 75% on the Academic Literacy component of the National Benchmark Test (NBT).

An applicant may be required to pass a law-specific English proficiency test before being permitted to register in the Faculty.

### Obtaining the degree

FPM3.1 A candidate must undertake advanced study in four approved courses (or the equivalent) and complete four independent research tasks demonstrating innovation or professional expertise, each linked to one of the four approved courses undertaken.

The research tasks comprise a third of the total credits for the degree. The mark for the courses is the average of the marks obtained for the individual courses. To be awarded the degree a candidate must obtain a mark of at least 50% for each course and a mark of at least 50% for each research task.

- FPM3.2 A candidate may be required to submit prepared assignments, participate in debates or moots, and undergo a written and/or oral examination in all or any of his/her approved courses.
- FPM3.3 A candidate who has failed any approved course with 47% or more has the right to an oral examination in that course.
- FPM3.4 Any such oral examination shall be convened upon a minimum of three days' notice given by the Faculty to the candidate, and shall be held at the Faculty in the presence of two examiners, one of whom shall be external to the course concerned, but who may be a member of the Faculty staff.
- FPM3.5 Supplementary examinations are not set for any of the approved courses.
- FPM3.6 Should a candidate fail a course he or she may only continue by taking another course, unless Senate gives permission to repeat the course failed.
- FPM3.7 Each research task must be submitted for assessment by no later than the day on which examinations begin in the semester in which the course from which the research task is drawn runs.
- FPM3.8 A candidate who fails a research task may be permitted by Senate on one occasion only to submit another research task, which must be drawn from a course which the candidate has passed but has failed the research task linked to that course. Unless otherwise permitted, the task must be submitted by no later than the Friday before the first term of the year following the completion of the coursework. Where the candidate has completed the coursework in June, the research task must be submitted for assessment by no later than the day on which examinations end in the second semester.

### **Credit and exemption**

- FPM4.1 For the purpose of granting credit for and exempting a candidate from a maximum of two of the courses prescribed under FPM3, Senate may accept examinations in an appropriate course of equivalent weight passed at this or another university or institution recognised for this purpose; provided that Senate may, in advance, approve a course or courses, which, if completed successfully, will allow credit for and exemption from a course or courses prescribed for the degree. Such approval will be valid for one year but may be renewed on the recommendation of the Faculty of Law.
- FPM4.2 Where a candidate is granted credit for a course, or courses, the candidate will nevertheless have to complete a research task, or tasks, in an approved course, or approved courses, other than the courses for which the candidate is registered.
- FPM4.3 Notwithstanding Rule FPM4.1, a candidate will not be admitted to the degree in terms of Rule FPM3 unless he or she has completed at least the majority of the prescribed courses and the research tasks at this University.
- FPM4.4 Except with the permission of Senate, a student may not be granted credit towards

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the LLM degree for courses successfully completed towards the Postgraduate Diploma in Law after the Diploma has been conferred on that student.

### Minimum requirements for re-admission

- FPM5 Senate may refuse readmission to a candidate who
- 5.1 fails two courses, or the same course twice. For the purpose of this Rule, a 60-credit course shall be regarded as one course, or
  - 5.2 does not submit a research task by the submission date, or any extended date granted in writing by the course convener of the course to which the research task is linked.

### Duration of programme

- FPM6 Except with the permission of Senate:
- 6.1 a full-time candidate must complete the approved coursework and research tasks required for the degree in one academic year (two courses and related tasks per semester); and
  - 6.2 a part-time candidate must complete the approved coursework and research tasks required for the degree within two academic years (one course and related task per semester).

### Distinction

- FPM7 The degree may be awarded with distinction.
- FPM8 For the degree to be awarded with distinction a candidate must:
- 8.1 complete the coursework in one year if full-time or in two years if part-time;
  - 8.2 submit the research tasks as per rule FPM3.7;
  - 8.3 not count work towards the degree in respect of work that he or she has completed towards another degree or diploma; and
  - 8.4 obtain an average mark of at least 75%.

### Exemption from or modification of rules

- FPM9 Any exemption from or modification of these Rules must be approved by Senate.

### Note:

- (a) *Courses on offer may be added to from time to time or a particular course may not be offered in a particular year.*
- (b) *Candidates for the degree must at the time of application indicate which courses they intend to pursue. Certain courses have distinct admission criteria so that admission to a named LLM programme does not necessarily signify acceptance for such courses. International students should note that some of the courses assume detailed knowledge of South African law as the basis for further study: it is therefore unlikely that they would be admitted to such a course unless they have been permitted to do so by the course convener.*
- (c) *The following general policy exists currently with regard to applicants: an applicant with an average of 70% will generally be granted automatic admission, while an applicant with an average of between 60% and 69% will be subject to discretionary admission. Subsequent study and/or related work experience is a recommendation.*

### Master of Laws (LLM) in approved courses and a minor dissertation

These rules must be read in conjunction with the general rules for degrees and diplomas in Book 3: *General Rules and Policies*.

- FMC1 The Faculty offers a Master of Laws (LLM) degree which is examined by coursework and a minor dissertation, subject to these rules in particular.

**Specialist areas**

FMC2 The degree may be conferred without specialisation ("General" below) or in any of the following specialist areas:

Specialisation	Academic Plan Code	Qualification Code	
		LLM	MPhil
Commercial Law	CML01	LM003	LM002
Comparative Law in Africa <i>(not offered in 2018)</i>	CML12	LM003	LM002
Constitutional and Administrative Law	PBL01	LM003	LM002
Criminology, Law and Society	PBL11	LM003	LM002
Dispute Resolution	CML11	LM003	LM002
Environmental Law	PBL04	LM003	LM002
General	RDL03	LM003	LM002
Human Rights Law	PBL05	LM003	LM002
Intellectual Property Law	CML13	LM003	LM002
International Law	PBL06	LM003	LM002
International Taxation	CML14	LM003	LM002
International Trade Law	CML06	LM003	–
Labour Law	CML07	LM003	LM002
Marine and Environmental Law	PBL07	LM003	LM002
Private Law and Human Rights	RDL09	LM003	LM002
Public Law	PBL09	LM003	LM002
Shipping Law	CML09	LM003	LM002
Tax Law	CML10	LM003	LM002

The field of law in which the dissertation and three of the four courses of the degree have been fulfilled will determine the area of specialisation.

**Admission**

FMC3 A person may be considered for admission as a candidate for the degree of Master of Laws if

- 3.1 he or she has a law degree of the University or an equivalent degree of another University or institution recognised by the Senate for the purpose; or
- 3.2 he or she has in any other manner attained a level of competence, which, in the opinion of Senate, on the recommendation of the Faculty of Law, is adequate for the purposes of admission as a candidate for the degree.
- 3.3 in the case of an applicant whose primary language is not English, he or she has submitted evidence of proficiency in English of a sufficiently high standard to undertake postgraduate studies in Law. Evidence of proficiency may include one of the following:
  - a recent score (obtained within 3 - 5 years before application for admission) of at least 570 (paper-based test) or 230 (computer-based test) or 88 (Internet-based test) on the Test of English as a Foreign Language (TOEFL)
  - a recent overall band score of 7.0 (with no individual element of the test scoring below 6.0) on the International English Language Testing System (IELTS)
  - a score of at least 75% on the Academic Literacy component of the National Benchmark Test (NBT).

- An applicant may be required to pass a law-specific English proficiency test before being permitted to register in the Faculty.
- 3.4 in the case of the Master of Laws specialising in International Taxation, a person who has passed the final professional chartered accountancy examination of the Public Accountants and Auditors Board of South Africa, or an examination which, in the opinion of the Board and of the Senate, is of equivalent standard, or a Bachelor of Commerce (Hons) (Taxation) or equivalent acceptable qualification or experience, as evidenced by a submitted portfolio of academic and practical experience, is required. Professional and/or academic references for all applicants may be requested. A curriculum vitae and academic transcript is required on application. An entrance examination or interview may be required.

### **Obtaining the degree**

- FMC4 A candidate must undertake advanced study in four approved courses (or the equivalent) and complete a minor research dissertation under the guidance of a supervisor appointed by Senate. A candidate must obtain at least 50% for each course and at least 50% for the minor dissertation.

### **Examination**

- FMC5.1 A candidate may be required to submit prepared assignments, participate in debates or moots, and undergo a written and/or oral examination in all or any of his/her approved courses and/or minor dissertation.
- FMC5.2 The candidate must submit a minor dissertation of not more than 25 000 words on a subject approved by Senate which must be of legal interest and related to one of the approved courses.
- FMC5.3 A candidate who has failed any approved course with 47% or more has the right to an oral examination in that course.
- FMC5.4 Any such oral examination shall be convened upon a minimum of three days notice given by the Faculty to the candidate, and shall be held at the Faculty in the presence of two examiners, one of whom shall be external to the course concerned, but who may be a member of the Faculty staff.
- FMC5.5 Supplementary examinations are not set for any of the approved courses.

### **Credit and exemption**

- FMC6.1 For the purpose of granting credit for and exempting a candidate from a maximum of two of the courses prescribed under FMC4, Senate may accept examinations in an appropriate course of equivalent weight passed at this or another university or institution recognised for this purpose; provided that Senate may, in advance, approve a course or courses, which, if completed successfully, will allow credit for and exemption from a course or courses prescribed for the degree. Such approval will be valid for one year but may be renewed on the recommendation of the Faculty of Law.
- FMC6.2 Notwithstanding Rule FMC6.1, a candidate will not be admitted to the degree in terms of Rule FMC4 unless he or she has completed at least the majority of the prescribed courses and the minor dissertation at this University.
- FMC6.3 Except with the permission of Senate, no student may be granted credit towards the



LLM degree for courses successfully completed towards the Postgraduate Diploma in Law after the Diploma has been conferred on that student.

### **Date for submission of minor dissertation**

- FMC7.1 The proposal for the minor dissertation must be submitted to the supervisor no later than the time at which half the coursework requirements of the degree have been fulfilled.
- FMC7.2 Where a candidate intends to submit his or her dissertation or research project for examination in the hope of the award of the degree at either April or December graduation ceremonies, he or she must inform the Faculty Office in writing of his or her intention to do so six weeks before submitting the dissertation for examination. It is recommended that the dissertation be submitted for examination five months before the graduation ceremony to allow time for the examination process to run its course. (See rule FMC11)

### **Exclusion from a course**

#### **Minimum requirements for readmission to the degree**

- FMC8.1 A candidate must pass three of the four courses in order to qualify for readmission.
- FMC8.2 Should a candidate fail a course he or she may only continue by taking another course, unless Senate gives permission to repeat the course failed or study for a longer period.
- FMC8.3 A candidate who fails the minor dissertation may be permitted by Senate on one occasion only to submit another minor dissertation, which must be on a different topic.

### **Exclusion from the degree**

- FM9.1 A candidate who fails two courses or the same course twice will not be allowed to reregister for any other LLM course, except with the permission of Senate. For the purpose of this Rule, a double course shall be regarded as one course.
- FMC9.2 A candidate who fails the minor dissertation twice or does not submit the dissertation timeously, having been given an extension of time (see FMC7) will not be allowed to re-register for either the Degree nor any further postgraduate study, except with the permission of Senate.

### **Duration of programme**

- FMC10 Except with the permission of Senate:
- 10.1 a full-time candidate must complete the approved coursework required for the degree in one academic year (two courses per semester) and the dissertation in accordance with Rule FMC7; and
  - 10.2 a part-time candidate must complete the approved coursework required for the degree within two academic years (one course per semester) and the dissertation in accordance with Rule FMC7.

### **Minor dissertation**

- FMC11 The minor dissertation must be satisfactory in arrangement and expression and must be typed and printed. Candidates are required to submit the final .pdf version for examination on PeopleSoft *The following statement must appear on the title page:* Research dissertation presented for the approval of Senate in fulfilment of part of the requirements for the *(qualification for which a student is registered)* in

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approved courses and a minor dissertation. The other part of the requirement for this qualification is the completion of a programme of courses.

I hereby declare that I have read and understood the regulations governing the submission of (*qualification for which student is registered*) dissertations, including those relating to length and plagiarism, as contained in the rules of this University, and that this dissertation conforms to those regulations.

### Publication of minor dissertation

FMC12 No publication may, without the prior permission of the University, contain a statement that the published material was or is to be submitted in part or in full for the degree.

### Distinction

FMC13.1 The degree may be awarded with distinction or with a distinction in the dissertation.

FMC13.2 For the degree to be awarded with distinction a candidate must:

- 13.2.1 complete the coursework in one year if full-time or in two years if part-time;
- 13.2.2 submit the minor dissertation no later than the Friday before the first term of the year following the completion of the coursework for students who have completed their coursework in December and 15 September of the same year for students who have completed their coursework in June;
- 13.2.3 not be permitted to count work for which he or she may have been granted credit towards the degree in respect of work completed towards another degree or diploma; and
- 13.2.4 obtain an average mark of at least 75%, the minor dissertation counting for 50% of the examination.

FMC 13.3 For the degree to be passed with a distinction in the dissertation, the candidate must:

- 13.3.1 complete degree in compliance with FMC13.2.1;
- 13.3.2 submit the minor dissertation in compliance with FMC13.2.2;
- 13.3.3 obtain a mark of at least 75% or higher for the dissertation.

### Exemption from or modification of rules

FMC14 Any exemption from or modification of the Rules for the LLM must be approved by Senate.

Note:

- (a) *Courses on offer may be added to from time to time or a particular course may not be offered in a particular year.*
- (b) *Candidates for the degree must at the time of application indicate which courses they intend to pursue. Certain courses have distinct admission criteria so that admission to the LLM programme does not necessarily signify acceptance for such courses. Foreign students should note that some of the courses assume detailed knowledge of South African law as the basis for further study: it is therefore unlikely that they would be admitted to such a course.*
- (c) *The following general policy exists currently with regard to applicants: an applicant with an average of 70% will generally be granted automatic admission, while an applicant with an average of between 60% and 69% will be subject to discretionary admission. Subsequent study and/or related work experience is a recommendation. For those with a BProc degree, an average mark greater than 70% is required, unless there is evidence of additional/subsequent work experience appropriate to the courses chosen.*

### **Master of Philosophy (MPhil) in approved courses and a minor dissertation**

These rules must be read in conjunction with the general rules for degrees and diplomas in Book 3: *General Rules and Policies*.

- FMR1 The Faculty offers a Master of Philosophy degree which is examined by coursework and a minor dissertation, in the following circumstances:
- (i) where a law graduate wishes to pursue Master's level studies in law as well as in inter-Faculty cognate topics, such that the award of an LLM degree would be inappropriate; or
  - (ii) where a non-law graduate wishes to pursue Master's level studies either in law as well as in inter-Faculty cognate topics or entirely in law.

### **Specialist areas**

- FMR2 The degree may be conferred without specialisation, in Law or in any of the specialist areas listed in Rule FMC2 above.

### **Admission**

- FMR3 In addition to those who may be considered for admission as candidates for the LLM degree (see Rule FMC3.1 and FMC3.2 above), graduates with an Honours degree of the University or an equivalent degree of another university or institution recognised by Senate for this purpose may be considered for admission as candidates for a degree of Master of Philosophy.

In the case of an applicant whose primary language is not English, he or she must submit evidence of proficiency in English of a sufficiently high standard to undertake postgraduate studies in Law. Evidence of proficiency may include one of the following:

- a recent score (obtained within 3 - 5 years before application for admission) of at least 570 (paper-based test) or 230 (computer-based test) or 88 (Internet-based test) on the Test of English as a Foreign Language (TOEFL)
- a recent overall band score of 7.0 (with no individual element of the test scoring below 6.0) on the International English Language Testing System (IELTS)
- a score of at least 75% on the Academic Literacy component of the National Benchmark Test (NBT).

An applicant may be required to pass a law-specific English proficiency test before being permitted to register in the Faculty.

### **Further rules:**

Rules FMC4 to FMC14 for the LLM degree (above) apply unchanged to the MPhil degree by coursework, except that 'MPhil / Master of Philosophy' is substituted for 'LLM / Master of Laws' where it appears.

### **Master of Laws (LLM) by dissertation**

These rules must be read in conjunction with the general rules for degrees and diplomas in Book 3: *General Rules and Policies*.

The Faculty offers a Master of Laws (LLM) degree which is examined by a dissertation, subject to these rules in particular. The degree may be conferred in any of the following specialist areas:

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<b>Specialisation</b>	<b>Qualification Code</b>	<b>Academic Plan Code</b>
Commercial Law	LM001	CML01
Criminal Justice	LM001	PBL02
Private Law	LM001	RDL08
Public Law	LM001	PBL09

### **Admission**

- FMD1 A person may be considered for admission as a candidate for the degree of Master of Laws if
- 1.1 S/he has a law degree of the University or an equivalent degree of another University recognised by the Senate for this purpose; or
  - 1.2 S/he has in any other manner attained a level of competence which in the opinion of Senate, on the recommendation of the Faculty of Law, is adequate for the purposes of admission as a candidate for the degree.

*Note: Returning candidates must renew their registration by the stipulated registration dates every year. A late penalty fee is charged for registration after that date.*

### **Obtaining the degree**

- FMD2 Under the guidance of a supervisor appointed by Senate a candidate must undertake research at an advanced level for the purpose of writing a dissertation.

### **Examination**

- FMD3 The examination consists of –
- 3.1 a dissertation on a subject of legal interest approved by Senate; or
  - 3.2 a series of (four) short dissertations on cognate areas of the law, approved by Senate.

### **Dates for submission**

- FMD4.1 Where a candidate intends to submit his or her dissertation for examination in the hope of the award of the degree at either April or December graduation ceremonies, he or she must inform the Faculty Office in writing of his or her intention to do so six weeks before submitting the dissertation for examination. It is recommended that the dissertation be submitted for examination five months before the graduation ceremony to allow time for the examination process to run its course.

### **Written or oral examinations**

- FMD5 A candidate may be required to undergo a written or oral examination on the subject matter of any dissertation.

### **Part-time students**

- FMD6 A part-time student must be registered for a minimum of two academic years.

### **The dissertation**

- FMD7 Dissertations may not exceed 40 000 words in length; they must be satisfactorily structured and formatted and they must be typewritten or printed. Candidates are required to submit the final .pdf version for examination on PeopleSoft.

**Publication**

FMD8 Without the prior permission of the University, no publication flowing from the dissertation may contain a statement that it was or is to be submitted in part or in full for the degree.

**Distinction**

FMD9 The degree may be awarded with distinction.

*Note: Initial application for registration for this degree should be accompanied by a research proposal set out according to the guidelines determined by the Faculty Higher Degrees Committee. These guidelines are obtainable from the Faculty Office. Before registration candidates may be required to undertake further work of a preparatory nature.*

**Master of Philosophy (MPhil) by dissertation**

These rules must be read in conjunction with the general rules for degrees and diplomas in Book 3: *General Rules and Policies*.

The Faculty offers a Master of Philosophy (MPhil) degree which is examined by a dissertation, subject to these rules in particular. The degree may be conferred in any of the following specialist areas:

Specialisation	Qualification Code	Academic Plan Code
Commercial Law	LM011	CML01
Criminal Justice	LM011	PBL02
Private Law	LM011	RDL08
Public Law	LM011	PBL09

**Admission**

FMP1 A person may be considered as a candidate for the degree of Master of Philosophy if:

- (i) S/he has at least a law degree or an Honours degree from the University, or an equivalent degree from another University recognised by Senate for this purpose; or
- (ii) S/he has in any other manner attained a level of competence which, in the opinion of Senate, on recommendation by the Faculty of Law, is adequate for purposes of admission as a candidate for the degree.

*Note: Returning candidates must renew their registration by the stipulated registration dates every year. A late penalty fee is charged for registration after that date.*

**Obtaining the degree**

FMP2 Under the guidance of the supervisor appointed by Senate a candidate must undertake research at an advanced level for the purpose of writing a dissertation.

**Examination**

FMP3 The examination consists of a dissertation or a series of short dissertations on cognate topics, on a subject of inter-faculty interest.

**The topic**

FMP4 Although the dissertation must have a law component, it also must be on a subject of inter-faculty interest.

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Rules FMD4 to FMD9 apply also to candidates for the MPhil degree.

### Doctoral degrees

#### Doctor of Laws (LLD)

*NOTE: Until 2004 different rules applied to the award of this doctorate.*

FD1 The Degree of Doctor of Laws may be obtained for a substantial body of work that has already been published. Such work must constitute an original contribution to, or an important advance on, knowledge in the subject. This degree is the senior doctorate in the Faculty of Law. It is awarded rarely, as a mark of respect, normally only for work undertaken over a period of many years which has established the candidate as the leading authority in his or her field, and where the candidate has had a substantial and long association with the University.

FD2 The rules for the degree of Doctor of Philosophy, other than the admission rules, and the rule regulating the standing required prior to admission, apply mutatis mutandis.

#### Application for admission

FD3 Application for the LLD degree is governed by procedures set out by the Doctoral Degrees Board of the University.

Note:

*A copy of these procedures is obtainable from the Faculty Office. They include the following rules:*

- (i) the candidate must provide copies of the body of work, as specified by the Higher Degrees Committee,
- (ii) a preliminary screening procedure must be undertaken by a Committee of Assessors, appointed by the Doctoral Degrees Board, to consider whether the work is of the standard and maturity required for this senior Doctorate, and
- (iii) registration and examination will take place only when the Doctoral Degrees Board has accepted the application, and only after receiving the opinion of the Committee of Assessors.

#### Requirements for award of the degree

FD4.1 A candidate must submit published work in an area of law which must constitute a substantial, original and important contribution to the current body of scholarship. The candidate may submit other published and unpublished work as collateral testimony of fitness for the degree.

FD4.2 No work will be accepted which has been accepted by this or any other University for the purpose of obtaining a degree.

FD4.3 The examination will consist primarily of an assessment of the published work, but, if required by Senate, candidates must present themselves for an additional written or oral examination on the subject of the work presented.

The Faculty offers a Doctor of Philosophy (PhD) degree which is examined by a thesis. The degree may be conferred in any of the following specialist areas:

<b>Specialisation</b>	<b>Qualification Code</b>	<b>Academic Plan Code</b>
Commercial Law	LD001	CML01
Criminal Justice	LD001	PBL02
Criminology	LD001	PBL03
Private Law	LD001	RDL08
Public Law	LD001	PBL09

The general rules of the University for the PhD apply, i.e. there are no specific rules for the Faculty of Law.

## POSTGRADUATE DIPLOMA IN LAW PROGRAMMES

The Faculty offers a Postgraduate Diploma in Law which is examined by coursework. The Postgraduate Diplomas are:

Postgraduate Diploma in Law in Dispute Resolution  
 Postgraduate Diploma in Law in Environmental Law  
 Postgraduate Diploma in Law General  
 Postgraduate Diploma in Law in Labour Law  
 Postgraduate Diploma in Law in Marine and Environmental Law  
 Postgraduate Diploma in Law in Shipping Law  
 Postgraduate Diploma in Law in Tax Law  
 Postgraduate Diploma in Law in Criminology, Law and Society

### Postgraduate Diploma in Law in Dispute Resolution [LG002CML11]

**Programme Convener:**  
 Mr K Bassuday

The curriculum comprises three compulsory courses and one elective course. The curriculum consists of 120 credits.

#### Compulsory (core) courses

Code	Course	NQF Credits	HEQSF Level
CML4631S	Mediation.....	30	8
CML4641S	Commercial Arbitration.....	30	8
CML4671F	Negotiation .....	30	8

#### One elective course [to the value of 30 credits]

Code	Course	NQF Credits	HEQSF Level
	One elective course in Commercial Law .....	30	8
	<b>Total Credits</b> .....	<b>120</b>	

### Postgraduate Diploma in Law in Environmental Law [LG002PBL04]

**Programme Convener:**  
 Professor A Paterson

The curriculum comprises one compulsory course and three elective courses. The curriculum consists of 120 credits.

#### Compulsory (core) course

Code	Course	NQF Credits	HEQSF Level
PBL4640F	Principles of Environmental Law .....	30	8



**Three of the following elective courses [to the value of 90 credits]**

Code	Course	NQF Credits	HEQSF Level
<b>PBL4619S</b>	International Environmental Law .....	30	8
<b>PBL4641F</b>	Land Use Planning Law .....	30	8
<b>PBL4642S</b>	Natural Resources Law .....	30	8
<b>PBL4643S</b>	Pollution Law .....	30	8
	<b>Total Credits .....</b>	<b>120</b>	

**Postgraduate Diploma in Law in Labour Law  
[LG002CML07]**

**Programme Convener:**

Ms S Singlee

The curriculum comprises four compulsory courses. The curriculum consists of 120 credits.

**Compulsory (core) courses**

Code	Course	NQF Credits	HEQSF Level
<b>CML4613S</b>	Collective Labour Law .....	30	8
<b>CML4651F</b>	Individual Employment Law .....	30	8
<b>CML4676S</b>	Workplace Discrimination and Equality Law .....	30	8
<b>CML4671F</b>	Negotiation .....	30	8
	<b>Total Credits .....</b>	<b>120</b>	

**Postgraduate Diploma in Law in Marine and Environmental Law  
[LG002PBL07]**

**Programme Convener:**

Professor A Paterson

The curriculum comprises three compulsory courses and one elective course. The curriculum consists of 120 credits.

**Compulsory (core) courses**

Code	Course	NQF Credits	HEQSF Level
<b>PBL4607F</b>	International Law of the Sea .....	30	8
<b>PBL4619S</b>	International Environmental Law .....	30	8
<b>PBL4640F</b>	Principles of Environmental Law .....	30	8

**One of the following elective courses [to the value of 30 credits]**

Code	Course	NQF Credits	HEQSF Level
<b>PBL4641F</b>	Land Use Planning Law .....	30	8
<b>PBL4642S</b>	Natural Resources Law .....	30	8
<b>PBL4643S</b>	Pollution Law .....	30	8
	<b>Total Credits .....</b>	<b>120</b>	

**Postgraduate Diploma in Law in Shipping Law  
[LG002CML09]**

**Programme Convener:**

Associate Professor G Bradfield

## 98 POSTGRADUATE DIPLOMA IN LAW PROGRAMMES

The curriculum comprises three compulsory courses and one of the two designated elective courses. The curriculum consists of 120 credits.

### Compulsory (core) courses

Code	Course	NQF Credits	HEQSF Level
CML4625F	Maritime Law .....	30	8
CML4626S	Carriage of Goods by Sea .....	30	8
CML4693S	Marine Insurance Law .....	30	8

### Elective Courses

Code	Course	NQF Credits	HEQSF Level
CML4624F	Admiralty, Jurisdiction and Practice.....	30	8
or			
PBL4607F	International Law of the Sea.....	30	8
	<b>Total credits</b> .....	<b>120</b>	

## Postgraduate Diploma in Law in Tax Law [LG002CML10]

### Programme Convener:

Ms A Titus

The curriculum comprises three compulsory courses. The curriculum consists of 120 credits.

### Compulsory (core) courses

Code	Course	NQF Credits	HEQSF Level
CML4661F	General Tax Law Provisions .....	30	8
CML4661S	Specific Tax Law Provisions .....	30	8
CML4615W	Practical Tax Tasks .....	60	8
	<b>Total Credits</b> .....	<b>120</b>	

## Postgraduate Diploma in Law in Criminology, Law and Society [LG002PBL11]

### Programme Convener:

Dr K Moulton

The curriculum comprises one compulsory methods course, one compulsory theories course and two electives from the available list of courses on offer for the second semester. The curriculum consists of 120 credits.

### Compulsory (core) course

Course	Name	Credits	Level
PBL4849F	Law in Action: Research Methods	30	8
PBL4820F	Theories of Crime and Social Order	30	8

### Choose two of the following elective courses [to the value of 60 credits]

Code	Course	NQF Credits	HEQSF Level
PBL4660S	Issues in Crime and Justice: Organised Non-State Violence in Africa.....	30	8
PBL4808S	International Criminal Law .....	30	8

Code	Course	NQF Credits	HEQSF Level
<b>PBL4815S</b>	Punishment and Human Rights .....	30	8
<b>PBL4822S</b>	Victims and Victimology: Theory, Policy and Practice (not offered in 2018).....	30	8
<b>PBL4844S</b>	Police and Policing: Explorations in Security Governance.....	30	8
<b>PBL4847S</b>	Forensics and the Law.....	30	8
	<b>Total Credits</b> .....	<b>120</b>	

## PROFESSIONAL MASTER'S STUDY PROGRAMMES

The Faculty offers a Master of Laws (LLM) degree which is examined by coursework and a research project. The named Professional Master's degrees are:

Master of Laws in Commercial Law  
 Master of Laws in Dispute Resolution  
 Master of Laws in Environmental Law  
 Master of Laws in Marine and Environmental Law  
 Master of Laws in Intellectual Property Law  
 Master of Laws in International Trade Law  
 Master of Laws in Labour Law  
 Master of Laws in Private Law and Human Rights  
 Master of Laws in Shipping Law  
 Master of Laws in Tax Law

### Master of Laws (LLM) in Commercial Law (Professional Master's degree) [LM020CML01]

#### Programme Convener:

Associate Professor J Yeats

The curriculum comprises four elective courses and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits.

#### Elective courses [to the value of 120 credits] - Four of the following courses (30 credits each):

Code	Course	NQF Credits	HEQSF Level
<b>CML5601F</b>	Advanced Company Law .....	30	9
<b>CML5613S</b>	Collective Labour Law .....	30	9
<b>CML5619F</b>	Law of International Trade .....	30	9
<b>CML5624F</b>	Admiralty Jurisdiction and Practice.....	30	9
<b>CML5625F</b>	Maritime Law .....	30	9
<b>CML5626S</b>	Carriage of Goods by Sea.....	30	9
<b>CML5641S</b>	Commercial Arbitration.....	30	9
<b>CML5651F</b>	Individual Employment Law .....	30	9
<b>CML5654S</b>	Competition Law .....	30	9
<b>CML5658S</b>	Electronic Transactions Law (not offered in 2018).....	30	9
<b>CML5664F</b>	Law and Regional Integration in Africa: Comparative Perspective.....	30	9
<b>CML5672S</b>	Legal Aspects of Corporate Financing Structures .....	30	9
<b>CML5673S</b>	International Commercial Transactions Law .....	30	9
<b>CML5676S</b>	Workplace Discrimination and Equality Law .....	30	9
<b>CML5677F</b>	Islamic Law and Finance (not offered in 2018).....	30	9
<b>CML5687S</b>	Chinese Law and Investments in Africa (not offered in 2018).....	30	9
<b>CML5692F</b>	Company Law, Corporate Governance and Labour Law .....	30	9
<b>CML5693S</b>	Marine Insurance Law .....	30	9
<b>PBL5602F</b>	International Law of the Sea .....	30	9
<b>RDL5620S</b>	Advanced Contract Law .....	30	9

**Research Tasks [to the value of 60 credits] - Four of the following courses (15 credits each):**

Code	Course	NQF Credits	HEQSF Level
<b>CML5601X</b>	Advanced Company Law - Research Task .....	15	9
<b>CML5613X</b>	Collective Labour Law - Research Task .....	15	9
<b>CML5619X</b>	Law of International Trade - Research Task .....	15	9
<b>CML5624X</b>	Admiralty Jurisdiction and Practice- Research Task.....	15	9
<b>CML5625X</b>	Maritime Law- Research Task .....	15	9
<b>CML5626X</b>	Carriage of Goods by Sea- Research Task .....	15	9
<b>CML5641X</b>	Commercial Arbitration- Research Task .....	15	9
<b>CML5651X</b>	Individual Employment Law- Research Task .....	15	9
<b>CML5654X</b>	Competition Law- Research Task .....	15	9
<b>CML5658X</b>	Electronic Transactions Law - Research Task (not offered in 2018).....	15	9
<b>CML5664X</b>	Law and Regional Integration in Africa: Comparative Perspective – Research Task.....	15	9
<b>CML5672X</b>	Legal Aspects of Corporate Financing Structures - Research Task	15	9
<b>CML5673X</b>	International Commercial Transactions Law - Research Task.....	15	9
<b>CML5676X</b>	Workplace Discrimination and Equality Law - Research Task.....	15	9
<b>CML5677X</b>	Islamic Law and Finance - Research Task ( <i>not offered in 2018</i> ) .	15	9
<b>CML5687X</b>	Chinese Law and Investments in Africa - Research Task ( <i>not offered in 2018</i> ).....	15	9
<b>CML5692X</b>	Company Law, Corporate Governance and Labour Law .....	15	9
<b>CML5693X</b>	Marine Insurance Law - Research Task .....	15	9
<b>PBL5602X</b>	International Law of the Sea - Research Task .....	15	9
<b>RDL5620X</b>	Advanced Contract Law- Research Task .....	15	9
	<b>Total Credits</b> .....	<b>180</b>	

**Master of Laws (LLM) in Dispute Resolution (Professional master's degree)  
[LM021CML11]**

**Programme Convener:**

Mr K Bassuday

The curriculum comprises three compulsory courses, one elective course and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits

**Compulsory (core) courses**

Code	Course	NQF Credits	HEQSF Level
<b>CML5631S</b>	Mediation .....	30	9
<b>CML5641S</b>	Commercial Arbitration .....	30	9
<b>CML5671F</b>	Negotiation.....	30	9

**Elective course [to the value of 30 credits]**

Code	Course	NQF Credits	HEQSF Level
	One Master's course .....	30	9

**Research Tasks [to the value of 60 credits] - Four of the following courses (15 credits each):**

Code	Course	NQF Credits	HEQSF Level
<b>CML5631X</b>	Mediation-Research Task .....	15	9
<b>CML5641X</b>	Commercial Arbitration Research Task .....	15	9
<b>CML5671X</b>	Negotiation Research Task.....	15	9
	One Master's course - Research Task .....	15	9
	<b>Total Credits</b> .....	<b>180</b>	

## Master of Laws (LLM) in Environmental Law (Professional Master's degree) [LM028PBL04]

### Programme Convener:

Professor A Paterson

The curriculum comprises one compulsory course, three elective courses and an independent research component. This may consist of either a single research project or a series of smaller projects, related to one or more of the four courses and demonstrating professional expertise. The curriculum consists of 180 credits.

### Compulsory (core) course

Code	Course	NQF Credits	HEQSF Level
<b>PBL5640F</b>	Principles of Environmental Law .....	30	9

### Three of the following elective courses [to the value of 90 credits]

Code	Course	NQF Credits	HEQSF Level
<b>PBL5619S</b>	International Environmental Law .....	30	9
<b>PBL5641F</b>	Land Use Planning Law .....	30	9
<b>PBL5642S</b>	Natural Resources Law .....	30	9
<b>PBL5643S</b>	Pollution Law .....	30	9

### Compulsory Core Research Task

Code	Course	NQF Credits	HEQSF Level
<b>PBL5640X</b>	Principles of Environmental Law .....	15	9

### Three elective research tasks to the value of 45 credits

Code	Course	NQF Credits	HEQSF Level
<b>PBL5619X</b>	International Environment. Law-Research Task .....	15	9
<b>PBL5641X</b>	Land Use Planning Law- Research Task .....	15	9
<b>PBL5642X</b>	Natural Resources Law-Research Task .....	15	9
<b>PBL5643X</b>	Pollution Law-Research Task.....	15	9
	<b>Total Credits</b> .....	<b>180</b>	

## Master of Laws (LLM) in Intellectual Property Law (Professional master's degree) [LM021CML13]

### Programme Convener:

Associate Professor L-A Tong

The curriculum comprises four compulsory courses and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits.

### Compulsory (core) courses

Code	Course	NQF Credits	HEQSF Level
<b>CML5657F</b>	Electronic Intellectual Property Law .....	30	9
<b>CML5678F</b>	Principles of Intellectual Property Law .....	30	9
<b>CML5680S</b>	Advanced Intellectual Property Law .....	30	9
<b>CML5691S</b>	Intellectual Property Law, Development and Innovation .....	30	9

**Research Tasks to the value of 60 credits**

Code	Course	NQF Credits	HEQSF Level
<b>CML5657X</b>	Electronic Intellectual Property Law - Research Task .....	15	9
<b>CML5678X</b>	Principles of Intellectual Property Law - Research Task .....	15	9
<b>CML5680X</b>	Advanced Intellectual Property Law - Research Task .....	15	9
<b>CML5691X</b>	Intellectual Property Law, Development and Innovation - Research Task.....	15	9
	<b>Total credits</b> .....	<b>180</b>	

**Master of Laws (LLM) in International Trade Law (Professional Master's degree)  
[LM023CML06]**

**Programme Convener:**

Associate Professor A Ordor

The curriculum comprises two compulsory courses; two elective courses and four research tasks, each linked to one of the four courses taken for the degree and demonstrating professional expertise. The curriculum consists of 180 credits.

**Compulsory (core) courses**

Code	Course	NQF Credits	HEQSF Level
<b>CML5619F</b>	Law of International Trade.....	30	9
<b>CML5673S</b>	International Commercial Transactions Law .....	30	9

**Two of the following elective courses [to the value of 60 credits]**

Code	Course	NQF Credits	HEQSF Level
<b>CML5626S</b>	Carriage of Goods by Sea.....	30	9
<b>CML5641S</b>	Commercial Arbitration .....	30	9
<b>CML5654S</b>	Competition Law .....	30	9
<b>CML5664F</b>	Law and Regional Integration in Africa: Comparative Perspective .....	30	9
<b>CML5687S</b>	Chinese Law and Investments in Africa (not offered in 2018) .....	30	9

**Compulsory Research Tasks**

Code	Course	NQF Credits	HEQSF Level
<b>CML5619X</b>	Law of International Trade - Research Task .....	15	9
<b>CML5673X</b>	International Commercial Transactions Law - Research Task.....	15	9

**Two of the following elective research tasks [to the value of 30 credits]**

Code	Course	NQF Credits	HEQSF Level
<b>CML5626X</b>	Carriage of Goods by Sea - Research Task .....	15	9
<b>CML5641X</b>	Commercial Arbitration - Research Task .....	15	9
<b>CML5654X</b>	Competition Law-Research Task .....	15	9
<b>CML5664X</b>	Law and Regional Integration in Africa: Comparative Perspective - Research Task.....	15	9
<b>CML5687X</b>	Chinese Law and Investments in Africa Research Task (not offered in 2018).....	15	9
	<b>Total Credits</b> .....	<b>180</b>	

## Master of Laws (LLM) in Labour Law (Professional Master's degree) [LM024CML07]

### Programme Convener:

Ms S Singlee

The curriculum comprises three compulsory courses, one elective course and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits.

### Compulsory (core) courses

Code	Course	NQF Credits	HEQSF Level
<b>CML5613S</b>	Collective Labour Law .....	30	9
<b>CML5651F</b>	Individual Employment Law .....	30	9
<b>CML5676S</b>	Workplace Discrimination and Equality Law .....	30	9

### One elective course [to the value of 30 credits]

Code	Course	NQF Credits	HEQSF Level
<b>CML5631S</b>	Mediation.....	30	9
<b>CML5641S</b>	Commercial Arbitration.....	30	9
<b>CML5671F</b>	Negotiation .....	30	9
<b>CML5692F</b>	Company Law, Corporate Governance and Labour Law .....	30	9

### Compulsory (core) research tasks to the value of 45 credits

Code	Course	NQF Credits	HEQSF Level
<b>CML5613X</b>	Collective Labour Law - Research Task.....	15	9
<b>CML5651X</b>	Individual Employment Law - Research Task .....	15	9
<b>CML5676X</b>	Workplace Discrimination and Equality Law- Research Task.....	15	9

### One elective research task to the value of 15 credits

Code	Course	NQF Credits	HEQSF Level
<b>CML5631X</b>	Mediation - Research Task .....	15	9
<b>CML5641X</b>	Commercial Arbitration - Research Task .....	15	9
<b>CML5671X</b>	Negotiation - Research Task.....	15	9
<b>CML5692X</b>	Company Law, Corporate Governance and Labour Law- Research Task.....	15	9
<b>Total credits.....</b>		<b>180</b>	

## Master of Laws (LLM) in Marine and Environmental Law (Professional Master's degree) [LM029PBL07]

### Programme Convener:

Professor A Paterson

The curriculum comprises two compulsory courses, two elective courses and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits.

### Compulsory (core) courses

Code	Course	NQF Credits	HEQSF Level
<b>PBL5602F</b>	International Law of the Sea .....	30	9
<b>PBL5619S</b>	International Environmental Law .....	30	9



**Two of the following elective courses [to the value of 60 credits]**

Code	Course	NQF Credits	HEQSF Level
<b>PBL5640F</b>	Principles of Environmental Law .....	30	9
<b>PBL5641F</b>	Land Use Planning Law .....	30	9
<b>PBL5642S</b>	Natural Resources Law .....	30	9
<b>PBL5643S</b>	Pollution Law .....	30	9

**Compulsory (core) Research tasks to the value of 30 credits**

Code	Course	NQF Credits	HEQSF Level
<b>PBL5602X</b>	International Law of the Sea - Research Task .....	15	9
<b>PBL5619X</b>	International Environmental Law - Research Task .....	15	9

**Two of the following elective research tasks [to the value of 30 credits]**

Code	Course	NQF Credits	HEQSF Level
<b>PBL5640X</b>	Principles of Environmental Law - Research Task .....	15	9
<b>PBL5641X</b>	Land Use Planning Law - Research Task.....	15	9
<b>PBL5642X</b>	Natural Resources Law - Research Task.....	15	9
<b>PBL5643X</b>	Pollution Law- Research Task .....	15	9
<b>Total credits .....</b>		<b>180</b>	

**Master of Laws (LLM) in Private Law and Human Rights (Professional Master's degree)  
[LM027RDL09]**

**Programme Convener:**  
Associate Professor A Price

The curriculum comprises one compulsory course, three elective courses and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits

**Compulsory (core) course**

Code	Course	NQF Credits	HEQSF Level
<b>RDL5624F</b>	Human Rights and Private Law.....	30	9

**Three courses, including at least two of the following courses:**

Code	Course	NQF Credits	HEQSF Level
<b>RDL5620S</b>	Advanced Contract Law .....	30	9
<b>RDL5625F</b>	Property Law in a Constitutional Order .....	30	9
<b>RDL5626S</b>	Human Rights, Gender, and Family .....	30	9
<b>RDL5627S</b>	Delict, Unjustified Enrichment, and Human Rights.....	30	9
<b>RDL5630S</b>	Comparative Mineral Law in Africa .....	30	9

Research Tasks to the value of 60 credits- Four of the following courses (15 credits each)

**Compulsory Core Course**

Code	Course	NQF Credits	HEQSF Level
<b>RDL5624X</b>	Human Rights and Private Law- Research Task.....	15	9

## 106 PROFESSIONAL MASTER'S STUDY PROGRAMMES

### Three courses, including at least two of the following courses:

Code	Course	NQF Credits	HEQSF Level
<b>RDL5620X</b>	Advanced Contract Law -Research Task.....	15	9
<b>RDL5625X</b>	Property Law in a Constitutional Order-Research Task.....	15	9
<b>RDL5626X</b>	Human Rights, Gender, and Family-Research Task.....	15	9
<b>RDL5627X</b>	Delict, Unjustified Enrichment, and Human Rights-Research Task.....	15	9
<b>RDL5630X</b>	Comparative Mineral Law in Africa-Research Task.....	15	9
	<b>Total Credits</b> .....	<b>180</b>	

### Master of Laws (LLM) in Shipping Law (Professional Master's degree) [LM025CML09]

#### Programme Convener:

Associate Professor G Bradfield

The curriculum comprises three compulsory courses; one of the two designated elective courses, and four research tasks, each related to one of the four courses taken by a student. The curriculum consists of 180 credits.

#### Compulsory (core) courses

Code	Course	NQF Credits	HEQSF Level
<b>CML5625F</b>	Maritime Law .....	30	9
<b>CML5626S</b>	Carriage of Goods by Sea.....	30	9
<b>CML5693S</b>	Marine Insurance Law .....	30	9

#### One of the following elective courses

Code	Course	NQF Credits	HEQSF Level
<b>CML5624F</b>	Admiralty Jurisdiction and Practice.....	30	9
<b>PBL5602F</b>	International Law of the Sea.....	30	9

#### Compulsory Research Tasks

Code	Course	NQF Credits	HEQSF Level
<b>CML5625X</b>	Maritime Law .....	15	9
<b>CML5626X</b>	Carriage of Goods by Sea.....	15	9
<b>CML5693X</b>	Marine Insurance Law .....	15	9

#### One of the following elective research tasks

Code	Course	NQF Credits	HEQSF Level
<b>CML5624X</b>	Admiralty Jurisdiction and Practice -Research Task.....	15	9
<b>PBL5602X</b>	International Law of the Sea - Research Task.....	15	9
	<b>Total credits</b> .....	<b>180</b>	

## **Master of Laws (LLM) in Tax Law (Professional Master's degree)** **[LM026CML10]**

*The programme duration is 2 years in the first instance*

### **Programme Convener:**

Ms A Titus

The curriculum comprises of three compulsory courses and four independent research tasks demonstrating professional expertise. The curriculum consists of 180 credits.

### **Compulsory (core) courses**

Code	Course	NQF Credits	HEQSF Level
<b>CML5661F</b>	General Tax Law Provisions.....	30	9
<b>CML5661S</b>	Specific Tax Law Provisions .....	30	9
<b>CML5663W</b>	Advanced Tax Law .....	60	9

### **Research Tasks**

Code	Course	NQF Credits	HEQSF Level
<b>CML5660X</b>	Tax Law - Research Task .....	15	9
<b>CML5661X</b>	Tax Law - Research Task .....	15	9
<b>CML5662X</b>	Advanced Tax Law - Research Task.....	15	9
<b>CML5663X</b>	Advanced Tax Law - Research Task.....	15	9
	<b>Total credits</b> .....	<b>180</b>	

## POSTGRADUATE STUDY PROGRAMMES (EXCLUDING PROFESSIONAL MASTER'S)

Teaching contact periods vary from course to course: details must be obtained from the course convener in each instance. Because of the wide range of courses on offer, a draft timetable is drawn up for each semester. This might mean that certain combinations of courses are not possible, although the School for Advanced Legal Studies (SALS) will try to accommodate as much freedom of choice as possible. Please consult the timetable when choosing courses.

Various groupings of subjects are set out below as 'programmes', as the issues which are dealt with form a coherent whole. If a student elects such a 'programme', he or she will be awarded with the degree/diploma in the specialist area concerned. Please refer to the Rules for LLM and MPhil Degrees and the Rules for Postgraduate Diplomas in Law for further information.

### The following programmes are described:

Commercial Law  
 Comparative Law in Africa (*not offered in 2018*)  
 Constitutional and Administrative Law  
 Criminology, Law and Society  
 Dispute Resolution  
 Environmental Law  
 Human Rights Law  
 Intellectual Property Law  
 International Law  
 International Trade Law  
 International Taxation  
 Labour Law  
 Marine and Environmental Law  
 Private Law and Human Rights  
 Public Law  
 Shipping Law  
 Tax Law

This does not mean that the courses listed under specific 'programme' headings may not freely be chosen as part of a 'general' diploma/degree, or as components of a field of study (e.g. commercial law) which is wider than a 'programme' but narrower than 'general'.

### Master's degree (LLM/MPhil) specialising in Commercial Law [LM003CML01/LM002CML01]

#### Programme Convener:

Associate Professor J Yeats

The curriculum comprises four elective courses, three of which must be from this section, or courses listed under the Labour Law or Shipping Law programmes, and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. If so desired, a student may select the fourth elective from offerings in other departments. The curriculum consists of 240 credits.

**Elective courses [to the value of 120 credits]**

Code	Course	NQF Credits	HEQSF Level
<b>CML5601F</b>	Advanced Company Law .....	30	9
<b>CML5619F</b>	Law of International Trade.....	30	9
<b>CML5641S</b>	Commercial Arbitration .....	30	9
<b>CML5654S</b>	Competition Law.....	30	9
<b>CML5658S</b>	Electronic Transactions Law (not offered in 2018).....	30	9
<b>CML5664F</b>	Law and Regional Integration in Africa: Comparative Perspective .....	30	9
<b>CML5672S</b>	Legal Aspects of Corporate Financing Structures.....	30	9
<b>CML5673S</b>	International Commercial Transactions Law .....	30	9
<b>CML5692F</b>	Company Law, Corporate Governance and Labour Law .....	30	9
<b>RDL5620S</b>	Advanced Contract Law.....	30	9

**Research component**

Code	Course	NQF Credits	HEQSF Level
<b>CML5606W</b>	Minor Dissertation .....	120	9
	<b>Total Credits</b> .....	<b>240</b>	

### **Master's degree (LLM/MPhil) specialising in Comparative Law in Africa [LM003CML12/LM002CML12]**

*Not offered in 2018.*

**Programme Convener:**

TBA

The curriculum comprises two compulsory courses, two elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

**Compulsory (core) courses**

Code	Course	NQF Credits	HEQSF Level
<b>CML5683F</b>	Comparative Legal Systems (not offered in 2018).....	30	9
<b>CML5684F</b>	African Law (not offered in 2018) .....	30	9

**Elective courses [to the value of 60 credits] - Two of the following courses:**

Code	Course	NQF Credits	HEQSF Level
<b>CML5664F</b>	Law and Regional Integration in Africa: Comparative Perspective.....	30	9
<b>CML5677F</b>	Islamic Law and Finance (not offered in 2018) .....	30	9
<b>CML5685F</b>	Common Law (not offered in 2018).....	30	9
<b>CML5686S</b>	Civil Law(not offered in 2018) .....	30	9
<b>CML5687S</b>	Chinese Law and Investments in Africa (not offered in 2018) .....	30	9
<b>PBL5659S</b>	Human Rights, Legal Pluralism, Religion and Culture (not offered in 2018).....	30	9
<b>PBL5848F</b>	Law and Society in Africa.....	30	9
<b>PBL5849F</b>	Law in Action – Research Methods .....	30	9
<b>RDL5630S</b>	Comparative Mineral Law in Africa .....	30	9

**Research component**

Code	Course	NQF Credits	HEQSF Level
<b>CML5688W</b>	Minor Dissertation .....	120	9
	<b>Total credits</b> .....	<b>240</b>	

## Master's degree (LLM/MPhil) specialising in Constitutional and Administrative Law [LM003PBL01/LM002PBL01]

### Programme Convener:

Professor P de Vos

The curriculum comprises two compulsory courses, two elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

### Compulsory (core) courses

Code	Course	NQF Credits	HEQSF Level
PBL5623F	Governing Under the Constitution: Law and Practice.....	30	9
PBL5658S	Administrative Justice and Open Government.....	30	9

### Elective courses [to the value of 60 credits]

Code	Course	NQF Credits	HEQSF Level
	Two courses, including at least one of the following courses (30 credits each):		
	.....		
PBL5619S	International Environmental Law .....	30	9
PBL5640F	Principles of Environmental Law .....	30	9
PBL5653F	Refugee Law and Human Rights .....	30	9
PBL5659S	Human Rights, Legal Pluralism, Religion and Culture (not offered in 2018).....	30	9
PBL5661S	Litigating the Bill of Rights.....	30	9
PBL5849F	Law and Society in Africa .....	30	9

### Research component

Code	Course	NQF Credits	HEQSF Level
PBL5602W	Minor Dissertation.....	120	9
	<b>Total credits.....</b>	<b>240</b>	

## Master's degree (LLM/MPhil) specialising in Criminology, Law and Society [LM003PBL11/LM002PBL11]

### Programme Convener:

Dr K Moulton

The curriculum comprises two compulsory courses, two elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

### Compulsory (core) course

Code	Course	NQF Credits	HEQSF Level
PBL5849F	Law in Action – Research Methods.....	30	9

### One of the following compulsory (core) courses:

Code	Course	NQF Credits	HEQSF Level
PBL5820F	Theories of Crime and Social Order.....	30	9
PBL5848F	Law and Society in Africa .....	30	9

**Two of the following elective courses [to the value of 60 credits]**

Code	Course	NQF Credits	HEQSF Level
<b>PBL5647S</b>	Social Justice, Law and Development (not offered in 2018).....	30	9
<b>PBL5660S</b>	Issues in Crime and Justice: Organised Non-State Violence in Africa.....	30	9
<b>PBL5807S</b>	International Criminal Law .....	30	9
<b>PBL5815S</b>	Punishment and Human Rights .....	30	9
<b>PBL5822S</b>	Victims and Victimology (not offered in 2018).....	30	9
<b>PBL5844S</b>	Police and Policing: Explorations in Security Governance.....	30	9
<b>PBL5847S</b>	Forensics and the Law.....	30	9

**Research component**

Code	Course	NQF Credits	HEQSF Level
<b>PBL5850W</b>	Minor Dissertation.....	120	9
	<b>Total credits</b> .....	<b>240</b>	

### **Master's degree (LLM/MPhil) specialising in Dispute Resolution [LM003CML11/LM002CML11]**

**Programme Convener:**

Mr K Bassuday

The curriculum comprises three compulsory courses, one elective course and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

**Compulsory (core) courses:**

Code	Course	NQF Credits	HEQSF Level
<b>CML5631S</b>	Mediation .....	30	9
<b>CML5641S</b>	Commercial Arbitration .....	30	9
<b>CML5671F</b>	Negotiation.....	30	9

**Elective course [to the value of 30 credits]**

Code	Course	NQF Credits	HEQSF Level
	One Master's course (recommended course – PBL5618S International Law on Disputes and Use of Force) .....	30	9

**Research component**

Code	Course	NQF Credits	HEQSF Level
<b>CML5632W</b>	Dispute Resolution Dissertation .....	120	9
	<b>Total credits</b> .....	<b>240</b>	

### **Master's degree (LLM/MPhil) specialising in Environmental Law [LM003PBL04/LM002PBL04]**

**Programme Convener:**

Professor S Paterson

The curriculum comprises one compulsory course, three elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

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### Compulsory (core) course

Code	Course	NQF Credits	HEQSF Level
<b>PBL5640F</b>	Principles of Environmental Law .....	30	9

### Three of the following elective courses [to the value of 90 credits]

Code	Course	NQF Credits	HEQSF Level
<b>PBL5619S</b>	International Environmental Law .....	30	9
<b>PBL5641F</b>	Land Use Planning Law .....	30	9
<b>PBL5642S</b>	Natural Resources Law .....	30	9
<b>PBL5643S</b>	Pollution Law .....	30	9

### Research component

Code	Course	NQF Credits	HEQSF Level
<b>PBL5654W</b>	Minor Dissertation .....	120	9
	<b>Total credits</b> .....	<b>240</b>	

## Master's degree (LLM/MPhil) specialising in Human Rights Law [LM003PBL05/LM002PBL05]

### Programme Convener:

Associate Professor C Powell

The curriculum comprises four elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

### Elective courses [to the value of 120 credits]

Code	Course	NQF Credits	HEQSF Level
	Choose at least <b>three</b> courses from the following courses (30 credits each):		
<b>PBL5628S</b>	International Rights of the Child .....	30	9
<b>PBL5631F</b>	International Protection of Human Rights .....	30	9
<b>PBL5651F</b>	International Protection of Women's Human Rights.....	30	9
<b>PBL5653F</b>	Refugee Law and Human Rights .....	30	9
<b>PBL5659S</b>	Human Rights, Legal Pluralism, Religion and Culture (not offered in 2018) .....	30	9
<b>PBL5661S</b>	Litigating the South African Bill of Rights .....	30	9
<b>PBL5807S</b>	International Criminal Law .....	30	9
<b>PBL5815S</b>	Punishment and Human Rights .....	30	9
	Choose <b>one</b> from the following courses (30 credits each):.....		
<b>PBL5615F</b>	International Law in Theory and Practice.....	30	9
<b>PBL5618S</b>	International Law on Disputes and the Use of Force.....	30	9
<b>PBL5623F</b>	Governing under the Constitution: Law and Practice.....	30	9
<b>PBL5658S</b>	Administrative Justice and Open Government .....	30	9
<b>PBL5822S</b>	Victims and Victimology (not offered in 2018) .....	30	9
<b>PBL5844S</b>	Police and Policing: Explorations in Security Governance .....	30	9

### Research component

Code	Course	NQF Credits	HEQSF Level
<b>PBL5626W</b>	Minor Dissertation .....	120	9
	<b>Total credits</b> .....	<b>240</b>	



## Master's degree (LLM/MPhil) specialising in Intellectual Property Law [LM003CML13/LM002CML13]

### Programme Convener:

Associate Professor L-A Tong

The curriculum comprises four elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

### Elective courses [to the value of 120 credits]

Code	Course	NQF Credits	HEQSF Level
	Four courses, including at least three of the following courses (30 credits each):		
CML5657F	Electronic Intellectual Property Law.....	30	9
CML5678F	Principles of Intellectual Property Law.....	30	9
CML5680S	Advanced Intellectual Property Law.....	30	9
CML5691S	Intellectual Property Law, Development and Innovation.....	30	9

### Research component

Code	Course	NQF Credits	HEQSF Level
CML5681W	Minor Dissertation.....	120	9
	<b>Total credits</b> .....	<b>240</b>	

## Master's degree (LLM/MPhil) specialising in International Law [LM003PBL06/LM002PBL06]

### Programme Convener:

Associate Professor C Powell

The curriculum comprises four elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

### Four of the following elective courses [to the value of 120 credits]

Code	Course	NQF Credits	HEQSF Level
CML5619F	Law of International Trade.....	30	9
CML5673S	International Commercial Transactions Law.....	30	9
PBL5602F	International Law of the Sea.....	30	9
PBL5615F	International Law in Theory and Practice.....	30	9
PBL5618S	International Law on Disputes and the Use of Force.....	30	9
PBL5619S	International Environmental Law.....	30	9
PBL5628S	International Rights of the Child.....	30	9
PBL5631F	International Protection of Human Rights.....	30	9
PBL5651F	International Protection of Women's Human Rights.....	30	9
PBL5807S	International Criminal Law.....	30	9

### Research component

Code	Course	NQF Credits	HEQSF Level
PBL5627W	Minor Dissertation.....	120	9
	<b>Total credits</b> .....	<b>240</b>	

## Master of Laws (LLM) specialising in International Taxation [LM003CML14]

### Programme Convener:

Associate Professor J Hattingh

The curriculum comprises three compulsory courses and a compulsory minor dissertation of not more than 18 000 words on a related topic approved by the programme convener. The curriculum consists of 210 credits.

### Compulsory (core) courses

Code	Course	NQF Credits	HEQSF Level
FTX5034F	International Tax I .....	60	9
FTX5033S	International Tax II .....	60	9
FTX4036S	Research Methods in Taxation .....	0	8

### Research component

Code	Course	NQF Credits	HEQSF Level
CML5694W	Masters in International Taxation Dissertation .....	90	9
<b>Total credits</b> .....		<b>210</b>	

## Master's degree (LLM) specialising in International Trade Law [LM003CML06]

### Programme Convener:

Associate Professor A Order

The curriculum comprises two compulsory courses, two elective courses and a compulsory minor dissertation of not more than 25 000 words on a topic related to International Trade Law and approved by the programme convener. The curriculum consists of 240 credits

### Compulsory (core) courses

Code	Course	NQF Credits	HEQSF Level
CML5619F	Law of International Trade .....	30	9
CML5673S	International Commercial Transactions Law .....	30	9

### Elective courses [to the value of 60 credits] - Two of the following courses:

Code	Course	NQF Credits	HEQSF Level
CML5626S	Carriage of Goods by Sea .....	30	9
CML5641S	Commercial Arbitration .....	30	9
CML5654S	Competition Law .....	30	9
CML5664F	Law and Regional Integration in Africa: Comparative Perspective .....	30	9
CML5687S	Chinese Law and Investments in Africa (not offered in 2018) .....	30	9
PBL5615F	International Law in Theory and Practice .....	30	9
PBL5619S	International Environmental Law .....	30	9

### Research component

Code	Course	NQF Credits	HEQSF Level
CML5674W	Minor Dissertation .....	120	9
<b>Total credits</b> .....		<b>240</b>	

**Master's degree (LLM/MPhil) specialising in Labour Law  
[LM003CML07/LM002CML07]**

The Universities of Cape Town, Stellenbosch and the Western Cape offer a co-ordinated postgraduate programme in labour law. The joint-university postgraduate labour law programme consists of the following courses, six of which are offered by the University of Cape Town and the rest by the Universities of Stellenbosch and the Western Cape. A candidate will only be allowed to register for the following courses if he or she has, in the opinion of Senate, attained a sufficient level of competence in the field of labour law.

**Programme Convener:**  
Ms S Singlee

The curriculum comprises four elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

**Elective courses [to the value of 120 credits]**

Code	Course	NQF Credits	HEQSF Level
	Four of the following courses (30 credits each): .....		
	<b>UCT courses:</b> .....		
<b>CML5613S</b>	Collective Labour Law .....	30	9
<b>CML5651F</b>	Individual Employment Law .....	30	9
<b>CML5671F</b>	Negotiation .....	30	9
<b>CML5676S</b>	Workplace Discrimination and Equality Law .....	30	9
	<b>University of Stellenbosch courses:</b> .....		
	Equality in the Workplace .....	30	9
	Labour Law under the Constitution .....	30	9
	<b>University of the Western Cape courses:</b> .....		
	Labour Law in the New Global Market .....	30	9
	Unfair Dismissal Law .....	30	9

**Research component**

Code	Course	NQF Credits	HEQSF Level
<b>CML5614W</b>	Minor Dissertation .....	120	9
	<b>Total credits</b> .....	<b>240</b>	

**Master's degree (LLM/MPhil) specialising in Marine and Environmental Law  
[LM003PBL07/LM002PBL07]**

**Programme Convener:**  
Professor S Paterson

The curriculum comprises two compulsory courses, two elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

**Compulsory (core) courses**

Code	Course	NQF Credits	HEQSF Level
<b>PBL5602F</b>	International Law of the Sea .....	30	9
<b>PBL5619S</b>	International Environmental Law .....	30	9

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### Two of the following elective courses [to the value of 60 credits]

Code	Course	NQF Credits	HEQSF Level
<b>PBL5640F</b>	Principles of Environmental Law .....	30	9
<b>PBL5641F</b>	Land Use Planning Law .....	30	9
<b>PBL5642S</b>	Natural Resources Law .....	30	9
<b>PBL5643S</b>	Pollution Law .....	30	9

### Research component

Code	Course	NQF Credits	HEQSF Level
<b>PBL5624W</b>	Minor Dissertation .....	120	9
	<b>Total credits</b> .....	<b>240</b>	

## Master's degree (LLM) specialising in Private Law and Human Rights [LM003RDL09]

### Programme Convener:

Associate Professor A Price

The curriculum comprises one compulsory course, three elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits. A person may be admitted to this MPhil specialisation only if he or she has a law degree of the university or an equivalent degree of another university or institution recognised by the Senate for the purpose, or if he or she has in any other manner attained an equivalent level of competence.

### Compulsory (core) course

Code	Course	NQF Credits	HEQSF Level
<b>RDL5624F</b>	Human Rights and Private Law .....	30	9

### Elective courses [to the value of 90 credits]

Code	Course	NQF Credits	HEQSF Level
	Three courses, including at least two of the following courses: .....		
<b>RDL5620S</b>	Advanced Contract Law .....	30	9
<b>RDL5625F</b>	Principles, Context and Reform of Property Law .....	30	9
<b>RDL5626S</b>	Human Rights, Gender, and Family .....	30	9
<b>RDL5627S</b>	Delict, Unjustified Enrichment, and Human Rights .....	30	9
<b>RDL5630S</b>	Comparative Mineral Law in Africa .....	30	9

### Research component

Code	Course	NQF Credits	HEQSF Level
<b>RDL5628W</b>	Minor Dissertation .....	120	9
	<b>Total credits</b> .....	<b>240</b>	

## Master's degree (MPhil) specialising in Private Law and Human Rights [LM002RDL09]

### Programme Convener:

Associate Professor A Price

The curriculum comprises one compulsory course, three elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 234 credits. A person may be admitted to this MPhil specialisation only if he or she has a law degree of the university or an equivalent degree of another university or

institution recognised by the Senate for the purpose, or if he or she has in any other manner attained an equivalent level of competence.

**Compulsory (core) course**

Code	Course	NQF Credits	HEQSF Level
<b>RDL5624F</b>	Human Rights and Private Law.....	30	9

**Two of the following elective courses [to the value of 60 credits]**

Code	Course	NQF Credits	HEQSF Level
<b>RDL5620S</b>	Advanced Contract Law.....	30	9
<b>RDL5625F</b>	Principles, Context and Reform of Property Law .....	30	9
<b>RDL5626S</b>	Human Rights, Gender, and Family.....	30	9
<b>RDL5627S</b>	Delict, Unjustified Enrichment, and Human Rights.....	30	9
<b>RDL5630S</b>	Comparative Mineral Law in Africa .....	30	9

**Elective course [to the value of at least 24 credits]**

Code	Course	NQF Credits	HEQSF Level
	One non-law Master's course approved by the programme convener.....	24	9

**Research component**

Code	Course	NQF Credits	HEQSF Level
<b>RDL5628W</b>	Minor Dissertation.....	120	9
	<b>Total credits</b> .....	<b>234</b>	

**Master's degree (LLM/MPhil) specialising in Public Law [LM002PBL09]**

**Programme Convener:**

Professor P de Vos

The curriculum comprises four elective courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

**Elective courses [four courses from the following programmes to the value of 120 credits]**

Code	Course	NQF Credits	HEQSF Level
	Constitutional and Administrative Law.....	30	9
	Criminology, Law and Society.....	30	9
	Environmental Law .....	30	9
	Human Rights Law.....	30	9
	International Law .....	30	9
	Marine and Environmental Law.....	30	9

**Research component**

Code	Course	NQF Credits	HEQSF Level
<b>PBL5601W</b>	Minor Dissertation.....	120	9
	<b>Total credits</b> .....	<b>240</b>	

## Master's degree (LLM/MPhil) specialising in Shipping Law [LM003CML09/LM002CML09]

*Courses in both the private and public law aspects of Marine and Maritime Law are offered jointly by the Departments of Commercial Law (Shipping Law Unit) and Public Law (Institute of Marine and Environmental Law). (Refer to the Rules for LLM and MPhil Degrees, and Postgraduate Diplomas in Law.)*

### Programme Convener:

Associate Professor G Bradfield

The curriculum comprises three compulsory courses; one of the two designated elective courses, and a compulsory minor dissertation of not more than 25 000 words on a topic related to shipping law and approved by the programme convener. The curriculum consists of 240 credits.

### Compulsory (core) courses

Code	Course	NQF Credits	HEQSF Level
<b>CML5625F</b>	Maritime Law .....	30	9
<b>CML5626S</b>	Carriage of Goods by Sea .....	30	9
<b>CML5693S</b>	Marine Insurance Law .....	30	9

### Elective Courses

Code	Course	NQF Credits	HEQSF Level
<b>CML5624F</b>	Admiralty, Jurisdiction and Practice.....	30	9
or	.....		
<b>PBL5602F</b>	International Law of the Sea.....	30	9

### Research component

Code	Course	NQF Credits	HEQSF Level
<b>CML5616W</b>	Minor Dissertation .....	120	9
	<b>Total credits</b> .....	<b>240</b>	

## Master's degree (LLM/MPhil) specialising in Tax Law [LM003CML10/LM002CML10]

### Programme Convener:

Ms A Titus

This is a two-year programme.

The curriculum comprises two compulsory courses and a compulsory minor dissertation of not more than 25 000 words on a related topic approved by the programme convener. The curriculum consists of 240 credits.

### Compulsory (core) courses

Code	Course	NQF Credits	HEQSF Level
<b>CML5661F</b>	General Tax Provisions.....	30	9
<b>CML5661S</b>	Specific Tax Provisions.....	30	9
<b>CML5663W</b>	Advanced Tax Law .....	60	9

**Research component**

Code	Course	NQF Credits	HEQSF Level
<b>CML5611W</b>	Minor Dissertation .....	120	9
	<b>Total credits</b> .....	<b>240</b>	

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## COURSE OUTLINES (POSTGRADUATE)

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### **CML4613S** COLLECTIVE LABOUR LAW

*Higher Postgraduate Course, second semester.*

30 NQF credits at HEQSF level 8

**Convener:** Dr E Fergus

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

The course covers the current law of collective bargaining and industrial action (strikes and lockouts) in South Africa. It further aims to give students an understanding of the historical development of collective bargaining, so as to enable them to understand the policies underlying the regulation of collective bargaining in South Africa. In addition, students will be introduced to contemporary debates on the role and significance of collective bargaining and industrial action. Students can expect to leave the course with a working knowledge of applicable statutory provisions, case law, key policy issues, and current debates on the regulation and premises of collective bargaining and industrial action in South Africa.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:** Coursework - 50% (comprising two assignments (3000-3500 words each) each counting 25%) November Examination - 50%.

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### **CML4615W** PRACTICAL TAX TASKS

60 NQF credits at HEQSF level 8

**Convener:** Associate Professor J Hattingh

**Course outline:**

The aim of the course will be to instil in candidates the necessary skills that are required in the professional practice of South African tax law. This comprises the ability to perform research that relates to practical questions concerning the interpretation and application of tax legislation, as pronounced upon by the courts. The contexts within which these skills are employed vary, and this will be reflected in the type of tasks given to candidates. For example, this may range from the preparation of documents featuring in High Court litigation, such as heads of argument, to formal correspondence with the Revenue Authority in the form of objections to tax assessments, and to taxpayer orientated advice such as tax opinions. The effective difference is that the topics and format for tasks will be set by the programme convener and that students will no longer choose topics in respect of which they wish to perform research in a format of their choice. Due to the nature of the course, candidates will be required to work independently. No specific weekly contact time for this course is therefore required. However, during a 90-minute contact session each semester students will receive a briefing in which guidance will be offered about performing tax research, the legal framework governing the types of tasks that may be set and practical advice in respect of successful completion of the various types of documents.

**DP requirements:** None

**Assessment:** Coursework 100%

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### **CML4624F** ADMIRALTY JURISDICTION AND PRACTICE

*Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 8

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for Postgraduate Diplomas.

**Course outline:**

The course traces the history of Admiralty jurisdiction from its origins in English law to the enactment of the Admiralty Jurisdiction Regulation Act, 1983. The course covers current Admiralty practice in South Africa, including the courts' Admiralty jurisdiction and their powers to decline to exercise that jurisdiction and of joinder; maritime claims and their enforcement; actions and arrests in rem; actions in personam and attachments; associated ship arrests; security arrests; security for



claims and costs; evidence, inspection and examination procedures; judicial sales and ranking of claims against funds in court. The course also deals with the International Ship Arrest Conventions and Admiralty jurisdiction in comparative jurisdictions.

**DP requirements:** None

**Assessment:** Coursework 25%, June Examination 75%

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### **CML4625F** MARITIME LAW

*Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 8

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

The course aims to develop and promote knowledge and skills in the field of maritime law by familiarising students with the law regulating ships and shipping activities, and that relating to civil legal claims arising out of shipping activities. The course focuses on South African law but has significant international and comparative components. The course covers South African Merchant Shipping and related legislation regulating ships and shipping activities; registration and ownership of ships and South Africa's role as Flag-, Coastal-, and Port-State in ensuring the safety of ships and shipping activities; the SOLAS Convention and ISM Code; the acquisition and transfer of ownership of ships; the financing of ships and shipping operations; safety of navigation; liability; marine pollution control and compensation; wreck, master and crew; salvage; towage, and pilotage.ion; collisions; limitation.

**DP requirements:** None

**Assessment:** Coursework 25%, June Examination 75%

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### **CML4626S** CARRIAGE OF GOODS BY SEA

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 8

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for Postgraduate Diplomas

**Course outline:**

The course covers: international carriage of goods by sea; shipping and international trade; carriage documents and their interaction with international sales and payment arrangements; international attempts at standardisation in carriage; electronic commerce in shipping; general principles of carriage of goods by sea, including: applicable law; international carriage regimes, the Hague, Hague-Visby, Hamburg and Rotterdam Rules; the South African Carriage of Goods by Sea Act and the Sea Transport Documents Act; limitation of liability for cargo claims; bills of lading; charterparties, and cargo claims handling. Although the course focuses on South African law, comparisons are made with the laws of other jurisdictions.

**DP requirements:** None.

**Assessment:** Coursework 25%, November Examination 75%

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### **CML4631S** MEDIATION

*The course is limited to 24 students. Higher Postgraduate Course, second semester.*

30 NQF credits at HEQSF level 8

**Convener:** Mr K Bassuday

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

The aim of the course is to develop academic and professional proficiency in labour law, conflict management, negotiation, arbitration, conciliation, dispute prevention and resolution, and relevant aspects of labour economics and human resource development. The course is principally targeted at persons who are either already practising as conciliators and arbitrators (and wish to further develop their academic and professional skills) or those who wish to gain proficiency in this area. The course

## 122 COURSE OUTLINES (POSTGRADUATE)

comprises the following modules: Module 1: Conflict Management Conflict definition; conflict sources; conflict management (dispute prevention, dispute settlement); approaches to conflict management; conflict path. Module 2: Negotiation Different forms of negotiations (interest based, competitive based, position based); developing negotiation skills (skills in problem solving, listening, paraphrasing, dealing with threats and anger); case studies and role-plays. Module 3: Conciliation Definition (issues coming to conciliation, what is mediation, what is fact-finding, what is an advisory award); case studies/role play; conciliation procedures. Module 4: Arbitration Definition; issues coming before arbitration; dismissal (issues of right: operational requirements, misconduct, incapacity); interest issues (wages, job grading); interpretation issues; arbitration procedures (opening arguments, narrowing the issues, examination in chief, evidence, reexamination, interventions by the arbitrator, cross-examination, closing arguments, the award); special focus on admissibility of evidence, assessment of evidence, dealing with representation, dealing with preliminary points, conciliating in arbitration. Module 5: Dispute Prevention Definition; codes of conduct; guidelines; ministerial/State's role; collective agreements; relationship building. Module 6: Drafting Awards; agreements; opinions

**DP requirements:** Satisfactory attendance of lectures, presentations and practicals, and completion of written assignments.

**Assessment:** Prescribed assignments and written examination 50%. Performance in mediation 50%.

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### **CML4641S COMMERCIAL ARBITRATION**

*The course is limited to 30 students. Priority will be given to students in the LLM/MPhil and PGDip programmes specialising in Dispute Resolution for whom this is a core course. Higher Postgraduate Course, second semester.*

30 NQF credits at HEQSF level 8

**Convener:** Dr E Fergus

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

The historical development, law and practice of commercial arbitration, domestic and international. Arbitral institutions and their rules. Practical exercises in the conduct of arbitrations.

**DP requirements:** Satisfactory attendance at lectures and tutorials, completion of written assignments.

**Assessment:** Coursework (30%), November examination (70%)

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### **CML4651F INDIVIDUAL EMPLOYMENT LAW**

*Higher Postgraduate Course, first semester.*

30 NQF credits at HEQSF level 8

**Convener:** Ms S Singlee

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course is designed to give, among others, legal practitioners, human resource and industrial relations practitioners, trade unionists and para-legals a working knowledge of individual labour law. The course seeks to examine and analyse legal rules and institutions in context, emphasising the practical application of labour law. The course will focus on the following major areas: Definition and scope of labour law; Individual labour relations; Dismissal; Basic Conditions of Employment; Skills development; Dispute resolution.

**DP requirements:** Satisfactory attendance, presentation and successful completion of written assignments. Students may be required to attend a weekend workshop.

**Assessment:** Optional written assignments 30% to 45%. Examination 55% to 75% (depending number of essays submitted).

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**CML4661F GENERAL TAX LAW PROVISIONS**

*Higher Postgraduate Course, first semester.*

30 NQF credits at HEQSF level 8

**Convener:** Ms A Titus

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

The objective of this semester course is to nurture tax lawyers and to provide non-lawyers with an insight in to tax law and the rights of taxpayers in regard to liability for taxation. The focus of the course is on the general framework for imposing income tax in South Africa, as pronounced upon by the courts. The outline of the course comprises a selection of fundamental features of the South African income tax, mainly through critical evaluation of case law. Key jurisdictional concepts comprising the source and residence basis of income taxation will be considered in detail. The course will analyse the statutory and jurisprudential frameworks for the determination of taxable income, including the notion of income, the distinction between capital and revenue receipts and the deductibility of expenditure and losses. Tax law impacts the life of every citizen and is often political. At the end of this course students are expected to be able to start to identify the broader relevance and impact of tax law. This course provides a basic entry point for further postgraduate study of tax law.

**DP requirements:** Further tests may be scheduled at the discretion of the convener. Satisfactory attendance at lectures.

**Assessment:** Coursework 30% Exam 70%.

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**CML4661S SPECIFIC TAX LAW PROVISIONS**

*Higher Postgraduate Course, second semester.*

30 NQF credits at HEQSF level 8

**Convener:** Associate Professor J Hattingh

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course builds on the first semester course 'General Tax Provisions' as a further introductory course for postgraduate studies on the subject of tax law. The objective of this semester course is to nurture tax lawyers and to provide non-lawyers with an insight in to tax law and the rights of taxpayers in regard to liability for taxation. The focus of the course is on legislation as the primary source of tax law, specifically those aspects of South African income tax legislation that are likely to remain fundamental to the South African system of imposing income tax, as pronounced upon by the courts. The outline of the course is as follows. Because the focus is on legislation and non-lawyers may participate, the course will be introduced by a recapitulation of the legal framework for statutory construction. Throughout the course, the emphasis will be on development of the competencies required to use revenue legislation in a responsible manner. A selection of features of the South African Income Tax Act, 58 of 1962, will be considered. The relevant provisions are categorised into those dealing with the main tenants of the taxation of individuals, companies and other vehicles such as trusts and partnerships. Selected issues affecting the taxation of corporate income will be considered. In addition, the legislation imposing tax on capital gains will be dealt with, in overview. The course is concluded by a consideration of the various common law and statutory measures that address tax evasion and tax avoidance, including consideration of legitimate tax planning techniques.

**DP requirements:** None

**Assessment:** A final three-hour examination will be set for December.

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**CML4671F NEGOTIATION**

*The course is limited to 24 students. Higher Postgraduate Course, first semester.*

30 NQF credits at HEQSF level 8

**Convener:** Mr K Bassuday

**Course entry requirements:** See rules for Postgraduate Diplomas.

## 124 COURSE OUTLINES (POSTGRADUATE)

### **Course outline:**

Negotiation is a fundamental method of resolving disputes in the labour field and a discrete course in this area will enhance the study of mediation and arbitration. The course is designed to provide a theoretical understanding of why and how people negotiate, coupled with insights into the foundations of effective and ethical negotiation and the dynamics of the negotiation process. The course will involve simulated negotiations and students are expected to participate fully in this process.

**DP requirements:** None

**Assessment:** Coursework 25%, June Examination 75%.

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### **CML4673S INTERNATIONAL COMMERCIAL TRANSACTIONS LAW**

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 8

**Convener:** Associate Professor G Bradfield

#### **Course outline:**

The contractual aspects of international commercial transactions, but not the regulatory and policy aspects. Topics covered: 1. Law applicable to an international contract and consequences of choice of law; 2. Modern Lex Mercatoria; 3. Harmonisation of private law; 4. United Nations Convention on Contracts for the International Sales of Goods (CISG); 5. Incoterms 2010; 6. Carriage of goods; 7. Insurance; 8. Documentary credits; 9. Demand Guarantees; 10. Cross-border insolvency.

**DP requirements:** None

**Assessment:** Coursework 25%, November Examination 75%

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### **CML4676S WORKPLACE DISCRIMINATION AND EQUALITY LAW**

*Higher Postgraduate Course, second semester.*

30 NQF credits at HEQSF level 8

**Convener:** Associate Professor D Collier

**Course entry requirements:** See rules for Postgraduate Diplomas.

#### **Course outline:**

The course aims to examine the constitutionally embedded concept of substantive equality in the context of the South African labour market and workplace. The regulation of employment discrimination and affirmative action, which pivots around the provisions of the Employment Equity Act of 1998, will be explored through the lens of South African case law, alongside an examination of selected theoretical and sociological perspectives, and comparative developments, on equality and discrimination. The course will provide students with the necessary skills to deal with discrimination problems that may arise in the workplace, including harassment and discrimination on the basis of race, sex and gender.

**DP requirements:** None

**Assessment:** Coursework 50%. November Examination 50%

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### **CML4693S MARINE INSURANCE LAW**

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 8

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See rules for Postgraduate Diplomas.

#### **Course outline:**

The course aim is to familiarise students with the law of marine insurance law. It focuses on the law of marine insurance in South Africa, but also has significant international and comparative elements. In outline, the courses covers the history of marine insurance law as the basis for modern premium insurance law, from its origins in the marine insurance practices of the medieval Italian city states, and reception in Europe and England; general principles of insurance law having application in marine insurance, including insurable interest, disclosure, warranties and exceptions; risk and

causation; subrogation and abandonment; claims procedures; the workings of the local and Lloyd's insurance markets and practices, and possible areas of law reform.

**DP requirements:** None

**Assessment:** Coursework 25%, November Examination 75%

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### **CML5000X** COMMERCIAL LAW - RESEARCH TASK

*Higher postgraduate course*

15 NQF credits at HEQSF level 9

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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### **CML5600W** MASTERS IN COMMERCIAL LAW

*Higher postgraduate course, whole year.*

240 NQF credits at HEQSF level 9

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** Acceptance for a Master's programme in Law.

**Course outline:**

Under the guidance of a supervisor appointed by Senate, a candidate must undertake research at an advanced level on a subject of legal interest approved by Senate, for the purpose of writing a dissertation. Dissertations, not exceeding 40 000 words in length, must constitute a contribution to knowledge and should demonstrate a mastery of the methods of research.

**DP requirements:** None.

**Assessment:** 100% written work.

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### **CML5601F** ADVANCED COMPANY LAW

*Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** Associate Professor J Yeats

**Course entry requirements:** Competent academic and/or practical knowledge of the general principles of South African company law.

**Course outline:**

This course will be presented through a series of lectures. The areas to be addressed will be: Share capital; repurchases; shares and debentures; alteration of shareholders' rights and schemes of arrangement; raising share capital; membership; transfer and dealing; uncertified shares; insider trading; takeovers; dividends; financial markets and their regulation and derivatives.

**DP requirements:** Satisfactory attendance at and participation in lectures.

**Assessment:** Coursework 40%, June examination 60%

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### **CML5601X** ADVANCED COMPANY LAW - RESEARCH TASK

*Higher postgraduate course, first semester.*

15 NQF credits at HEQSF level 9

**Convener:** Associate Professor J Yeats

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise

**DP requirements:** None

**Assessment:** A research task of a professional nature.

**CML5606W MASTERS IN COMMERCIAL LAW DISSERTATION PART**

*Higher postgraduate course, whole year.*

120 NQF credits at HEQSF level 9

**Convener:** Associate Professor J Yeats

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

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**CML5611W MASTERS IN TAX LAW DISSERTATION PART**

*Higher postgraduate course, whole year.*

120 NQF credits at HEQSF level 9

**Convener:** Ms A Titus

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

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**CML5613S COLLECTIVE LABOUR LAW**

*Higher postgraduate course, second semester, one seminar per week.*

30 NQF credits at HEQSF level 9

**Convener:** Dr E Fergus

**Course entry requirements:** See Rules for LLM and MPhil Degrees. Candidates must have a sufficient level of competence in the field of labour law.

**Course outline:**

The course covers the current law of collective bargaining and industrial action (strikes and lock-outs) in South Africa. It further aims to give students an understanding of the historical development of collective bargaining, so as to enable them to understand the policies underlying the regulation of collective bargaining in South Africa. In addition, students will be introduced to contemporary debates on the role and significance of collective bargaining and industrial action.

Students can expect to leave the course with a working knowledge of applicable statutory provisions, case law, key policy issues, and current debates on the regulation and premises of collective bargaining and industrial action in South Africa.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:** Coursework 50% (comprising two assignments (3000-3500 words each) each counting 25%, November examination 50%

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**CML5613X COLLECTIVE LABOUR LAW - RESEARCH TASK**

*Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Dr E Fergus

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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**CML5614W MASTERS IN LABOUR LAW DISSERTATION PART**

*Higher postgraduate course, whole year.*

120 NQF credits at HEQSF level 9

**Convener:** Ms S Singlee

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

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**CML5616W MASTERS IN SHIPPING LAW DISSERTATION**

*Higher postgraduate minor dissertation, whole year.*

120 NQF credits at HEQSF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

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**CML5619F THE LAW OF INTERNATIONAL TRADE**

*Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** Ms K Lehmann

**Course entry requirements:** An LLB from UCT or the equivalent legal qualification from a recognised university.

## 128 COURSE OUTLINES (POSTGRADUATE)

### **Course outline:**

The Law of International Trade examines the public law aspects of international trade, the international regulatory framework within which private traders operate, concentrating on the law and practice of the World Trade Organisation (WTO). We will consider the purpose of trade, why it is that the WTO is considered the most successful of international organisations, and why it is that the WTO continues to attract controversy and criticism. In answering these questions, we will consider select WTO agreements to provide insights into both what the law says and how the law impacts on states and private actors within those states. The purpose of the course is to provide students with some 'technical' understanding of the WTO as an institution, and to provide students with the tools to critically evaluate whether the WTO is meeting its worthy objectives as set in the Agreement establishing the WTO, including raising living standards, ensuring full employment, optimising the use of the world's resources in accordance with the principle of sustainable development, and ensuring that developing countries, especially LDCs, secure a share in the growth of international trade commensurate with their economic needs. This is not an economics course, and we cannot assess the economic case for free trade. Instead, as lawyers, we will examine the law and jurisprudence of the WTO, to assess to what extent the laws themselves allow for free and fair trade.

**DP requirements:** None

**Assessment:** Coursework 30%, June examination 70%

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### **CML5619X LAW OF INTERNATIONAL TRADE - RESEARCH TASK**

*Higher postgraduate course, first semester.*

15 NQF credits at HEQSF level 9

**Convener:** Ms K Lehmann

**Course entry requirements:** See Rules for LLM Professional Masters.

### **Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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### **CML5624F ADMIRALTY JURISDICTION AND PRACTICE**

*Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** Students wishing to register for this course are required to have an LLB or equivalent degree.

### **Course outline:**

The course traces the history of Admiralty jurisdiction from its origins in English law to the enactment of the Admiralty Jurisdiction Regulation Act, 1983.

The course covers current Admiralty practice in South Africa, including the courts' Admiralty jurisdiction and their powers to decline to exercise that jurisdiction and of joinder; maritime claims and their enforcement; actions and arrests *in rem*; actions *in personam* and attachments; associated ship arrests; security arrests; security for claims and costs; evidence, inspection and examination procedures; judicial sales and ranking of claims against funds in court.

The course also deals with the International Ship Arrest Conventions and Admiralty jurisdiction in comparative jurisdictions.

**DP requirements:** None

**Assessment:** Coursework 25%, June examination 75%



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**CML5624X ADMIRALTY, JURISDICTION & PRACTICE - RESEARCH TASK**

*Higher postgraduate course, first semester.*

15 NQF credits at HEQSF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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**CML5625F MARITIME LAW**

*Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for LLM and MPhil degrees.

**Course outline:**

The course aims to develop and promote knowledge and skills in the field of maritime law by familiarising students with the law regulating ships and shipping activities, and that relating to civil legal claims arising out of shipping activities. The course focuses on South African law but has significant international and comparative components. The course covers South African Merchant Shipping and related legislation regulating ships and shipping activities; registration and ownership of ships and South Africa's role as Flag-, Coastal-, and Port-State in ensuring the safety of ships and shipping activities; the SOLAS Convention and ISM Code; the acquisition and transfer of ownership of ships; the financing of ships and shipping operations; safety of navigation; collisions; limitation of liability; marine pollution control and compensation; wreck; master and crew; salvage; towage, and pilotage.

**DP requirements:** None

**Assessment:** Coursework 25%, June examination 75%

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**CML5625X MARITIME LAW - RESEARCH TASK**

*Higher postgraduate course, first semester.*

15 NQF credits at HEQSF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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**CML5626S CARRIAGE OF GOODS BY SEA**

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for LLM and MPhil degrees.

**Course outline:**

The course covers: international carriage of goods by sea; shipping and international trade; carriage documents and their interaction with international sales and payment arrangements; international attempts at standardisation in carriage; electronic commerce in shipping; general principles of carriage of goods by sea, including: applicable law; international carriage regimes, the Hague, Hague-Visby, Hamburg and Rotterdam Rules; the South African Carriage of Goods by Sea Act and the Sea Transport Documents Act; limitation of liability for cargo claims; bills of lading;

## 130 COURSE OUTLINES (POSTGRADUATE)

charterparties, and cargo claims handling. Although the course focuses on South African law, comparisons are made with the laws of other jurisdictions.

**DP requirements:** None

**Assessment:** Coursework 25%, November examination 75%

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### **CML5626X** CARRIAGE OF GOODS BY SEA - RES TASK

*Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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### **CML5631S** MEDIATION

*Higher postgraduate course, second semester. The course is limited to 24 students.*

30 NQF credits at HEQSF level 9

**Convener:** Mr K Bassuday

**Course entry requirements:** See Rules for LLM and MPhil Degrees. This course is limited to 24 students.

**Course outline:**

The aim of the course is to develop academic and professional proficiency in labour law, conflict management, negotiation, arbitration, conciliation, dispute prevention and resolution, and relevant aspects of labour economics and human resource development. The course is principally targeted at persons who are either already practising as conciliators and arbitrators (and wish to further develop their academic and professional skills) or those who wish to gain proficiency in this area.

The course comprises the following modules:

Module 1: Conflict Management

Conflict definition; conflict sources; conflict management (dispute prevention, dispute settlement); approaches to conflict management; conflict path.

Module 2: Negotiation

Different forms of negotiations (interest based, competitive based, position based); developing negotiation skills (skills in problem solving, listening, paraphrasing, dealing with threats and anger); case studies and role-plays.

Module 3: Conciliation

Definition (issues coming to conciliation, what is mediation, what is fact-finding, what is an advisory award); case studies/role play; conciliation procedures.

Module 4: Arbitration

Definition; issues coming before arbitration; dismissal (issues of right: operational requirements, misconduct, incapacity); interest issues (wages, job grading); interpretation issues; arbitration procedures (opening arguments, narrowing the issues, examination in chief, evidence, re-examination, interventions by the arbitrator, cross-examination, closing arguments, the award); special focus on admissibility of evidence, assessment of evidence, dealing with representation, dealing with preliminary points, conciliating in arbitration.

Module 5: Dispute Prevention

Definition; codes of conduct; guidelines; ministerial/State's role; collective agreements; relationship building.

Module 6: Drafting

Awards; agreements; opinions

**DP requirements:** Satisfactory attendance of lectures, presentations and practicals, and completion of written assignments.

**Assessment:** Prescribed assignments and written examination 50%, Performance in mediation 50%

### **CML5631X** MEDIATION - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Mr K Bassuday

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

### **CML5632W** MASTERS IN LAW (DISPUTE RESOLUTION) DISSERTATION PART

*Higher postgraduate course, whole year.*

120 NQF credits at HEQSF level 9

**Convener:** Mr K Bassuday

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None.

**Assessment:** 100% written work

### **CML5641S** COMMERCIAL ARBITRATION

*Higher postgraduate course, second semester. Three hours of lectures or tutorials per week, with a two-week full-time block teaching period. The course is limited to 30 students. Priority will be given to students in the LLM/MPhil and PGDip programmes specialising in Dispute Resolution for whom this is a core course.*

30 NQF credits at HEQSF level 9

**Convener:** Dr E Fergus

**Course entry requirements:** See Rules for LLM and MPhil Degrees. The course is limited to 30 students. Priority will be given to students in the LLM/MPhil specialising in Dispute Resolution for whom this is a core course.

**Course outline:**

The historical development, law and practice of commercial arbitration, domestic and international. Arbitral institutions and their rules. Practical exercises in the conduct of arbitrations.

**DP requirements:** Satisfactory attendance at lectures and tutorials, completion of written assignments.

**Assessment:** Coursework 30%, November examination 70%

### **CML5641X** COMMERCIAL ARBITRATION - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Dr E Fergus

**Course entry requirements:** See Rules for LLM Professional Masters.

## 132 COURSE OUTLINES (POSTGRADUATE)

### **Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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### **CML5651F INDIVIDUAL EMPLOYMENT LAW**

*Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** Ms S Singlee

**Course entry requirements:** See Rules for LLM and MPhil Degrees. Non-law graduation and students admitted on the basis of Rule FG3 (6) will be required to attend a two-day seminar prior to the commencement of the course. Dates will be provided during registration.

#### **Course outline:**

This course is designed to give, among others, legal practitioners, human resource and industrial relations practitioners, trade unionists and para-legals a working knowledge of individual labour law. The course seeks to examine and analyse legal rules and institutions in context, emphasising the practical application of labour law. The course will focus on the following major areas: Definition and scope of labour law; Individual labour relations; Dismissal; Basic Conditions of Employment; Skills development; Dispute resolution.

**DP requirements:** Satisfactory attendance, presentation and successful completion of written assignments. Students may be required to attend a weekend workshop.

**Assessment:** Optional written assignments 30% to 45%, Examination 55% to 75% (depending on number of essays submitted)

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### **CML5651X INDIVIDUAL EMPLOYMENT LAW - RESEARCH TASK**

*Higher postgraduate course, first semester.*

15 NQF credits at HEQSF level 9

**Convener:** Ms S Singlee

**Course entry requirements:** See Rules for LLM Professional Masters.

#### **Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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### **CML5654S COMPETITION LAW**

*Higher postgraduate course, second semester, two double lectures per week.*

30 NQF credits at HEQSF level 9

**Convener:** Judge D M Davis

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

#### **Course outline:**

The course will focus on and will aim to develop an understanding of the law and principles of competition policy in countries and regions across the globe, including, specifically, South Africa, the United States and the European Union.

The course aims to develop an understanding of and critical discourse on, inter alia, the following: the role of markets and competition law in relation to the poor; the relationship between aggregate efficiency, economic opportunity for those without power, industrial policy and equity for the poor or powerless; the relationship between the common good and the national good; and the tension between a country's right to regulate in the national interest and its obligation not to cause external harm.

**DP requirements:** Satisfactory attendance at lectures and presentation of seminars, and completion of projects.

**Assessment:** Assessment is continuous. Students submit a mid-term seminar paper on a relevant topic and present a seminar in relation to the topic of the paper 50%, Written examination 50%

### **CML5654X** COMPETITION LAW - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Judge D Davis

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

### **CML5657F** ELECTRONIC INTELLECTUAL PROPERTY LAW

*Higher postgraduate course, fifty contact hours, first semester, two double lectures per week or two intense weeks of teaching.*

30 NQF credits at HEQSF level 9

**Convener:** Professor C Ncube

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The course aims to provide an in-depth overview of relevant laws that govern intellectual property that is delivered and used electronically. Relevant international, regional and domestic sources of the law; copyright (digital rights management, enforcement, file sharing, limitations and exceptions, user generated content); database protection; trade marks and domain names and patents (protection of computer programs and business methods).

**DP requirements:** None

**Assessment:** Coursework - 40% November examination - 60%

### **CML5657X** ELECTRONIC INTELLECTUAL PROPERTY LAW - RESEARCH TASK

*Higher postgraduate course, first semester.*

15 NQF credits at HEQSF level 9

**Convener:** Professor C Ncube

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

### **CML5658S** ELECTRONIC TRANSACTIONS LAW

*Higher postgraduate course, fifty contact hours, second semester, two double lectures per week or two intense weeks of teaching. Not on offer in 2018.*

30 NQF credits at HEQSF level 9

**Convener:** Professor C Ncube

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Objective:** The course aims to provide an in-depth overview of relevant laws that regulate electronic transactions.

**Course outline:**

1. Relevant international, regional and domestic sources of the law regulating electronic transactions
2. Electronic transacting and the doctrine of functional equivalence

### 134 COURSE OUTLINES (POSTGRADUATE)

3. Electronic contracts and payment methods
4. Consumer protection
5. Privacy
6. Electronic crime
7. Standards
8. ISPs and their liability
9. Online dispute resolution
10. Taxing electronic commerce

**DP requirements:** None.

**Assessment:** Coursework 40%, November Examination 60%

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#### **CML5658X** ELECTRONIC TRANSACTIONS LAW - RESEARCH TASK

*Higher postgraduate course, second semester. (not offered in 2018)*

15 NQF credits at HEQSF level 9

**Convener:** Professor C Ncube

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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#### **CML5661F** GENERAL TAX LAW PROVISIONS

*Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** Ms A Titus

**Course entry requirements:** See Rules for LLM and MPhil Degrees

**Course outline:**

The objective of this semester course is to nurture tax lawyers and to provide non-lawyers with an insight in to tax law and the rights of taxpayers in regard to liability for taxation. The focus of the course is on the general framework for imposing income tax in South Africa, as pronounced upon by the courts. The outline of the course comprises a selection of fundamental features of the South African income tax, mainly through critical evaluation of case law. Key jurisdictional concepts comprising the source and residence basis of income taxation will be considered in detail. The course will analyse the statutory and jurisprudential frameworks for the determination of taxable income, including the notion of income, the distinction between capital and revenue receipts and the deductibility of expenditure and losses. Tax law impacts the life of every citizen and is often political. At the end of this course students are expected to be able to start to identify the broader relevance and impact of tax law. This course provides a basic entry point for further postgraduate study of tax law.

**DP requirements:** Further tests may be scheduled at the discretion of the convener. Satisfactory attendance at lectures.

**Assessment:** Coursework 30%, Examination 70%

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#### **CML5660X** TAX LAW - RESEARCH TASK

*Higher postgraduate course, first semester.*

15 NQF credits at HEQSF level 9

**Convener:** Associate Professor J Hattingh and Ms A Titus

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

### **CML5661S** SPECIFIC TAX LAW PROVISIONS

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 9

**Convener:** Associate Professor J Hattingh

**Course entry requirements:** See Rules for LLM and MPhil degrees. A student is not permitted to register for this course unless he or she has either completed General Tax Law Provisions (CML5661F) or in the opinion of the of the Course convener (s), otherwise has sufficiently sound academic background in tax law, such as a postgraduate qualification in tax law and/or sufficient appropriate experience in the field of taxation

**Course outline:**

This course builds on the first semester course 'General Tax Law Provisions as a further introductory course for postgraduate studies on the subject of tax law. The objective of this semester course is to nurture tax lawyers and to provide non-lawyers with an insight in to tax law and the rights of taxpayers in regard to liability for taxation. The focus of the course is on legislation as the primary source of tax law, specifically those aspects of South African income tax legislation that are likely to remain fundamental to the South African system of imposing income tax, as pronounced upon by the courts. The outline of the course is as follows. Because the focus is on legislation and non-lawyers may participate, the course will be introduced by a recapitulation of the legal framework for statutory construction. Throughout the course, the emphasis will be on development of the competencies required to use revenue legislation in a responsible manner. A selection of features of the South African Income Tax Act, 58 of 1962, will be considered. The relevant provisions are categorised into those dealing with the main tenants of the taxation of individuals, companies and other vehicles such as trusts and partnerships. Selected issues affecting the taxation of corporate income will be considered. In addition, the legislation imposing tax on capital gains will be dealt with, in overview. The course is concluded by a consideration of the various common law and statutory measures that address tax evasion and tax avoidance, including consideration of legitimate tax planning techniques.

**DP requirements:** None.

**Assessment:** Three-hour examination 100%

### **CML5661X** TAX LAW - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Associate Professor J Hattingh and Ms A Titus

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

### **CML5662X** ADVANCED TAX LAW - RESEARCH TASK

*Higher postgraduate course, first semester.*

15 NQF credits at HEQSF level 9

**Convener:** Associate Professor T L Gutuza

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

**CML5663X ADVANCED TAX LAW - RESEARCH TASK**

*Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Associate Professor T L Gutuza

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature

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**CML5663W ADVANCED TAX LAW**

*Higher postgraduate double course, taught throughout the year. The Convener of the course may, at his/her discretion, limit the size of the class for didactic reasons. CML5663W Advanced Tax Law is also a double-course for the award of the LLM degree in Commercial Law or Tax Law.*

60 NQF credits at HEQSF level 9

**Convener:** Associate Professor T L Gutuza

**Course entry requirements:** A candidate is not permitted to register for this course unless:(i) he or she has either completed General Tax Law Provisions (CML5661F) and Specific Tax Law Provisions (CML5661S) or,(2) is concurrently registered with Specific Tax Law Provisions (CML5661S) and in the opinion of the Course convener(s), otherwise has a sufficiently sound academic background in Tax Law, such as a postgraduate qualification in tax law and or sufficient appropriate experience in the field of taxation.

**Objective:** The objective of this course is to develop academic and professional proficiency in: Firstly, South African capital transfer taxes, particularly value added tax law, donations tax and estate duty. This will be done by considering the tax legislation, its interpretation by the courts and its practical application in commerce; and secondly, International tax law. This will be done by considering the unilateral and bilateral measures to prevent double taxation and international tax avoidance.

**Course outline:**

Part 1 of the course deals with international tax law. The course will cover, inter alia, trading into and out of South Africa, methods of relieving international double taxation, the interpretation and application of double taxation conventions, the Organisation for Economic Co-operation and Development's (OECD) Model Tax Convention on Income and on Capital, the United National Model Tax Convention on Income and on Capital, the allocation of taxing liability of various forms of income, international tax avoidance including transfer pricing and this capitalisation and exchange control.

Part 2 deals with Tax policy, Value Added Tax, Donations Tax, Estate Duty and Income Tax as levied in South Africa. The relevant legislation as interpreted by the courts, its practical application, both domestically and internationally will be examined.

Candidates are required to present papers, disseminated in advance to the class as a whole, on approved topics. Active participation is required in all seminars at which papers are presented. The number of papers to be presented will depend on the size of the class but will not be less than two. Prior to the presentation of seminars, a set of lectures will be presented.

**DP requirements:** Satisfactory attendance and presentation of seminar papers.

**Assessment:** The papers presented by the candidates, which are to be written up following criticism and comment during the presentation, will count for 50% and a further four hour examination counts for the remaining 50%. Both the papers and the examination must be passed.



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**CML5664F LAW AND REGIONAL INTEGRATION IN AFRICA:  
COMPARATIVE PERSPECTIVES**

*Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** Associate Professor A Order

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The aim of the course is to provide a forum for students at an advanced level to critically study and analyse developments related to law and regional integration in Africa and other regions of the world. Production of research is also expected of the students.

The course will focus on both commercial and public law aspects in relation to regional integration in Africa and elsewhere. It will therefore examine in a comparative context legal aspects of economic and political integration in various regions with Africa as the starting point. The classes will consist of a combination of lectures by conveners and guest lecturers and seminar presentations on selected topics by students. All lectures and seminars will be on the basis of extensive background reading of relevant materials.

Lecturers and seminars will mainly focus on historical developments of regionalism in Africa and elsewhere, theories of regional integration, legal aspects of institutional and normative framework of African and other regional integration experiences. In terms of Africa, the focus will be on the normative and institutional framework of the African Union (AU) and debate on the Unites States of Africa; the role of 'soft' mechanisms of the African Union such as NEPAD and the African Peer Review Mechanism (APRM) in the facilitation of regional economic and political integration; the relationship between the AU and sub-regional organizations such as ECOWAS, SADC, EAC to the African Union; challenges of harmonisation of laws and the domestication of African economic agreements, prospects and challenges of regional integration.

There will be a similar focus on other regional integration experiences such as those of Europe and North America. The Course presentation will be a mix of lectures and student seminars and discussions.

**DP requirements:** None

**Assessment:** Coursework 45%, June examination 55%

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**CML5664X LAW AND REGIONAL INTEGRATION IN AFRICA - RESEARCH  
TASK**

*Higher postgraduate course, first semester.*

15 NQF credits at HEQSF level 9

**Convener:** Associate Professor A Order

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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**CML5671F NEGOTIATION**

*Higher postgraduate course, first semester. The course is limited to 24 students.*

30 NQF credits at HEQSF level 9

**Convener:** Mr K Bassuday

**Course entry requirements:** See Rules for LLM and MPhil Degrees. This course is limited to 24 students.

**Course outline:**

Negotiation is a fundamental method of resolving disputes in the labour field and a discrete course in this area will enhance the study of mediation and arbitration.

## 138 COURSE OUTLINES (POSTGRADUATE)

The course is designed to provide a theoretical understanding of why and how people negotiate, coupled with insights into the foundations of effective and ethical negotiation and the dynamics of the negotiation process. The course will involve simulated negotiations and students are expected to participate fully in this process.

**DP requirements:** None.

**Assessment:** Coursework 25%, June examination 75%

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### **CML5671X** NEGOTIATION - RESEARCH TASK

*Higher postgraduate course, first semester.*

15 NQF credits at HEQSF level 9

**Convener:** Mr K Bassuday

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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### **CML5672S** CORPORATE FINANCING

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 9

**Convener:** Associate Professor T L Gutuza

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The course will be presented through a series of lectures and seminars. The aim of the course is to develop academic and professional proficiency in the legal aspects of corporate financing arrangements. The areas to be addressed will include ; selected legislation; regulatory aspects of non-equity financing; debt versus equity financing; non-equity financing methods,(loan agreements, convertible debentures, sale and lease backs, securitization, project financing); Equity financing methods (such as preference share funding); relevant issues to consider in non-equity financing structures (such as company law, tax, insolvency, security) and specific types of structured financing deals such as BEE and private equity structures.

**DP requirements:** None

**Assessment:** Coursework 50%, November examination 50%

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### **CML5672X** CORPORATE FINANCING - RESEARCH TASK

*Higher Postgraduate Course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Associate Professor T Gutuza

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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### **CML5673S** INTERNATIONAL COMMERCIAL TRANSACTIONS LAW

*Higher postgraduate course, second semester, offered in block format at the start of the second semester.*

30 NQF credits at HEQSF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for LLM Degrees.

**Course outline:**

The contractual aspects of international commercial transactions, but not the regulatory and policy aspects. Topics covered: 1. Law applicable to an international contract and consequences of choice of law; 2. Modern Lex Mercatoria; 3. Harmonisation of private law; 4. United Nations Convention on contracts for the International Sales of Goods (CISG); 5. Incoterms 2010; 6. Carriage of goods; 7. Insurance; 8. Documentary credits; 9. Demand Guarantees; 10. Cross-border insolvency.

**DP requirements:** None

**Assessment:** Coursework 25%, November examination 75%

### **CML5673X** INTERNATIONAL COMMERCIAL TRANSACTIONS LAW - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Associate Professor G Bradfield

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

### **CML5674W** MASTERS IN INTERNATIONAL TRADE LAW DISSERTATION PART

120 NQF credits at HEQSF level 9

**Convener:** Associate Professor A Ordor

**Course entry requirements:** See Rules for LLM Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

### **CML5676S** WORKPLACE DISCRIMINATION AND EQUALITY LAW

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 9

**Convener:** Associate Professor D Collier

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The course aims to examine the constitutionally embedded concept of substantive equality in the context of the South African labour market and workplace. The regulation of employment discrimination and affirmative action, which pivots around the provisions of the Employment Equity Act of 1998, will be explored through the lens of South African case law, alongside an examination of selected theoretical and sociological perspectives, and comparative developments, on equality and discrimination. The course will provide students with the necessary skills to deal with discrimination problems that may arise in the workplace, including harassment and discrimination on the basis of race, sex and gender.

**DP requirements:** None

**Assessment:** Coursework 50%, November examination 50%

## 140 COURSE OUTLINES (POSTGRADUATE)

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### **CML5676X** WORKPLACE DISCRIMINATION AND EQUALITY LAW - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Associate Professor D Collier

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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### **CML5677F** ISLAMIC LAW AND FINANCE

*(not offered in 2018) Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** TBA

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

This course will provide law graduates, legal professionals and practitioners in the finance sector with the necessary knowledge about the laws relating to Islamic finance and its interaction with South African law as well as comparative perspectives of Islamic finance from across the African continent and further abroad. The course will include a consideration of: the theory of Islamic economics; legal personality as understood in Islamic law; general and classical Islamic economic instruments; and Islamic financial instruments. It will also focus on the interaction between Islamic financing agreements and South African law. With reference to the Income Tax Act 58 of 1962, it will concentrate on the taxation of Islamic financing arrangements, with particular emphasis on the application of the legislative provisions and the effect of section 24JA. Finally, the course will offer comparative insights into Islamic financing drawn from the African region and the international arena.

**DP requirements:** None

**Assessment:** Class presentation 10%, Assignment/research paper 30%, Examination 60%. The presentation will be on the chosen or given assignment/research paper.

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### **CML5678F** PRINCIPLES OF INTELLECTUAL PROPERTY LAW

*Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** Associate Professor L-A Tong

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

This course aims to provide a sound understanding of the key intellectual property laws in South Africa. The topics include: international sources of intellectual property law; copyright; trade marks; unlawful competition and patents.

**DP requirements:** None

**Assessment:** Coursework (opinions and assignments) 40%, Examination 60%

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### **CML5678X** PRINCIPLES OF INTELLECTUAL PROPERTY LAW - RESEARCH TASK

*Higher postgraduate course, first semester*

15 NQF credits at HEQSF level 9

**Convener:** Associate Professor L-A Tong

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

**CML5680S ADVANCED INTELLECTUAL PROPERTY LAW**

*Higher postgraduate course, second semester. One double lecture (3 hours) per week or two intense weeks training, or a combination of weekly lectures and intense training.*

30 NQF credits at HEQSF level 9

**Convener:** TBA

**Course entry requirements:** See Rules for LLM and MPhil Degrees. A student is not permitted to register for this course unless he or she has either completed Principles of Intellectual Property Law (CML5678F) or, in the opinion of the course convener(s), otherwise has a sufficiently sound academic background in intellectual property law.

**Course outline:**

The course aims to develop academic proficiency in selected aspects of intellectual property law. The focus is on South Africa within the context of international intellectual property practice. The course will be presented through seminars and lectures. The topics to be covered will be prescribed from year to year. Examples of topics include the following: aspects of Copyright – such as fair use/dealing, alternative licensing models, databases; aspects of Trade Marks – such as dilution, the ASA, domain names; aspects of Patents – such as biological resources, business method patents; enforcement of IP; performers' rights; personality rights; publicly financed intellectual property; and traditional knowledge.

**DP requirements:** None

**Assessment:** Coursework (opinions and assignments) 40%, Examination 60%

**CML5680X ADVANCED INTELLECTUAL PROPERTY LAW - RESEARCH TASK**

*Higher postgraduate course, second semester*

15 NQF credits at HEQSF level 9

**Convener:** Associate Professor L-A Tong

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

**CML5681W MASTER'S IN INTELLECTUAL PROPERTY LAW DISSERTATION PART**

120 NQF credits at HEQSF level 9

**Convener:** Associate Professor L-A Tong

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

## 142 COURSE OUTLINES (POSTGRADUATE)

**DP requirements:** None

**Assessment:** 100% written work.

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### **CML5683F** COMPARATIVE LEGAL SYSTEMS

*Not offered in 2018. Higher Postgraduate Course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** Professor S Mancuso

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The course is aimed at equipping law graduates, legal professionals and practitioners with the comparative knowledge of various legal systems and families of law, particularly those operating in Africa. This course will cover the discipline, its history and uses; comparative law methodology; the object of comparison; macro and micro-comparison; legal formants; legal transplants; (reasons for legal transplants; feasibility of legal transplants) and legal traditions of the world; identification; classification and problems of comparison; short presentations in civil law, common law, socialist law, Islamic law, Hindu law, Chinese Law, Jewish law; mixed legal systems; legal pluralism and legal hybridity.

**DP requirements:** None

**Assessment:** Assignment/research paper 40%, Examination 60%

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### **CML5684F** AFRICAN LAW

*Not offered in 2018. Higher Postgraduate Course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** Professor S Mancuso

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The course aims to provide law graduates, legal professionals and practitioners with the necessary knowledge about the way law functions in Africa. In particular, the course aims at illustrating the dynamics of the interaction among the different normative orders present in the African legal systems. The goal is to show how those dynamics are absolutely peculiar to the African legal systems to contribute to identify African Law as a separate legal family despite the different opinions on this issue. This course will cover: Law in Africa; the African concept of law; methodology for studying African law; stratigraphic method; African indigenous law; characteristics and peculiarities; the institutions of African indigenous law; the political power; the religious layer; Islamic law and its relations with African indigenous law; other religious legal influences; Colonial law; the law of independence; the birth of the new African states; European pattern after the independence; African indigenous law and the independence; religious law and the independence comparison; short presentations; Law in Africa in the '90s; the fall of the socialist influence in Africa; the patterns imposed by the international financial institutions: aid, development and law in Africa; the resistance of African indigenous law; and Law in the 21<sup>st</sup> century: legal integration, economic development and the law.

**DP requirements:** None

**Assessment:** Assignment/research paper 40%, Examination 60%

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### **CML5685F** COMMON LAW

*Not offered in 2018. Higher Postgraduate Course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** Associate Professor A Ordor

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

This course is designed to familiarise Comparative Law students who are not trained in the common law system with various aspects of English common law including the origins and sources of common law; principles of common law jurisprudence in various subjects such as contracts, torts

and criminal law; the circulation of the common law pattern around the world; and the common law approach to business law with reference to law and development.

**DP requirements:** None

**Assessment:** Assignment/research paper 40% Examination 60%

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### **CML5686S CIVIL LAW**

*Not offered in 2018. Higher Postgraduate course, second semester*

30 NQF credits at HEQSF level 9

**Convener:** Professor S Mancuso

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

This course is designed to familiarise Comparative Law students who are not trained in the civil law system with various aspects of the origins and sources of civil law; principles of civil law jurisprudence in various subjects such as contracts, torts and criminal law; the civil law approach to business law with reference to law and development.

**DP requirements:** None

**Assessment:** Assignment/research paper 40%, Examination 60%

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### **CML5687S CHINESE LAW AND INVESTMENTS IN AFRICA**

*Not offered in 2018. Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 9

**Convener:** Professor S Mancuso

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

This course is designed to familiarise students with various aspects of Chinese Law and investments including: historical overview of Chinese law and institutions; Chinese law in the early XX century (1912 – 1948); mainland China and Taiwan; the People’s Republic of China, its political and institutional organisation; Chinese Socialist law: (the early years of the RPC, the cultural revolution, the reforms started in 1987); Chinese judiciary; law and politics; law in present day China: rule of men, rule by law, rule of law, socialist rule of law, rule of law with Chinese characteristic; Chinese law and the economy; contracts, property, antitrust, banking and insurance; Chinese institutional complexity; the two SARs of Hong Kong and Macau; Litigation and ADR in China; Chinese investments in Africa; political approach and orientations for Chinese investments in Africa; the economic approach: the Chinese model of cooperation towards Africa vs the Western one; the legal aspects of Chinese investments in Africa and China-Africa legal cooperation

**DP requirements:** None

**Assessment:** Coursework 40%, November examination 60%

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### **CML5687X CHINESE LAW AND INVESTMENTS IN AFRICA - RESEARCH TASK**

*Not offered in 2018. Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Professor S Mancuso

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

**CML5688W** MASTER'S IN COMPARATIVE LAW IN AFRICA DISSERTATION PART

120 NQF credits at HEQSF level 9

**Convener:** Professor S Mancuso

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

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**CML5691S** INTELLECTUAL PROPERTY LAW, DEVELOPMENT AND INNOVATION

*Higher postgraduate course, second semester. One double lecture (3 hours) per week or two intense weeks of lectures, or a combination of these.*

30 NQF credits at HEQSF level 9

**Convener:** Dr T Schonwetter

**Course entry requirements:** See Rules for LLM and MPhil Degrees. Students who have not studied Intellectual Property law at tertiary level or who do not have adequate work experience in Intellectual Property may be required to complete an introductory workshop course (which may be held over a weekend).

**Course outline:**

This course examines the relationship between intellectual property rights and development by examining the ways in which the former either promotes or stifles the latter. It considers the tensions between patents, copyright and other intellectual property rights as drivers of innovation and creativity versus the potential harm they may have on development.

The topics will be prescribed from year to year and may be chosen from the following, amongst others: technology transfer and innovation; publicly financed development of intellectual property; copyright and access to knowledge and education; traditional knowledge and traditional cultural expressions; patents and genetic resources, access to health, and food security, and trademarks and geographical indications.

Students are advised to contact the course convener at the start of the relevant semester for an indication of the specific topics to be presented.

**DP requirements:** Attendance at and participation in lectures. Completion of assignment(s).

**Assessment:** Coursework 50%, November examination 50%

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**CML5691X** INTELLECTUAL PROPERTY LAW, DEVELOPMENT & INNOVATION - RESEARCH TASK

*Higher Postgraduate Course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Dr T Schonwetter

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.



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**CML5692F** COMPANY LAW, CORPORATE GOVERNANCE AND LABOUR LAW

*Higher postgraduate course, first semester. One double lecture (3 hours) per week.*

30 NQF credits at HEQSF level 9

**Convener:** Associate Professor J Yeats and Dr E Fergus

**Course entry requirements:** The course pre-supposes a thorough knowledge and understanding of South African Company Law and Labour Law at LLB level or the equivalent. Students who do not have this qualification should not attempt this course. However, in extremely limited circumstances, and at the sole discretion of the course convener(s), students may be admitted on the basis of alternative qualifications or work experience. Such applications will only be considered if supported by a detailed written motivation accompanied by relevant documentation.

**Course outline:**

This course straddles and links Company Law and Labour Law by fostering an understanding of Corporate Governance and its underlying philosophies. It introduces a fresh perspective on the relationship between commerce and labour which have historically been cast as adversaries. The role of Corporate Governance in reversing that approach, and the value of doing so for companies themselves, is emphasised. The course may include a study of the Corporate Governance requirements and other relevant legal obligations with reference to inter alia the Companies Act, the King Report, international best practice, the JSE Listings requirements, the Insolvency Act, case law and common law. These Company Law and Corporate Governance rules, principles and policies are then applied and examined through the specific lens of Labour law. In considering selected corporate actions and events, the interactions between Company Law, Corporate Governance, Labour Law and selected aspects of other laws (including for example, Insolvency Law, Contract Law, International Trade Law, Trust Law and Competition Law) are discussed. Here, the need for meaningful Corporate Governance (rather than mere formalistic compliance with its tenets) will be debated, with particular reference to labour relations and the value of doing so for a company's profit objectives.

**DP requirements:** Satisfactory attendance at and participation in lectures.

**Assessment:** Coursework 40%, November examination 60%

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**CML5692X** COMPANY LAW, CORPORATE GOVERNMENT AND LABOUR LAW - RESEARCH TASK

*Higher Postgraduate Course, first semester.*

15 NQF credits at HEQSF level 9

**Convener:** Associate Professor J Yeats and Dr E Fergus

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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**CML5693S** MARINE INSURANCE LAW

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The course aim is to familiarise students with the law of marine insurance law. It focuses on the law of marine insurance in South Africa, but also has significant international and comparative elements. In outline, the courses covers the history of marine insurance law as the basis for modern premium insurance law, from its origins in the marine insurance practices of the medieval Italian city states, and reception in Europe and England; general principles of insurance law having application in

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marine insurance, including insurable interest, disclosure, warranties and exceptions; risk and causation; subrogation and abandonment; claims procedures; the workings of the local and Lloyd's insurance markets and practices, and possible areas of law reform.

**DP requirements:** None

**Assessment:** Coursework 25%, November examination 75%

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### **CML5693X** MARINE INSURANCE LAW - RESEARCH TASK

*Higher Postgraduate Course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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### **CML5694W** MASTERS IN INTERNATIONAL TAXATION DISSERTATION

90 NQF credits at HEQSF level 9

**Convener:** A/Professor J Hattingh

**Course entry requirements:** See Rules for LLM and MPhil degrees.

**Course outline:**

The aim of the minor dissertation is to enable and evaluate whether candidates are able to perform critical research in the field of international taxation. The minor dissertation should be of publishable quality in a peer-review publication. Successful candidates must demonstrate in their research that they have acquired substantive knowledge and the skills to be well rounded, competent practitioners in the international tax field who appreciate the societal impact of international taxation and the values underlying professional and ethical conduct in this field. This includes an ability to assess the tax efficiency of commercial transactions; to perform critical research; to draft legal opinions; to deal with SARS on behalf of clients; and/or to prepare for and execute tax litigation.

**DP requirements:** None

**Assessment:** A sub-minimum of 50% must be achieved for the minor dissertation on an international taxation topic and the overall weighted average programme result must be equal to or exceed 50%.

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### **FTX5034F** INTERNATIONAL TAX I

60 NQF credits at HEQSF level 9

**Convener:** C West

**Course entry requirements:** BCom (Honours) (Taxation) and tax work experience, or CA (SA), LLB or equivalent international qualification.

**Objective:** Acquiring knowledge about the analysis and interpretation of double tax conventions using recognized model conventions as a base and their interaction with South African income tax, as well as problem solving skills based on practical examples of application of these frameworks.

**Course outline:**

The first semester commences with an intensive full-time week of lectures presented by UCT academics and visiting staff from the International Bureau of Fiscal Documentation (IBFD). The problem of double taxation and double tax conventions are introduced. Additionally, a number of topical areas may be covered. During the remainder of the first semester, classes cover all aspects of double tax conventions. Consideration is given to the OECD, UN and SADC Model Tax Conventions, the history of the international tax system, treaty provisions dealing with business taxation, investment flows, income of individuals, non-discrimination, double tax relief, dispute resolution under tax treaties as well as more complex areas such as legal methods of treaty

interpretation and key features of South Africa's double tax treaty network, including the constitutional process for treaty making.

**Lecture times:** Lectures are conducted usually every second Monday afternoon and last for four hours each

**DP requirements:** Satisfactory progress for in-course assessments.

**Assessment:** 45% for the in-course assessment - long essay and 55% for the final assessment.

### **FTX5033S** INTERNATIONAL TAX II

60 NQF credits at HEQSF level 9

**Convener:** C West

**Course entry requirements:** FTX5034F

**Objective:** Acquiring further knowledge about the analysis and interpretation of double tax conventions and advanced topics in international taxation, as well as problem solving skills based on practical examples of application of these frameworks.

**Course outline:**

In the second semester the theory and practice of transfer pricing is taught, usually by an international visiting academic. Other advanced topics covered during this semester include international tax avoidance, taxpayer information exchange, taxation and human rights and selected aspects of South Africa's international tax regime such as provisions for relief of double taxation and controlled foreign company rules. Teaching takes the form of traditional lectures or seminars, consisting of guided group discussions with a focus on case studies applied in a practical manner. A Moot Court assignment dealing with an international tax case study may be presented during this term.

**Lecture times:** Lectures are conducted usually every second Monday afternoon and last for four hours each.

**DP requirements:** Satisfactory progress for in-course assessments.

**Assessment:** In-course assessments 45% and Final assessment 55%

### **FTX4036S** RESEARCH METHODS IN TAXATION

0 NQF credits at HEQSF level 8

**Convener:** C West

**Objective:** To present a complete research proposal for admission to FTX4035W or FTX5031W or FTX5032W

**Course outline:**

The course prepares students to: (1) conduct independent research; and (2) structure appropriate methodologies applicable to their chosen topic. After formal presentation of research methods and proposal preparations, the student is required to prepare and present a research proposal for entry into the technical report / dissertation courses. The formal structured lecture consists of a single 4-hour lecture after which the student proposal presentation and feedback sessions are scheduled according to student numbers.

**DP requirements:** Attendance at all research methods lectures and the presentation of a research proposal

**Assessment:** On the successful presentation of a research proposal, the student will be noted as ATT i.e. having attended and successfully presented a research proposal.

### **CML6700W** PHD IN COMMERCIAL LAW

*Sixth year status, whole year.*

360 NQF credits at HEQSF level 10

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** Acceptance to a PhD programme.

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### **Course outline:**

A PhD thesis must represent an original contribution to, or substantial advance on, knowledge in the field. The thesis may not be more than 80 000 words. A candidate will undertake research, and such advanced study as may be required, under the guidance of a supervisor appointed by Senate.

**DP requirements:** None.

**Assessment:** 100% written work.

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### **PBL4607F INTERNATIONAL LAW OF THE SEA**

*Higher Postgraduate Course, first semester. This course will be taught in the Block Teaching Format.*

30 NQF credits at HEQSF level 8

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See rules for Postgraduate Diplomas.

#### **Course outline:**

The course examines the concepts and legal principles governing international law of the sea, including the following specific areas of international law: (1) The law governing jurisdictional zones; (2) marine pollution law; and (3) marine resources law. The course is presented in three parts as follows: (1) international law of the sea: the law governing jurisdictional zones of the sea; determination of baselines; settlement of dispute regarding jurisdictional zones; (2) the law governing protection and exploitation of marine resources: protection of marine living resources; offshore oil and gas regulation; and miscellaneous resources; and (3) marine pollution law: sources of marine pollution and overview of the international legal framework; pollution from ships; dumping; pollution from seabed activities; pollution from land-based sources and atmospheric pollution.

**DP requirements:** Satisfactory attendance at all lectures, participation in class seminars and submission of course assignment.

**Assessment:** Coursework (25%); Written examination (75%).

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### **PBL4615F INTERNATIONAL LAW IN THEORY AND PRACTICE**

*Higher Postgraduate Course, first semester.*

30 NQF credits at HEQSF level 8

**Convener:** Associate Professor C Powell

**Course entry requirements:** See rules for Postgraduate Diplomas.

#### **Course outline:**

This course functions as an introduction to International law and a foundation for other courses in the master's programme in International Law. It covers the relevant legal principles and institutions in broad outline, while investigating a series of theoretical questions central to international law. The emphasis is on seminars and class discussion. History and Theory of International Law; Sources of International Law; The relationship between International and Municipal Law; Subjects of International Law; Objects of International Law; Treaties; Limitations on jurisdiction, including sovereign immunity and treatment of aliens; State responsibility; State succession.

**DP requirements:** Satisfactory attendance at and participation in seminars.

**Assessment:** Essay 35%, Class participation 10% and the final written examination counts for 55% of the final grade.

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### **PBL4618S INTERNATIONAL LAW ON DISPUTES AND USE OF FORCE**

*Higher Postgraduate Course, second semester.*

30 NQF credits at HEQSF level 8

**Convener:** TBC

**Course entry requirements:** See rules for Postgraduate Diplomas. Successful completion of a course in international law. The course convener may make an exception to this rule for students who show adequate understanding of the principles of international law. Although students will find PBL4615F International Law in Theory and Practice helpful, this preliminary course is not essential.

**Course outline:**

This course will examine the international laws regulating inter-state disputes, paying particular attention to the use of force and the role of international organisations. (1) Peaceful Settlement of International Disputes (a) Self-help: retorsion, reprisals and pacific blockades (b) Negotiations, inquiries, good offices, conciliation, mediation, arbitration (c) Adjudication by the ICJ; (2) War and the Use of Force (a) Historical overview of laws regulating the use of force, leading to the UN Charter (b) Definition of key concepts: war, force, threat to the peace, breach of the peace, act of aggression, (c) Intervention in domestic conflicts (d) Individual and collective self-defence and regional arrangements; (3). United Nations (a) Historical background, structure of the Organisation and its relationship with Member States (b) Powers of the Security Council, General Assembly, Secretary General and ICJ (c) Peace-keeping and peace enforcement; and (4) International Humanitarian Law.

**DP requirements:** None.

**Assessment:** Essay 35%, Class participation 10% and the final written examination counts for 55% of the final grade.

**PBL4619S INTERNATIONAL ENVIRONMENTAL LAW**

*Higher Postgraduate Course, second semester. This course will be taught in the Block Teaching Format.*

30 NQF credits at HEQSF level 8

**Convener:** Professor J Glazewski

**Course entry requirements:** See rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

The course will cover the major sources of international environmental law, with particular emphasis on their actual or possible application to South Africa and the African continent as a whole. The course will cover both terrestrial and marine components and will include principles of international customary law relevant to the environment; terrestrial conventions relating to trans-boundary movement and disposal of waste; conventions on HNS and nuclear matters; conventions relating to atmospheric pollution and climate change; conventions relating to the conservation of nature, including biodiversity and conventions on cultural heritage.

**DP requirements:** Satisfactory attendance at and, participation in seminars and completion of written assignments.

**Assessment:** One (or more) written assignments account for 50% and the final examination 50% of the final grade.

**PBL4623F GOVERNING UNDER THE CONSTITUTION: LAW AND PRACTICE**

*Higher Postgraduate Course, first semester.*

30 NQF credits at HEQSF level 8

**Convener:** Professor P de Vos

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

South Africa's new Constitution sets out the rights of citizens and establishes a framework for democratic governance and local government. In developing these institutions, along with a multi-level system comprising national, provincial and local government, South Africa's constitutional designers were responding to the needs and aspirations of contemporary South Africa. But they, in light of this comparative experience, also had before them a rich array of alternatives from other countries. The central purpose of this course is to seek to understand the new framework for governance in South Africa.

Constitutions are complex mixtures of broad principles, and specific rules and institutions. Accordingly, we will be interested in two levels of analysis: first, what broad principles and values underpin the institutional framework, and how are these expressed in the institutions themselves? And, second, more practically, how do these institutions, and the interactions among them, actually work in shaping the process of policy-making and implementation? Thus we are interested in the values associated with democracy – participation, accountability, consensus, etc; and in those

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associated with what might be called 'effective governance', in light of the policy challenges which face the country.

The course will thus also provide you with an understanding of how government works with a focus on (i) the relationship between the executive and the legislature and what that means for lawyers and (ii) the relationship between national, provincial and local government. Our study of multi-level government and the powers of each sphere of framework necessary for policy making and litigation in this area.

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of written assignments.

**Assessment:** Written assignments counts 30%; Written examination counts 70% of the final grade.

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### **PBL4631F** INTERNATIONAL PROTECTION OF HUMAN RIGHTS

*The course is limited to 5 students.*

30 NQF credits at HEQSF level 8

**Convener:** Associate Professor W Amien

**Course entry requirements:** See rules for Postgraduate Diplomas. Priority will be given to PGDP students specialising in Human Rights Law. Thereafter applications will be considered on a case by case basis subject to receiving written motivations by students that are no longer than one page as well as their curriculum vitae and academic transcripts.

**Course outline:**

This is a seminar and research based course, which aims to encourage engagement with questions and issues that arise within the context of international human rights law. In particular, the course aims to provide an understanding of the international and regional frameworks that seek to protect and promote human rights. This includes a consideration of the mechanisms that have been established to realise protection of human rights at the international and regional levels.

The course covers (a) The jurisprudential and philosophical bases of human rights; (b) The various institutions through which human rights are protected at international and regional levels; (c) International and regional human rights standards.(d) The implementation of human rights standards and (e) specific topics in international and regional human rights law.

**DP requirements:** Satisfactory attendance at and participation in class seminars and completion of a 5000 word research paper and a seminar presentation based on the research paper.

**Assessment:** Class attendance and participation counts 20%; research paper counts 50%;seminar presentation based on research paper counts 30%.

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### **PBL4640F** PRINCIPLES OF ENVIRONMENTAL LAW

*Higher Postgraduate Course, first semester. This course will be taught in the Block Teaching Format.*

30 NQF credits at HEQSF level 8

**Convener:** Professor A Paterson

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course provides a comprehensive introduction to environmental law. It covers the following main content: historical overview of the development of environmental law; ethical basis for environmental law; the nature, scope and sources of environmental law; the relationship between constitutional rights (environmental rights, administrative justice, access to information, locus standi) and environmental law; environmental governance; the role of common law; and the main legal tools prevalent in environmental laws such as planning measures, institutional arrangements, permitting measures, EIA, civil measures, administrative measures, criminal measures, voluntary measures and incentive-based measures.

As South Africa has one of the world's most contemporary environmental legal regimes, it will be used as a case study throughout the above components. Given the all-pervasive nature of environmental law, the issues covered in this course are of relevance to all domestic legal practitioners, government officials and those working in the NGO sector. Furthermore, given the contemporary nature of South Africa's environmental regime, the course is of key relevance to

foreign students wishing to understand, critique and become involved in the reformation of their own domestic environmental regimes.

**DP requirements:** Satisfactory attendance at all lectures, participation in class seminars and submission of course assignment.

**Assessment:** Coursework (50%); Written examination (50%)

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#### **PBL4641F** LAND USE PLANNING LAW

*Higher Postgraduate Course, first semester. This course will be taught in the Block Teaching Format.*

30 NQF credits at HEQSF level 8

**Convener:** Professor A Paterson

**Course entry requirements:** See rules for Postgraduate Diplomas. The student must have completed, or be simultaneously completing Principles of Environmental Law or have the prior written consent of the convener.

**Course outline:**

One of the key ways to govern the impact of society on the environment is through regulating landuse and planning. Land use planning law came into being at the beginning of the twentieth century but environmental law was superimposed on it towards the end of the twentieth century. The past few decades have accordingly seen a significant shift in the array and nature of regulatory tools planning authorities have sought to use to achieve a balance between the dictates of development and environmental protection. Key planning tools which are inherent in domestic legal frameworks include: integrated development planning; future spatial planning; zoning schemes; subdivision; title deed restrictions; environmental impact assessment; the designation of protected areas; and in the context of coastal management, integrated coastal planning. This course aims to critically examine the nature of these various planning tools. South Africa's domestic regime is used as a case study through which to explore their practical application. These land-use and planning tools are of relevance to every landowner and the course is accordingly of relevance to domestic legal practitioners, government officials and those working in the NGO sector. Furthermore, given the contemporary nature of South Africa's environmental impact assessment, coastal planning and protected areas regimes in particular, the course is of key relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic land-use and planning regimes.

**DP requirements:** Satisfactory attendance at all lectures, participation in class seminars and submission of course assignment.

**Assessment:** Coursework (50%), Written examination (50%).

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#### **PBL4642S** NATURAL RESOURCES LAW

*Higher Postgraduate Course, second semester. This course will be taught in the Block Teaching Format.*

30 NQF credits at HEQSF level 8

**Convener:** Ms A Mkhonza

**Course entry requirements:** See rules for Postgraduate Diplomas. The student must have completed Principles of Environmental Law or have the prior written consent of the convener.

**Course outline:**

This course examines the domestic legal frameworks which have emerged to regulate the use and conservation of natural resources. These legal frameworks prescribe an array of tools including: institutional arrangements; planning schemes, permitting regimes; duties of care; incentive-based measures; civil liability measures; and criminal measures. The course is of relevance to domestic legal practitioners, government officials and those working in the NGO sector and of key comparative relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic natural resource regime.

**DP requirements:** Satisfactory attendance at all lectures, participation in class seminars and submission of course assignments.

**Assessment:** Coursework (50%), Written examination (50%)

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### **PBL4643S POLLUTION LAW**

*Higher Postgraduate Course, second semester. This course will be taught in the Block Teaching Format.*

30 NQF credits at HEQSF level 8

**Convener:** TBC

**Course entry requirements:** See rules for Postgraduate Diplomas. The student must have completed Principles of Environmental Law or have the prior written consent of the convener.

**Course outline:**

This course examines the domestic legal frameworks which have emerged to regulate land, air and water pollution. These legal frameworks prescribe an array of tools including: institutional arrangements; planning schemes; pollution standards; permitting regimes; trading schemes; duties of care; emergency incident provisions; strict liability; statutory nuisances; rehabilitation orders; incentive-based measures; civil liability measures; and criminal measures. The course is of relevance to domestic legal practitioners, government officials and those working in the NGO sector and of key relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic pollution regimes.

**DP requirements:** Satisfactory attendance at all lectures, participation in class seminars and submission of course assignments.

**Assessment:** Coursework (50%), Written examination (50%)

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### **PBL4658S ADMINISTRATIVE JUSTICE AND OPEN GOVERNMENT**

*Higher Postgraduate Course, second semester.*

30 NQF credits at HEQSF level 8

**Convener:** Professor H Corder

**Course entry requirements:** See rules for Postgraduate Diplomas. Competent academic and/or practical knowledge of South African and/or common-law based administrative law. Those without a formal qualification in law will be admitted at the discretion of the course convener.

**Course outline:**

There is no doubt that the organisational complexity of a modern democratic state demands of its executive branch that it be sophisticated, efficient, open and accountable. Most of such administrative process must be based on discretionary power in the hands of public officials. The challenge is to fashion legal rights, duties and procedures so that the subject has remedies to confront the abuse of public power, while leaving the executive sufficient space to govern legitimately. South African administrative law is relatively undeveloped when compared with similar legal systems, yet it faces greater demands than exist in most countries. This is particularly the case as the Constitution develops to accommodate changing political reality. This course intends to enable students to become familiar with a responsive package of legal institutions and rules to regulate the administration. Current administrative law will be examined critically, with substantial reference to the way in which the law has developed in other jurisdictions, particularly in the British Commonwealth. The feasibility and form of constitutional protection of the right of access to information and of open government will receive considerable attention, in the context of the exponential increase in legal protection at both international and national level for ATI in the past 15 years, and the emerging new academic literature on ATI. While the course will be critical and forward-looking, it will naturally involve a detailed knowledge of current law and practice, equipping students to be practitioners in the forefront of developments in this field. Several guest lecturers will participate in the course while Associate Professor R Calland will lecture on open government.

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of assignments.

**Assessment:** An essay and an assignment count for 40%; long paper or written examination counts for 60% of the final grade.



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**PBL4659S HUMAN RIGHTS, LEGAL PLURALISM, RELIGION AND CULTURE**

*Higher postgraduate course, second semester. (Not on offer in 2018)*

30 NQF credits at HEQSF level 8

**Convener:** Associate Professor W Amien

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course will enable a study of the implications for human rights arising from the simultaneous operation of secular, religious and customary legal systems within a singular country. To explore the significance that plural legal systems have on human rights, reference will be made to different types of religious and customary laws including (but not limited to) family laws, personal laws, inheritance, criminal laws, finance, etc. The course will draw on legislation, case law and socio-legal studies where applicable, to examine how religious and customary laws drawn from among others (but not limited to) Islam, Hinduism, Judaism, Christianity and African customary laws impact on various human rights including (but not limited to) the rights to freedom of religion, culture and equality. Apart from a study of the South African context, comparative perspectives will also be offered to enhance the students' understanding of the debates and applications of multiple legal systems and their implications for human rights in the international arena.

Course outline (the course will address the following broad themes: theoretical foundations of legal pluralism; models for legal recognition of religious and cultural laws and their implications for human rights; selected religious and customary laws and their implications for human rights; legislative and judicial interventions contributing to legal pluralism and comparative perspectives from across the globe (including South Africa).

**DP requirements:** Satisfactory attendance at and participation in seminars, and completion of written assignment and seminar presentation.

**Assessment:** Class attendance and participation counts 20%; written assignments count 50%; seminar presentation based on the written assignment counts 30%.

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**PBL4660S ISSUES IN CRIME & JUSTICE: ORGANISED NON-STATE VIOLENCE IN AFRICA**

*Higher Postgraduate Course, second semester.*

30 NQF credits at HEQSF level 8

**Convener:** Dr G Lamb

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

The vast majority of African countries frequently experience some form of organised violence, such as belligerent street protests, riots, vigilante action or militant labour strikes. In some African countries gangs, violent organised criminal groups, death squads, militias and rebels are active. The course aims to reflect on the nature of organised non-state violence in Africa and critically review the theoretical explanations for this violence with a view to understanding the policy implications. **DP**

**requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:** Two essays of 3000 words (30%); a research policy paper of 6000 words (55%); a class presentation (15%)

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**PBL4808S INTERNATIONAL CRIMINAL LAW**

*Higher Postgraduate Course, second semester.*

30 NQF credits at HEQSF level 8

**Convener:** Dr H Woolaver

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course provides an introduction to specialist studies in international criminal law, that is, the body of law regulating individual criminal responsibility under international law. The course covers the history and development of international criminal law and the establishment, jurisdiction and activities of the International Criminal Court, international and internationalised criminal tribunals.

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Attention is given to the material, mental and contextual elements of the three 'core crimes' - genocide, crimes against humanity and war crimes - as well as the legal requirements of relevant modes of liability, general principles of international criminal law, procedure, complementarity and cooperation in international criminal matters and selected conceptual and institutional critiques of the international criminal justice 'project'. To benefit from this course, students will require a background in either international or criminal law, and are expected to participate fully in seminars and to read, understand and critically assess intrinsically complex and lengthy source materials.

**DP requirements:** Satisfactory attendance at weekly seminars.

**Assessment:** Seminar, essays - 40%; written examination 50% and in - class presentation 10%.

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### **PBL4815S PUNISHMENT AND HUMAN RIGHTS**

*Higher Postgraduate Course, second semester.*

30 NQF credits at HEQSF level 8

**Convener:** TBA

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course aims to provide students with a sound theoretical understanding both of the justifications of punishment and human rights constraints in the context of sentencing. Students then apply this understanding to practical examples in order to assess how/ if the theory translates into practice. In so doing it is hoped to transcend a common-sense approach to sentencing and punishment and to build firm opinions/ approaches based on acquired knowledge. The course is divided into four broad sections. The first section introduces the class to the various philosophical justifications that have historically been provided for sentencing. A brief introduction is also provided to the relationship between human rights law and penal sanctions. The second section explores in detail the current justifications for punishment/ purposes of the correctional system. In so doing, issues such as deterrence, incapacitation, rehabilitation, restoration, retribution and just deserts will be explored. Section three deals with constraints placed on sentencing in South Africa by human rights norms contained in the Bill of Rights and international law. The final section of the course places the preceding theoretical/philosophical discussions into a practical context by dealing with current and future sentencing practice in South Africa, modes of implementing punishment (e.g. prison) and special stakeholders in punishment.

**DP requirements:** 80% attendance at, and satisfactory participation in, seminars and the completion of the research papers and oral presentation.

**Assessment:** The presentation of at least one seminar and one research paper. Marks given for the seminars and research paper comprise the entire mark for the course.

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### **PBL4820F THEORIES OF CRIME AND SOCIAL ORDER**

*Higher Postgraduate Course, first semester.*

30 NQF credits at HEQSF level 8

**Convener:** TBC

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

The course is intended to provide an understanding of the theoretical ideas that have shaped and are shaping criminal justice policy and the way in which both implicit and explicit policy agendas are realized in practice. The course will explore the history of criminological theory on understandings of crime and social order. The course considers the thinking of seminal criminological theorists; schools of thought and emblematic exemplars of each will be explored. The course will be presented through a series of seminars/lectures.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:** Three reaction papers of 2000 words each 45%. A final paper of 5000 words 55%.

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**PBL4822S VICTIMS AND VICTIMOLOGY: THEORY, POLICY AND PRACTICE**

*(Not offered in 2018) Higher Postgraduate Course, second semester.*

30 NQF credits at HEQSF level 8

**Convener:** Professor E van der Spuy

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course provides an overview of the evolving interest in victims of crime and other forms of social harm. Here we take stock of concepts, theories, social constructions, policies and criminal justice practices which allow us to engage more thoughtfully with victims of crime and social harm. We are interested in the contestations and controversies relating to the social construction of victimhood, how claims to victimhood are staked; the forms of social mobilisation exhibited by groups of victims; the types of contestation to which this may give rise. We consider the interaction and/or fusion of identities between victims and offenders. Lastly, we move beyond the conventional remit of crime victims to take account of victims in the context of mass victimisation and in the context of organised forms of violence.

**DP requirements:** Satisfactory attendance and participation at seminars and completion of written assignments.

**Assessment:** Written assignments 60%; Take-home examination 40%.

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**PBL4844S POLICE AND POLICING: EXPLORATIONS IN SECURITY GOVERNANCE**

*Higher Postgraduate Course, second semester.*

30 NQF credits at HEQSF level 8

**Convener:** TBA

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course is intended to develop academic and professional expertise in the governance of security and provides a critical understanding of governance through the window of police and policing. Thus, it explores both what trends in governance can tell us about policing and what policing can tell us about developments in governance. It focuses on the impacts that global and local governance developments, new risks, spaces and technologies, have on state and non-state policing, and the regulatory and human rights implications of new trends in policing. This course focuses particularly on security governance in Africa (particularly South Africa).

**DP requirements:** Satisfactory attendance at seminars and completion of assignments.

**Assessment:** Two review papers of 2500 words (40%) and a policy paper of 5000 words (60%). This will comprise the entire mark for the course.

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**PBL4847S FORENSICS AND THE LAW**

*Higher Postgraduate Course, second semester.*

30 NQF credits at HEQSF level 8

**Convener:** Dr K Moulton

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course engages integrally with questions of evidence and criminal procedure, as well as criminology and criminal law. It is designed for students who are interested in acquiring an introduction to the use of science to solve crime and will give students an understanding of the application of forensics to the law, including forensic accounting. The course engages with the crime scene investigation process, and provides an overview of the various kinds of forensic evidence that may be collected and presented in court. Students will be introduced to the theory of identification, documentation and collection of physical evidence, including fingerprints, shoe impressions, hair and fibres, firearms evidence and questioned documents. The course then considers biological evidence, including blood spatter and other fluids, forensic anthropology and odontology to introduce the student to some basics of forensic expertise. Finally, the course engages with forensic

## 156 COURSE OUTLINES (POSTGRADUATE)

accounting. It equips students to understand basic forensics should they encounter such evidence in legal practice or research.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:** Term assignments - 20%; Term paper - 30%; Examination - 50%.

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### **PBL4849F** LAW IN ACTION - RESEARCH METHODS

*Higher Postgraduate Course, first semester.*

30 NQF credits at HEQSF level 8

**Convener:** TBA

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course aims to prepare students both to properly understand empirical research and methods, and to engage in empirical research projects of their own. Lawyers and legal scholars increasingly use empirical evidence to understand the legal system and its role in society, to unpack complex legal and policy questions, and to support their positions in the courtroom and in the business environment. Students who aim to undertake careers in academia (in the social sciences and in law) are increasingly required to undertake primary research. This course is designed to introduce students to the foundations of qualitative and quantitative empirical research, qualitative data collection and analysis techniques. The course intends to familiarise students with the research process from design to implementation, and will also consider the ethical implications of qualitative empirical research. The course is built on the view that empirical research is a craft that requires practice to do it well. Classes will provide students the opportunity to learn qualitative techniques through hands-on activities, class meetings and assignments.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:** Coursework 50%. A substantial research proposal of 6000-8000 words 50%.

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### **PBL5000X** PUBLIC LAW - RESEARCH TASK

*Higher postgraduate course*

15 NQF credits at HEQSF level 9

**Course entry requirements:** See Rules for LLM Professional Masters degrees.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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### **PBL5045S** ENVIRONMENTAL LAW FOR NON-LAWYERS

*Higher postgraduate course, second semester*

15 NQF credits at HEQSF level 9

**Convener:** Professor A Paterson

**Course entry requirements:** Successful completion of any undergraduate degree. Not available to students undertaking an LLB or LLM degree.

**Course outline:**

The inclusion of an environmental right in South Africa's Constitution has led to the emergence of many environmental laws and court decisions in the past 15 years. These developments are of key relevance to those working in the environmental sector including developers, consultants, biologists, zoologists, planners, sociologists and anthropologists. This course provides students undertaking postgraduate studies relevant to the environment with an insight into relevant principles of international and domestic environmental law. Key content covered in the course includes: an introduction to basic legal principles and resources; constitutional aspects (environmental rights, access to information, administrative justice and access to courts); framework environmental laws; land-use planning laws (planning law, environmental impact assessment and protected areas);

natural resource laws (biodiversity, water and marine living resources); and pollution laws (fresh water, land and air pollution).

**DP requirements:** Satisfactory attendance of lectures and completion of essay.

**Assessment:** Short Assignment (10%); Long Assignment (40%); Written Examination (50%)

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### **PBL5600W MASTERS IN PUBLIC LAW**

*Higher postgraduate course, whole year.*

240 NQF credits at HEQSF level 9

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** Acceptance for a Master's programme in Law.

**Course outline:**

Under the guidance of a supervisor appointed by Senate, a candidate must undertake research at an advanced level on a subject of legal interest approved by Senate, for the purpose of writing a dissertation. Dissertations, not exceeding 40 000 words in length, must constitute a contribution to knowledge and should demonstrate a mastery of the methods of research.

**DP requirements:** None

**Assessment:** 100% written work.

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### **PBL5601W MASTERS IN PUBLIC LAW DISSERTATION PART**

*Higher postgraduate course, whole year.*

120 NQF credits at HEQSF level 9

**Convener:** Professor P de Vos

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None.

**Assessment:** 100% written work.

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### **PBL5602F INTERNATIONAL LAW OF THE SEA**

*Higher postgraduate course, first semester. Offered in any year at the discretion of the Institute of Marine and Environmental Law.*

30 NQF credits at HEQSF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The course examines the concepts and legal principles governing international law of the sea, including the following specific areas of international law: (1) The law governing jurisdictional zones; (2) marine pollution law; and (3) marine resources law. The course is presented in three parts as follows: (1) international law of the sea: the law governing jurisdictional zones of the sea; determination of baselines; settlement of dispute regarding jurisdictional zones; (2) the law governing protection and exploitation of marine resources: protection of marine living resources; offshore oil and gas regulation; and miscellaneous resources; and (3) marine pollution law: sources of marine pollution and overview of the international legal framework; pollution from ships; dumping; pollution from seabed activities; pollution from land-based sources and atmospheric pollution.

**DP requirements:** Satisfactory attendance at and participation in class discussions.

## 158 COURSE OUTLINES (POSTGRADUATE)

**Assessment:** Coursework (25%) and a written examination (75%).

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### **PBL5602X** INTERNATIONAL LAW OF THE SEA - RESEARCH TASK

*Higher Postgraduate Course, first semester.*

15 NQF credits at HEQSF level 9

**Convener:** Associate Professor G Bradfield

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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### **PBL5602W** MASTERS IN CONSTITUTIONAL AND ADMINISTRATIVE LAW

120 NQF credits at HEQSF level 9

**Convener:** Prof P de Vos

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None.

**Assessment:** 100% written work.

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### **PBL5615F** INTERNATIONAL LAW IN THEORY AND PRACTICE

*Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** Associate Professor C Powell

**Course entry requirements:** This course can be taken by students who do not have a suitable undergraduate or LLB qualification in Public International Law. It is also open to students who have already studied Public International Law but wish to deepen their understanding of the subject.

**Course outline:**

This course functions as an introduction to International law and a foundation for other courses in the master's programme in International Law. It covers the relevant legal principles and institutions in broad outline, while investigating a series of theoretical questions central to international law. The emphasis is on seminars and class discussion. History and Theory of International Law; Sources of International Law; The relationship between International and Municipal Law; Subjects of International Law; Objects of International Law; Treaties; Limitations on jurisdiction, including sovereign immunity and treatment of aliens; State responsibility; State succession.

**DP requirements:** Satisfactory attendance at and participation in seminars.

**Assessment:** Essay 35%, Class participation 10% and the final written examination counts for 55% of the final grade.

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**PBL5618S** INTERNATIONAL LAW ON DISPUTES AND USE OF FORCE

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 9

**Convener:** TBC

**Course entry requirements:** See Rules for LLM and MPhil Degrees. Successful completion of a course in international law. The course convener may make an exception to this rule for students who show an adequate understanding of the principles of international law. Although students will find PBL5615F International Law in Theory and Practice helpful, this preliminary course is not essential.

**Course outline:**

This course will examine the international laws regulating inter-state disputes, paying particular attention to the use of force and the role of international organisations. (1) Peaceful Settlement of International Disputes (a) Self-help: retorsion, reprisals and pacific blockades (b) Negotiations, inquiries, good offices, conciliation, mediation, arbitration (c) Adjudication by the ICJ; (2) War and the Use of Force (a) Historical overview of laws regulating the use of force, leading to the UN Charter (b) Definition of key concepts: war, force, threat to the peace, breach of the peace, act of aggression, (c) Intervention in domestic conflicts (d) Individual and collective self-defence and regional arrangements; (3). United Nations (a) Historical background, structure of the Organisation and its relationship with Member States (b) Powers of the Security Council, General Assembly, Secretary General and ICJ (c) Peace-keeping and peace enforcement; and (4) International Humanitarian Law.

**DP requirements:** None

**Assessment:** Essay 35%, Class participation 10% and the final written examination counts for 55% of the final grade.

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**PBL5619S** INTERNATIONAL ENVIRONMENTAL LAW

*Higher postgraduate course, second semester. This course will be taught in Block Teaching Format.*

30 NQF credits at HEQSF level 9

**Convener:** Professor J Glazewski

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The course will cover the major sources of international environmental law, with particular emphasis on their actual or possible application to South Africa and the African continent as a whole. The course will cover both terrestrial and marine components and will include principles of international customary law relevant to the environment; terrestrial conventions relating to trans-boundary movement and disposal of waste; conventions on HNS and nuclear matters; conventions relating to atmospheric pollution and climate change; conventions relating to the conservation of nature, including biodiversity and conventions on cultural heritage.

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of written assignments.

**Assessment:** One (or more) written assignments account for 50% and the final examination 50% of the final grade.

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**PBL5619X** INTERNATIONAL ENVIRONMENTAL LAW - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Professor J Glazewski

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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**PBL5623F GOVERNING UNDER THE CONSTITUTION: LAW AND PRACTICE**

*Higher postgraduate course, first semester, one seminar per week.*

30 NQF credits at HEQSF level 9

**Convener:** Professor P de Vos

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

South Africa's new Constitution sets out the rights of citizens and establishes a framework for democratic governance and local government. In developing these institutions, along with a multi-level system comprising national, provincial and local government, South Africa's constitutional designers were responding to the needs and aspirations of contemporary South Africa. But they, in light of this comparative experience, also had before them a rich array of alternatives from other countries. The central purpose of this course is to seek to understand the new framework for governance in South Africa.

Constitutions are complex mixtures of broad principles, and specific rules and institutions. Accordingly, we will be interested in two levels of analysis: first, what broad principles and values underpin the institutional framework, and how are these expressed in the institutions themselves? And, second, more practically, how do these institutions, and the interactions among them, actually work in shaping the process of policy-making and implementation? Thus we are interested in the values associated with democracy – participation, accountability, consensus, etc; and in those associated with what might be called 'effective governance', in light of the policy challenges which face the country.

The course will thus also provide you with an understanding of how government works with a focus on (i) the relationship between the executive and the legislature and what that means for lawyers and (ii) the relationship between national, provincial and local government. Our study of multi-level government and the powers of each sphere of framework necessary for policy making and litigation in this area.

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of written assignments.

**Assessment:** Written assignments count 30%; written examination counts 70% of the final grade.

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**PBL5624W MASTERS IN MARINE & ENVIRONMENTAL LAW  
DISSERTATION PART**

*Higher postgraduate course, whole year.*

120 NQF credits at HEQSF level 9

**Convener:** Professor A Paterson

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

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**PBL5625W MASTERS IN CONSTITUTIONAL LAW DISSERTATION PART**

*Higher postgraduate course, whole year.*

120 NQF credits at HEQSF level 9

**Convener:** Professor H M Corder



**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

**PBL5626W** MASTERS IN HUMAN RIGHTS LAW DISSERTATION PART

*Higher postgraduate course, whole year.*

120 NQF credits at HEQSF level 9

**Convener:** Associate Professor C Powell

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

**PBL5627W** MASTERS IN INTERNATIONAL PUBLIC LAW DISSERTATION PART

*Higher postgraduate course, whole year.*

120 NQF credits at HEQSF level 9

**Convener:** Associate Professor C Powell/Dr H Woolaver

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work

**PBL5628S** INTERNATIONAL RIGHTS OF THE CHILD

*Higher postgraduate course, second semester, one three-hour seminar per week for 13 weeks.*

30 NQF credits at HEQSF level 9

**Convener:** Professor D M Chirwa

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

## 162 COURSE OUTLINES (POSTGRADUATE)

**Objective:** To examine critically the development, content and implementation of international and regional human rights laws on children with a focus on the African region; To examine the effectiveness, equity and cultural sensitivity of the laws on children; To consider national laws in light of international and regional human rights and to discuss strategies for raising children's rights standards at the national level in the African region.

**Course outline:**

The course covers the following issues theories of children's rights; the international, regional and domestic protection of children's rights; the relationship between different cultural traditions and the universal and regional values on children's rights; the concept of childhood; key principles underpinning children's rights; child poverty; child justice; the right to education; the right to survival and development; the right to protection from abuse, neglect, maltreatment and exploitation; legal protections for child soldiers and civilians involved in armed conflicts and the right to family care or alternative care.

**DP requirements:** Attendance at all lectures.

**Assessment:** Written assignments count for 40% and written examination counts for 60% of the final grade.

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### PBL5631F INTERNATIONAL PROTECTION OF HUMAN RIGHTS

*The course is limited to 15 students. Higher postgraduate course, first semester, one three hour seminar a week.*

30 NQF credits at HEQSF level 9

**Convener:** Associate Professor W Amien

**Course entry requirements:** See Rules for LLM and MPhil Degrees. Priority will be given to LLM/MPhil students specialising in Human Rights Law. Thereafter, applications will be considered on a case by case basis subject to receiving written motivations by students that are no longer than one page as well as their curriculum vitae and academic transcripts.

**Course outline:**

This is a seminar and research based course, which aims to encourage engagement with questions and issues that arise within the context of international human rights law. In particular, the course aims to provide an understanding of the international and regional frameworks that seek to protect and promote human rights. This includes a consideration of the mechanisms that have been established to realise protection of human rights at the international and regional levels.

The course covers (a) The jurisprudential and philosophical bases of human rights; (b) The various institutions through which human rights are protected at international and regional levels; (c) International and regional human rights standards; (d) The implementation of human rights standards and (e) specific topics in international and regional human rights law.

**DP requirements:** Satisfactory attendance at and participation in class seminars, completion of a 5000 word research paper and a seminar presentation based on the research paper.

**Assessment:** Class attendance and participation counts 20%; research paper counts 50%; seminar presentation based on the research paper counts 30%.

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### PBL5640F PRINCIPLES OF ENVIRONMENTAL LAW

*Higher postgraduate course, first semester. This course will be taught in the Block Teaching Format.*

30 NQF credits at HEQSF level 9

**Convener:** Professor A Paterson

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The health of planet earth, and accordingly the sustainability of human life on it, is facing significant challenges. One of the disciplines which have sought to fashion a framework for overcoming and governing these challenges, is law. The result has seen the rapid emergence of international and regional instruments and domestic laws seeking to regulate the manner in which humans interact with their environment.

This course provides a comprehensive introduction to environmental law. It covers the following main content: historical overview of the development of environmental law; ethical basis for environmental law; the nature, scope and sources of environmental law; the relationship between constitutional rights (environmental rights, administrative justice, access to information, locus standi) and environmental law; environmental governance; the role of common law; and the main legal tools prevalent in environmental laws such as planning measures, institutional arrangements, permitting measures, EIA, civil measures, administrative measures, criminal measures, voluntary measures and incentive-based measures.

As South Africa has one of the world's most contemporary environmental legal regimes, it will be used as a case study throughout the above components. Given the all-pervasive nature of environmental law, the issues covered in this course are of relevance to all domestic legal practitioners, government officials and those working in the NGO sector. Furthermore, given the contemporary nature of South Africa's environmental regime, the course is of key relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic environmental regimes.

**DP requirements:** Satisfactory attendance at all lectures, participation on class seminars and submission of course assignment.

**Assessment:** Coursework (50%); Written examination (50%)

### **PBL5640X PRINCIPLES OF ENVIRONMENTAL LAW - RESEARCH TASK**

*Higher postgraduate course, first semester.*

15 NQF credits at HEQSF level 9

**Convener:** Professor A Paterson

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

### **PBL5641F LAND USE PLANNING LAW**

*Higher postgraduate course, first semester. This course will be taught in the Block Teaching Format.*

30 NQF credits at HEQSF level 9

**Convener:** Professor A Paterson

**Course entry requirements:** See rules for LLM and MPhil Degrees. The student must have completed, or be simultaneously completing, Principles of Environmental Law or have the prior written consent of the course convener.

**Course outline:**

One of the key ways to govern the impact of society on the environment is through regulating land-use and planning. Land use planning law came into being at the beginning of the twentieth century but environmental law was superimposed on it towards the end of the twentieth century. The past few decades have accordingly seen a significant shift in the array and nature of regulatory tools planning authorities have sought to use to achieve a balance between the dictates of development and environmental protection. Key planning tools which are inherent in domestic legal frameworks include: integrated development planning; future spatial planning; zoning schemes; subdivision; title deed restrictions; environmental impact assessment; the designation of protected areas; and in the context of coastal management, integrated coastal planning.

This course aims to critically examine the nature of these various planning tools. South Africa's domestic regime is used as a case study through which to explore their practical application. These land-use and planning tools are of relevance to every landowner and the course is accordingly of relevance to domestic legal practitioners, government officials and those working in the NGO sector. Furthermore, given the contemporary nature of South Africa's environmental impact assessment, coastal planning and protected areas regimes in particular, the course is of key relevance

## 164 COURSE OUTLINES (POSTGRADUATE)

to foreign students wishing to understand, critique and become involved in the reformation of their own domestic land-use and planning regimes.

**DP requirements:** Satisfactory attendance at all lectures, participation on class seminars and submission of course assignment.

**Assessment:** Coursework (50%); Written examination (50%)

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### **PBL5641X** LAND USE PLANNING LAW - RESEARCH TASK

*Higher Postgraduate Course, first semester.*

15 NQF credits at HEQSF level 9

**Convener:** Professor A Paterson

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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### **PBL5642S** NATURAL RESOURCES LAW

*Higher postgraduate course, second semester. This course will be taught in the Block Teaching Format.*

30 NQF credits at HEQSF level 9

**Convener:** Ms A Mkhonza

**Course entry requirements:** See Rules for LLM and MPhil degrees. The student must have completed Principles of Environmental Law or have the prior written consent of the course convener.

**Course outline:**

This course examines the domestic legal frameworks which have emerged to regulate the use and conservation of natural resources. These legal frameworks prescribe an array of tools including: institutional arrangements; planning schemes, permitting regimes; duties of care; incentive-based measures; civil liability measures; and criminal measures. The course is of relevance to domestic legal practitioners, government officials and those working in the NGO sector and of key comparative relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic natural resource regime.

**DP requirements:** Satisfactory attendance at all lectures, participation on class seminars and submission of course assignments.

**Assessment:** Coursework (50%), Written examination (50%)

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### **PBL5642X** NATURAL RESOURCES LAW - RESEARCH TASK

*Higher Postgraduate Course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Ms A Mkhonza

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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### **PBL5643S** POLLUTION LAW

*Higher postgraduate course, second semester. This course will be taught in the Block Teaching Format.*

30 NQF credits at HEQSF level 9

**Convener:** TBC

**Course entry requirements:** See rules for LLM and MPhil degrees. The student must have completed Principles of Environmental Law or have the prior written consent of the course convener.

**Course outline:**

This course examines the domestic legal frameworks which have emerged to regulate land, air and water pollution. These legal frameworks prescribe an array of tools including: institutional arrangements; planning schemes; pollution standards; permitting regimes; trading schemes; duties of care; emergency incident provisions; strict liability; statutory nuisances; rehabilitation orders; incentive-based measures; civil liability measures; and criminal measures. The course is of relevance to domestic legal practitioners, government officials and those working in the NGO sector and of key relevance to foreign students wishing to understand, critique and become involved in the reformation of their own domestic pollution regimes.

**DP requirements:** Satisfactory attendance at all lectures, participation on class seminars and submission of course assignments.

**Assessment:** Coursework (50%), Written examination (50%)

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**PBL5643X POLLUTION LAW - RESEARCH TASK**

*Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** TBC

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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**PBL5651F INTERNATIONAL PROTECTION OF WOMEN'S HUMAN RIGHTS**

*This course is limited to 15 students. Higher postgraduate course, first semester. There will be one 3-hour seminar per week.*

30 NQF credits at HEQSF level 9; 12 or 13 seminars.

**Convener:** Professor R Manjoo

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Objective:** To examine and critically analyse the theory and practice of women's human rights.

**Course outline:**

The course examines the development, content and implementation of international and regional laws that seek to promote and protect women's human rights.

Specific topics will include, amongst others: theoretical underpinnings of women's human rights; international and regional protection of women's human rights; domestication of women's human rights; current concerns and topical issues in women's rights including: violence against women in times of peace and conflict; sexual and reproductive rights; impact of culture, religion and tradition on the realisation of women's rights; women and development under the MDGs and the SDGs; and structures and mechanisms to promote and protect women's human rights.

**DP requirements:** Satisfactory attendance at, and participation in, seminars and completion of written work.

**Assessment:** Written assignment and seminar presentation 40%; Research paper 60%

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**PBL5653F REFUGEE LAW AND HUMAN RIGHTS**

*Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** Dr F Khan

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

## 166 COURSE OUTLINES (POSTGRADUATE)

### **Course outline:**

*Part 1* of the course will set out the origins, developments and established principles of refugee rights in international human rights law. Through this discussion students will acquire a thorough understanding of the 1951 UN Convention relating to the status of refugees and certain regional instruments, in particular the OAU Convention, and the South African Refugees Act.

*Part 2* will focus on the regime of rights protected by the various instruments. Through a series of seminars students will undertake an analysis of the substance of specific rights (please note that the rights under discussion will change from year to year).

*Part 3* will conclude the course by focusing on contemporary issues in refugee law. Under discussion in 2015 will be the question of a “lasting peace” in Rwanda and the pre-mature recommendations of cessation for Rwandans.

**DP requirements:** Satisfactory attendance at, and participation in, lectures and seminar sessions and completion of written work.

**Assessment:** Written assignment 50%; Examination 50%

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### **PBL5654W MASTERS IN ENVIRONMENTAL LAW DISSERTATION PART**

*Higher postgraduate course, whole year.*

120 NQF credits at HEQSF level 9

**Convener:** Professor A Paterson

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

#### **Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

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### **PBL5658S ADMINISTRATIVE JUSTICE AND OPEN GOVERNMENT**

*Higher postgraduate course, second semester, one seminar per week.*

30 NQF credits at HEQSF level 9

**Convener:** Prof P de Vos

**Course entry requirements:** Competent academic and/or practical knowledge of South African and/or common-law based administrative law. Those without a formal qualification in law will be admitted at the discretion of the course convener.

#### **Course outline:**

There is no doubt that the organisational complexity of a modern democratic state demands of its executive branch that it be sophisticated, efficient, open and accountable. Most of such administrative process must be based on discretionary power in the hands of public officials. The challenge is to fashion legal rights, duties and procedures so that the subject has remedies to confront the abuse of public power, while leaving the executive sufficient space to govern legitimately. South African administrative law is relatively undeveloped when compared with similar legal systems, yet it faces greater demands than exist in most countries. This is particularly the case as the Constitution develops to accommodate changing political reality. This course intends to enable students to become familiar with a responsive package of legal institutions and rules to regulate the administration. Current administrative law will be examined critically, with substantial reference to the way in which the law has developed in other jurisdictions, particularly in the British Commonwealth. The feasibility and form of constitutional protection of the right of access to information and of open government will receive considerable attention, in the context of the exponential increase in legal protection at both international and national level for ATI in the past 15

years, and the emerging new academic literature on ATI. While the course will be critical and forward-looking, it will naturally involve a detailed knowledge of current law and practice, equipping students to be practitioners in the forefront of developments in this field. Several guest lecturers will participate in the course while Associate Professor R Calland will lecture on open government.

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of assignments.

**Assessment:** An essay and an assignment count for 40%; long paper or written examination counts for 60% of the final grade.

### **PBL5658X ADMINISTRATIVE JUSTICE AND OPEN GOVERNMENT - RESEARCH TASK**

*Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Professor P de Vos

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

### **PBL5659S HUMAN RIGHTS, LEGAL PLURALISM, RELIGION AND CULTURE**

*(Not offered in 2018) Higher postgraduate course, second semester, one three hour seminar a week.*

30 NQF credits at HEQSF level 9

**Convener:** Associate Professor W Amien

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

This course will enable a study of the implications for human rights arising from the simultaneous operation of secular, religious and customary legal systems within a singular country. To explore the significance that plural legal systems have on human rights, reference will be made to different types of religious and customary laws including (but not limited to) family laws, personal laws, inheritance, criminal laws, finance, etc. The course will draw on legislation, case law and socio-legal studies where applicable, to examine how religious and customary laws drawn from among others (but not limited to) Islam, Hinduism, Judaism, Christianity and African customary laws impact on various human rights including (but not limited to) the rights to freedom of religion, culture and equality. Apart from a study of the South African context, comparative perspectives will also be offered to enhance the students' understanding of the debates and applications of multiple legal systems and their implications for human rights in the international arena.

Course outline (the course will address the following broad themes: theoretical foundations of legal pluralism; models for legal recognition of religious and cultural laws and their implications for human rights; selected religious and customary laws and their implications for human rights; legislative and judicial interventions contributing to legal pluralism and comparative perspectives from across the globe (including South Africa).

**DP requirements:** Satisfactory attendance at and participation in seminars, and completion of written assignment and seminar presentation.

**Assessment:** Class attendance and participation counts 20%; written assignment counts 50%; seminar presentation based on the written assignment counts 30%.

**PBL5660S ISSUES IN CRIME & JUSTICE: ORGANISED NON-STATE VIOLENCE IN AFRICA**

*Higher postgraduate course, second semester, one seminar per week.*

30 NQF credits at HEQSF level 9

**Convener:** Dr G Lamb

**Course entry requirements:** LLB, Honours or equivalent degree.

**Course outline:**

The vast majority of African countries frequently experience organised violence, such as belligerent street protests, riots, vigilante action or militant labour strikes. In some African countries street and/or prison gangs, violent organised criminal groups, death squads, militias and rebels are active. This inter-disciplinary course will provide students with an opportunity to familiarise themselves with the concepts, manifestations, agents and theories of organised violence in Africa. The focus of the course will be to critically reflect on the dominant paradigm that perceives agents of organised violence as 'parasitic', 'barbaric' and 'predatory', which do not make constructive contributions to building state capacity and human development. Further to this, the conventional approach prioritises the combatting and repression of these agents. In addition, this course will consider the strategies and mechanisms by which this form of violence can be more constructively managed and resolved.

**DP requirements:** Satisfactory attendance at lectures and submission of all assignments.

**Assessment:** Coursework only: Class presentation (15%), two essays of 3 000 words (30%) and a policy paper of 6 000 words (55%).

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**PBL5661S LITIGATING SOUTH AFRICAN BILL OF RIGHTS**

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 9

**Convener:** Associate Professor R Calland

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

South Africa's experiment in Constitutional Democracy represents a rich case for the study of modern human rights. The socio-economic and political backdrop against which the Bill of Rights operates provides a complex and challenging context for the laboratory in rights and governance that the 1996 Constitution – and the political settlement that lies behind it – creates. Since the Constitution enjoins the courts to take into account international law when applying and interpreting the rights contained in the Bill of Rights, the course will, therefore, root the South African human rights law trajectory in an international framework and, where appropriate, provide a comparative perspective. Thus, the course tracks the jurisprudence of the South African courts and, in particular, the Constitutional Court since its inception, through the study of specific human rights topics, broadly categorised as civil and political rights – such as the right to freedom of expression and free media speech, the right to equality and religious/cultural freedom, etc; socio-economic rights – such as the right to access to adequate housing, the right to a; clean environment, the right to quality basic education, the right to health care, etc; programmatic rights – such as the right to access to justice and the 'right' to participate in public policy-making. The course will also consist of several sessions dealing with the conceptual and practical aspects of litigating constitutional cases.

**DP requirements:** Satisfactory attendance at and participation in lectures and completion of written and other assignments

**Assessment:** Coursework 40%, Exam 60%.



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**PBL5807S INTERNATIONAL CRIMINAL LAW**

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 9

**Convener:** Dr H Woolaver

**Course entry requirements:** See Rules for LLM and MPhil Degrees. Successful completion of courses in public international law, and substantive criminal law from any legal tradition. The course convener may make exceptions to this rule for students who demonstrate sufficient understanding of the principles of international law and criminal law.

**Course outline:**

This course provides an introduction to specialist studies in international criminal law, that is, the body of law regulating individual criminal responsibility under international law. The course covers the history and development of international criminal law and the establishment, jurisdiction and activities of the International Criminal Court, international and internationalised criminal tribunals. Attention is given to the material, mental and contextual elements of the three 'core crimes' - genocide, crimes against humanity and war crimes - as well as the legal requirements of relevant modes of liability, general principles of international criminal law, procedure, complementarity and cooperation in international criminal matters and selected conceptual and institutional critiques of the international criminal justice 'project'. To benefit from this course, students will require a background in either international or criminal law, and are expected to participate fully in seminars and to read, understand and critically assess intrinsically complex and lengthy source materials.

**DP requirements:** Satisfactory attendance at weekly seminars.

**Assessment:** Seminar essays 40%; written examination 50% and in-class presentation 10%.

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**PBL5815S PUNISHMENT AND HUMAN RIGHTS**

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 9

**Convener:** TBA

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

This course aims to provide students with a sound theoretical understanding both of the justifications of punishment and human rights constraints in the context of sentencing. Students then apply this understanding to practical examples in order to assess how/ if the theory translates into practice. In so doing it is hoped to transcend a common-sense approach to sentencing and punishment and to build firm opinions/ approaches based on acquired knowledge.

The course is divided into four broad sections. The first section introduces the class to the various philosophical justifications that have historically been provided for sentencing. A brief introduction is also provided to the relationship between human rights law and penal sanctions. The second section explores in detail the current justifications for punishment/ purposes of the correctional system. In so doing, issues such as deterrence, incapacitation, rehabilitation, restoration, retribution and just deserts will be explored. Section three deals with constraints placed on sentencing in South Africa by human rights norms contained in the Bill of Rights and international law. The final section of the course places the preceding theoretical/philosophical discussions into a practical context by dealing with current and future sentencing practice in South Africa, modes of implementing punishment (e.g. prison) and special stakeholders in punishment.

**DP requirements:** 80% attendance at, and satisfactory participation in, seminars and the completion of the research papers and oral presentation.

**Assessment:** The presentation of at least one seminar and one research paper. Marks given for the seminars and research paper comprise the entire mark for the course.

**PBL5820F THEORIES OF CRIME AND SOCIAL ORDER**

*Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** TBA

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

The course is intended to provide an understanding of the theoretical ideas that have shaped and are shaping criminal justice policy and the way in which both implicit and explicit policy agendas are realized in practice. The course will explore the history of criminological theory on understandings of crime and social order. The course considers the thinking of seminal criminological theorists; schools of thought and emblematic exemplars of each will be explored. The course will be presented through a series of seminars/lectures.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:** Three reaction papers of 2000 words each 45%. A final paper of 5000 words 55%.

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**PBL5822S VICTIMS AND VICTIMOLOGY**

*(Not offered in 2018) Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 9

**Convener:** Professor E van der Spuy

**Course entry requirements:** See Rules for LLM and MPhil Degrees. Honours degree in Humanities or LLB.

**Course outline:**

This course is designed to provide us with an overview of the evolving interest in victims of crime and other forms of social harm. Here we take stock of concepts, theories, social constructions, policies and criminal justice practices which allow us to engage more thoughtfully with victims of crime and social harm. We are interested in the contestations and controversies relating to the social construction of victimhood, how claims to victimhood are staked; the forms of social mobilisation exhibited by groups of victims; the types of contestation to which this may give rise. We consider the interaction and/or fusion of identities between victims and offenders. Substantive areas of concern may include: victims of interpersonal violent crime (homicide; gendered based forms of violence); as well as victims of organised crime; terror; environmental degradation and genocide.

**DP requirements:** Satisfactory attendance and participation at seminars and completion of written assignments.

**Assessment:** Written assignments 60%; Take-home examination 40%

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**PBL5844S POLICE AND POLICING: EXPLORATIONS IN SECURITY GOVERNANCE**

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 9

**Convener:** TBA

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

This course is intended to develop academic and professional expertise in the governance of security and provides a critical understanding of trends in the governance of security through the window of police and policing. Thus, it explores both what trends in governance can tell us about policing and what policing can tell us about developments in governance. It focuses on the impacts that global and local governance developments, new risks, spaces and technologies, have on state and non-state policing, and the regulatory and human rights implications of new trends in policing. This course focuses particularly on security governance in Africa (particularly South Africa).

**DP requirements:** Satisfactory attendance at seminars and completion of assignments.

**Assessment:** Two review papers of 2 500 words (40%) and a policy paper 5 000 words (60%). This will comprise the entire mark for the course.

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**PBL5847S FORENSICS AND THE LAW**

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 9; 12 lectures with 1 site visit.

**Convener:** Dr K Moulton

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

This course engages integrally with questions of evidence and criminal procedure, as well as criminology and criminal law. It is designed for students who are interested in acquiring an introduction to the use of science to solve crime and will give students an understanding of the application of forensics to the law, including forensic accounting. The course engages with the crime scene investigation process, and provides an overview of the various kinds of forensic evidence that may be collected and presented in court. Students will be introduced to the theory of identification, documentation and collection of physical evidence, including fingerprints, shoe impressions, hair and fibres, firearms evidence and questioned documents. The course then considers biological evidence, including blood spatter and other fluids, forensic anthropology and odontology to introduce the student to some basics of forensic expertise. Finally, the course engages with forensic accounting. It equips students to understand basic forensics should they encounter such evidence in legal practice or research.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:** Term assignments - 20%; Term paper - 30%; Examination - 50%

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**PBL5848F LAW AND SOCIETY IN AFRICA**

*Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** Professor D Smythe

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

Law shapes and is shaped by our social, political and cultural institutions and practices. In this course we will engage with some of the key theories and concepts, such as legal consciousness and legal pluralism, that help us to understand the relationship between law and society. Explicitly interdisciplinary in orientation, the course will consider questions that arise – and are best addressed – at the intersections of legal, social, political and economic fields like why some laws are made (or enforced) and others are not, the institutional barriers to effective implementation, the reasons why citizens turn to the law (or not) to address their problems, the functioning of police, prosecutors, courts and prisons – and the other forms of social regulation that fill the gaps in between.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:** Weekly response papers 30%; Presentation at a student conference on Law and Society 20%; Research paper of 6000-8000 words 50%

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**PBL5849F LAW IN ACTION**

*Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** Dr K Moulton

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

This course aims to provide students with the knowledge and skills to undertake relevant and ethical research through preparing students both to properly understand empirical research and methods, and to engage in empirical research projects of their own. Students who aim to undertake careers in academia (in the social sciences and in law) are increasingly required to undertake primary research. Thus, this course is designed to introduce students to the foundations of qualitative empirical research, qualitative data collection and analysis techniques. The course intends to familiarise students with the research process from design to implementation, and will also consider the ethical implications of qualitative empirical research. The course is built on the view that empirical research

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is a craft that requires practice to implement effectively. Classes are therefore hands-on, designed to be highly interactive, and will provide students with the opportunity to learn qualitative techniques by 'doing' in class meetings and in assignments. Although the course is primarily focused on qualitative research, a component of the course will equip students with the skills to be able to read and understand quantitative data.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments

**Assessment:** Coursework 50%. A substantial research proposal of 6000-8000 words 50%.

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### **PBL5850W** MASTERS IN CRIMINOLOGY, LAW AND SOCIETY DISSERTATION PART

*Higher postgraduate course, whole year.*

120 NQF credits at HEQSF level 9

**Convener:** Professor D Smythe

**Course entry requirements:** See Rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None.

**Assessment:** 100% written work.

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### **PBL5800W** MASTERS IN CRIMINOLOGY

*Higher postgraduate course, whole year.*

240 NQF credits at HEQSF level 9

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** Acceptance for a Master's programme in Law.

**Course outline:**

Under the guidance of a supervisor appointed by Senate, a candidate must undertake research at an advanced level on a subject of legal interest approved by Senate, for the purpose of writing a dissertation. Dissertations, not exceeding 40 000 words in length, must constitute a contribution to knowledge and should demonstrate a mastery of the methods of research.

**DP requirements:** None

**Assessment:** 100% written work.

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### **PBL5809W** MASTERS IN CRIMINAL JUSTICE

*Higher postgraduate course, whole year.*

240 NQF credits at HEQSF level 9

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** Acceptance for a Master's programme in Law.

**Course outline:**

Under the guidance of a supervisor appointed by Senate, a candidate must undertake research at an advanced level on a subject of legal interest approved by Senate, for the purpose of writing a dissertation. Dissertations, not exceeding 40 000 words in length, must constitute a contribution to knowledge and should demonstrate a mastery of the methods of research.

**DP requirements:** None.

**Assessment:** 100% written work.

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**PBL6700W PHD IN PUBLIC LAW**

*Sixth year status, whole year.*

360 NQF credits at HEQSF level 10

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** Acceptance to a PhD programme.

**Course outline:**

A PhD thesis must represent an original contribution to, or substantial advance on, knowledge in the field. The thesis may not be more than 80 000 words. A candidate will undertake research, and such advanced study as may be required, under the guidance of a supervisor appointed by Senate.

**DP requirements:** None

**Assessment:** 100% written work.

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**PBL6703W PHD IN CRIMINAL JUSTICE**

360 NQF credits at HEQSF level 10

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** Acceptance to a PhD programme.

**Course outline:**

A PhD thesis must represent an original contribution to, or substantial advance on, knowledge in the field. The thesis may not be more than 80 000 words. A candidate will undertake research, and such advanced study as may be required, under the guidance of a supervisor appointed by Senate.

**DP requirements:** None.

**Assessment:** 100% written work.

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**PBL6704W PHD IN CRIMINOLOGY**

360 NQF credits at HEQSF level 10

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** Acceptance to a PhD programme.

**Course outline:**

A PhD thesis must represent an original contribution to, or substantial advance on, knowledge in the field. The thesis may not be more than 80 000 words. A candidate will undertake research, and such advanced study as may be required, under the guidance of a supervisor appointed by Senate.

**DP requirements:** None.

**Assessment:** 100% written work.

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**RDL4624F HUMAN RIGHTS AND PRIVATE LAW**

*Higher Postgraduate Course, first semester.*

30 NQF credits at HEQSF level 8

**Convener:** Professor AJ Barnard-Naude, Associate Professor AM Price

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

The relationship between human rights and private law is becoming increasingly important in many jurisdictions, and continues to generate controversy in South Africa. This course aims to enhance participants' understanding of the relationship between human and constitutional rights, on the one hand, and core areas of South African private law, on the other, by placing that relationship in theoretical and comparative perspective. It considers: (a) different models of the horizontal application of human rights under different domestic constitutions; (b) the competing legal and political theories at play in the relationship between Private Law and Human Rights; and (c) selected issues where human rights have recently influenced traditional private law doctrines (e.g. in property, obligations, and family law) in different jurisdictions.

**DP requirements:** Satisfactory class attendance (see course outline).

**Assessment:** Assessments will take place in two stages: A seminar presentation (which will count 30% of the final mark for the course) and a research paper on a topic to be approved by the course convenors (which will count the remaining 70% of the final mark for the course).

**RDL4625F** PROPERTY LAW IN A CONSTITUTIONAL ORDER

*Higher Postgraduate Course, first semester.*

30 NQF credits at HEQSF level 8

**Convener:** Professor H Mostert

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

In evaluating the foundations and context of property law critically, this course takes a legal comparative approach in focusing on the place of property law within a constitutional order, by considering (a) Different legal traditions of property law; (b) Various constitutional property regimes; (c) The effects of economic, social and political transformation on property law.

**DP requirements:** 80% attendance at seminars.

**Assessment:** Short research Projects 25%, Seminars (oral presentation) 25%, Examination 50%.

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**RDL4630S** COMPARATIVE MINERAL LAW IN AFRICA

*Higher Postgraduate Course, second semester.*

30 NQF credits at HEQSF level 8

**Convener:** Professor H Mostert

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

In enabling study of the theory and practice of mineral law, this course focuses on building understanding of the complexities of the mineral laws of selected African jurisdictions in their historical, constitutional and political setting. It introduces the topic by dealing with the prevalent regulatory frameworks for mineral law in Africa, and the core concepts. It deals specifically with the nature and content of rights to minerals. In doing so, it analyses critically the extent of current regulatory controls and/or lack thereof, focusing specifically on provisions dealing with resource rents, social and environmental responsibility and governance in the mineral and petroleum sectors. This allows students to gain a critical understanding of the practical context in which mineral law operates, and the need for reform.

**DP requirements:** 80% attendance at seminars.

**Assessment:** Projects (research tasks) 25%, Seminars (oral presentation) 25%, Examination 50%

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**RDL4631S** NEGOTIATION OF MINING CONTRACTS

*Higher postgraduate course, second semester*

30 NQF credits at HEQSF level 8

**Convener:** Professor H Mostert

**Course entry requirements:** See rules for Postgraduate Diplomas.

**Course outline:**

This course is aimed at students interested in the process of contract negotiations in the mining sector. The course will provide an overview of the nature of mining contracts, including the advantages and disadvantages of these contracts to furthering the goals of the broader legislative scheme governing mineral resources. It will provide a clear overview of the requirements for a valid contract and the types of terms and conditions typically encountered in contracts of this nature. It will furthermore set out the practical context within which these contracts are negotiated, providing insight into the imbalance of power (asymmetry of information) of negotiating teams. The stages of the negotiating process will be set out in detail, which includes the pre-negotiation, negotiation and post-negotiation stage. Finally, the concepts of good governance, transparency and accountability will be discussed throughout the course, given their importance to facilitating outcomes that are favourable to the public.

**DP requirements:** None.

**Assessment:** 10% Class presentation, 30% Assignment Case Study or Research paper, 60% Examination

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**RDL4632F OIL AND GAS LAW IN SOUTH AFRICA**

*Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 8

**Convener:** Professor H Mostert

**Course entry requirements:** See Rules for Postgraduate Diplomas.

**Course outline:**

This course is aimed at students interested in the regulation of the oil and gas sector, with a particular focus on the legal framework governing this sector. It will provide an overview of the role-players in the industry, as well as the various stages of project development. It focuses on selected practical and theoretical aspects of the South African law of oil and gas. The course aims to provide specialist knowledge on the governance and management of oil and gas, specifically focusing on the regulation of these resources by the state, licensing requirements and consequences, as well as issues of ownership of resources and land. Other issues that confront the industry will also be discussed, including black economic empowerment and other local content requirements, royalties and taxation, social and environmental responsibility, and administrative law.

**DP requirements:** None.

**Assessment:** 10% Class presentation, 30% Assignment Case Study or Research paper, 60% Examination

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**RDL5000X PRIVATE LAW - RESEARCH TASK**

*Higher postgraduate course*

15 NQF credits at HEQSF level 9

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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**RDL5624X HUMAN RIGHTS AND PRIVATE LAW - RESEARCH TASK**

*Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Professor AJ Barnard-Naude and Associate Professor A Barratt

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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**RDL5606W MASTERS IN PRIVATE LAW**

*Higher postgraduate course, whole year.*

240 NQF credits at HEQSF level 9

**Convener:** A supervisor appointed by Senate

**Course entry requirements:** Acceptance for a Master's programme in Law.

**Course outline:**

Under the guidance of a supervisor appointed by Senate, a candidate must undertake research at an advanced level on a subject of legal interest approved by Senate, for the purpose of writing a dissertation. Dissertations, not exceeding 40 000 words in length, must constitute a contribution to knowledge and should demonstrate a mastery of the methods of research.

**DP requirements:** None.

**Assessment:** 100% written work.

**RDL5607W MASTER OF LAWS IN RHETORIC STUDIES**

*Higher Postgraduate course, whole year.*

240 NQF credits at HEQSF level 9

**Convener:** Distinguished Professor PJ Salazar

**Course entry requirements:** Acceptance for a Master's programme in Law.

**Course outline:**

Original research on a given topic within the ambit of rhetoric understood as the study of argumentative deliberation in the public sphere.

**DP requirements:** None.

**Assessment:** 100% dissertation.

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**RDL5620S ADVANCED CONTRACT LAW**

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 9

**Convener:** Professors D B Hutchison, Professor T Naudé and Associate Professor A Hutchison

**Course entry requirements:** See Rules for LLM and MPhil Degrees. Competent academic and/or practical knowledge of South African Contract Law.

**Course outline:**

This is an advanced course which focuses on aspects of Contract Law. Topics to be covered will be prescribed from year to year. Many of the topics will focus on how the Constitution is influencing the development of the law of contract. Examples of the topics that have been covered in previous years include the following: mistake and the basis of contract in South African law: the expansion of the concept of iustus error; good faith, public policy and fairness in Contract Law (including control mechanisms of unfair contract terms under the common law, the Constitution and the Consumer Protection Act); Non-variation clauses and the availability of the defences of estoppel and waiver in this context; pre-emption agreements: what transactions trigger the right of first refusal?; Impact of the Consumer Protection Act on other aspects of Contract Law, including the residual rights of the buyer of goods and services; Remedies for breach of contract, including specific performance and the assessment of damages; Supervening impossibility of performance and hardship: Change of circumstances or hardship falling short of impossibility; Liability for breaking off contractual negotiations; Aspects of the law of cession (cession of future rights, security cessions).

**DP requirements:** Attendance at all class sessions.

**Assessment:** Class participation 10%, One research paper of 10 000 words 90%

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**RDL5620X ADVANCED CONTRACT LAW - RESEARCH TASK**

*Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Professors DB Hutchison, T Naude and A/Professor A Hutchison

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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**RDL5624F HUMAN RIGHTS AND PRIVATE LAW**

*Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** Professor A J Barnard-Naudé and Associate Professor A M Price

**Course entry requirements:** LLB degree or equivalent. This course presupposes competent academic and/or practical knowledge of constitutional law and basic private law subjects, including property, contract and delict/tort. See Rules for LLM and MPhil Degrees.



**Course outline:**

The relationship between human rights and private law is becoming increasingly important in many jurisdictions, and continues to generate controversy in South Africa. This course aims to enhance participants' understanding of the relationship between human and constitutional rights, on the one hand, and core areas of South African private law, on the other, by placing that relationship in theoretical and comparative perspective. It considers: (a) different models of the horizontal application of human rights under different domestic constitutions; (b) the competing legal and political theories at play in the relationship between private law and human rights; and (c) selected issues where human rights have recently influenced traditional private law doctrines (e.g. in property, obligations, and family law) in different jurisdictions. This course is the core, compulsory course in the Private Law and Human Rights postgraduate programme, but it may be taken by any postgraduate Law student.

**DP requirements:** Satisfactory class attendance (see course outline)

**Assessment:** Assessment will take place in two stages: a seminar presentation (which will count 30% of the final mark for the course) and a research paper on a topic to be approved by the course conveners (which will count the remaining 70% of the final mark for the course).

**RDL5625F PROPERTY LAW IN A CONSTITUTIONAL ORDER**

*Higher postgraduate course, first semester.*

30 NQF credits at HEQSF level 9

**Convener:** Professor H Mostert

**Course entry requirements:** See rules for LLM and MPhil Degrees.

**Course outline:**

In evaluating the foundations and context of property law critically, this course takes a legal comparative approach in focusing on the place of property law within a constitutional order, by considering different legal traditions of property law; various constitutional property regimes; the effects of economic, social and political transformation on property law; and various theories and theoretical approaches that underlie property law.

**DP requirements:** 80% attendance at seminars; submission of course assignment (research paper).

**Assessment:** Projects (7000 word research paper) 30%, Seminars (oral presentation) 20%, Examination 50%

**RDL5625X PROPERTY IN A CONSTITUTIONAL ORDER - RESEARCH TASK**

*Higher postgraduate course, first semester.*

15 NQF credits at HEQSF level 9

**Convener:** Professor H Mostert

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

**RDL5626S HUMAN RIGHTS, GENDER AND FAMILY**

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 9

**Convener:** Professor A J Barnard-Naudé and Associate Professor A Barratt

**Course entry requirements:** See rules for LLM and MPhil Degrees.

**Course outline:**

This course examines some of the human rights implications of family law and gender. Some of the specific themes investigated may include the following (amongst others): what is a family? historical, theoretical and constitutional approaches; is a rights-based approach appropriate for family law? Are some kinds of rights more appropriate than others?; autonomy rights and the

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family; diversity, culture and lived realities; agency and grassroots expressions of human rights; family economics; family violence; identity issues; and reproductive rights.

**DP requirements:** None.

**Assessment:** Written assignment and seminar presentation 30%, Examination 70%

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### **RDL5626X HUMAN RIGHTS, GENDER AND FAMILY - RESEARCH TASK**

*Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Professor H Mostert

**Course entry requirements:** See Rules for LLM Professional Masters

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None

**Assessment:** A research task of a professional nature.

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### **RDL5627S DELICT, UNJUSTIFIED ENRICHMENT, AND HUMAN RIGHTS**

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 9

**Convener:** Professor A G Fagan

**Course entry requirements:** See rules for LLM and MPhil Degrees.

**Course outline:**

This course investigates the relationship between delict and unjustified enrichment (that is, non-contractual obligations), on the one hand, and human rights on the other, particularly as those are enacted in bills of rights or similar legally-binding documents. The main emphasis will be on South African law. In the first place, the course will look at the important ways in which the South African law of delict has been (and still might be) changed in order to bring it in line with the South African Constitution: examples are in respect of omissions by public bodies, vicarious liability, and enrichment, and at how it relates to the rights in and values of the South African Constitution. The course will, however, also place the South African law in a broader comparative context: in particular, it will look at the relationship between delict/tort and unjustified enrichment/restitution, on the one hand, and human rights, on the other, in English, Canadian and German law.

**DP requirements:** Attendance at all lectures and submission of course assignment.

**Assessment:** Essay 30%, Examination 70%

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### **RDL5627X DELICT, UNJUSTIFIED ENRICHMENT AND HUMAN RIGHTS - RESEARCH TASK**

*Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Professor AG Fagan

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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### **RDL5628W MASTERS IN PRIVATE LAW AND HUMAN RIGHTS DISSERTATION PART**

*Higher postgraduate course, whole year.*

120 NQF credits at HEQSF level 9

**Convener:** Associate Professor A M Price

**Course entry requirements:** See rules for LLM and MPhil Degrees.

**Course outline:**

A Master of Laws (LLM) or Master of Philosophy (MPhil) student must write a minor dissertation on a subject of legal interest related to one of their courses. The subject of the dissertation must also satisfy the rules applicable to the particular programme. The minor dissertation may not exceed 25 000 words in length. Although an original contribution to knowledge is always desirable in a minor dissertation, it is not an essential requirement. However, candidates must show that they have a thorough knowledge of the subject chosen; mastered techniques required for competent research in law; the capacity for independent thought and sound reasoning; and satisfactorily presented the results of the research.

**DP requirements:** None

**Assessment:** 100% written work.

**RDL5630S** COMPARATIVE MINERAL LAW IN AFRICA

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 9

**Convener:** Professor H Mostert

**Course entry requirements:** See rules for LLM and MPhil Degrees.

**Course outline:**

In enabling the study of the theory and practice of mineral law, this course focuses on building understanding of the complexities of the mineral laws of selected African jurisdictions in their historical, constitutional and political setting. It introduces the topic by dealing with the prevalent regulatory frameworks for mineral law in Africa, and the core concepts. It deals specifically with the nature and content of rights to minerals. In doing so, it analyses critically the extent of current regulatory controls and/or lack thereof, focusing specifically on provisions dealing with resource rents, social and environmental responsibility, and governance in the mineral and petroleum sectors. This allows students to gain a critical understanding of the practical context in which mineral law operates, and the need for reform.

**DP requirements:** 80% attendance at seminars; submission of course assignment (research paper).

**Assessment:** Projects (research paper) 30%, Seminars (oral/poster presentation) 10%, Examination 60%

**RDL5630X** COMPARATIVE MINERAL LAW IN AFRICA - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Professor H Mostert

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

**RDL5631S** NEGOTIATION OF MINING CONTRACTS

*Higher postgraduate course, second semester.*

30 NQF credits at HEQSF level 9

**Convener:** Professor H Mostert

**Course outline:**

This course is aimed at students interested in the process of contract negotiations in the mining sector. The course will provide an overview of the nature of mining contracts, including the advantages and disadvantages of these contracts to furthering the goals of the broader legislative scheme governing mineral resources. It will provide a clear overview of the requirements for a valid contract and the types of terms and conditions typically encountered in contracts of this nature. It will furthermore set out the practical context within which these contracts are negotiated, providing

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insight into the imbalance of power (assymetry of information) of negotiating teams. The stages of the negotiating process will be set out in detail, which includes the pre-negotiation, negotiation and post-negotiation stage. Finally, the concepts of good governance, transparency and accountability will be discussed throughout the course, given their importance to facilitating outcomes that are favourable to the public.

**DP requirements:** None.

**Assessment:** 10% Class presentation, 30% Assignment Case Study or Research paper, 60% Examination

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### **RDL5631X** NEGOTIATION OF MINING CONTRACTS - RESEARCH TASK

*Higher postgraduate course, second semester.*

15 NQF credits at HEQSF level 9

**Convener:** Professor H Mostert

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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### **RDL5632F** OIL AND GAS LAW IN SOUTH AFRICA

*Higher postgraduate course, first semester.*

0 NQF credits at HEQSF level 9

**Convener:** Professor H Mostert

**Course entry requirements:** See Rules for LLM and MPhil degrees.

**Course outline:**

This course is aimed at students interested in the regulation of the oil and gas sector, with a particular focus on the legal framework governing this sector. It will provide an overview of the role-players in the industry, as well as the various stages of project development. It focuses on selected practical and theoretical aspects of the South African law of oil and gas. The course aims to provide specialist knowledge on the governance and management of oil and gas, specifically focusing on the regulation of these resources by the state, licensing requirements and consequences, as well as issues of ownership of resources and land. Other issues that confront the industry will also be discussed, including black economic empowerment and other local content requirements, royalties and taxation, social and environmental responsibility, and administrative law.

**DP requirements:** None.

**Assessment:** 10% Class presentation, 30% Assignment Case Study or Research paper, 60% Examination

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### **RDL5632X** OIL AND GAS LAW IN SOUTH AFRICA - RESEARCH TASK

*Higher postgraduate course, first semester.*

15 NQF credits at HEQSF level 9

**Convener:** Professor H Mostert

**Course entry requirements:** See Rules for LLM Professional Masters.

**Course outline:**

A student must complete a research task that is related to the course taken for the degree. The student must demonstrate innovation and professional expertise.

**DP requirements:** None.

**Assessment:** A research task of a professional nature.

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**RDL6700W** PHD IN PRIVATE LAW

*Sixth year status, whole year.*

360 NQF credits at HEQSF level 10

**Convener:** A supervisor appointed by Senate

**Course outline:**

A PhD thesis must represent an original contribution to, or substantial advance on, knowledge in the field. The thesis may not be more than 80 000 words. A candidate will undertake research, and such advanced study as may be required, under the guidance of a supervisor appointed by Senate.

**DP requirements:** None.

**Assessment:** 100% written work.

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**RDL6703W** DOCTOR OF PHILOSOPHY IN RHETORIC STUDIES

*Higher Postgraduate course, whole year.*

360 NQF credits at HEQSF level 10

**Convener:** Distinguished Professor PJ Salazar

**Course entry requirements:** See Rules for PhD Degrees.

**Course outline:**

Doctoral research on a given topic within the ambit of rhetoric understood as the study of argumentative deliberation in the public sphere

**DP requirements:** None

**Assessment:** 100% written work.

# EXCHANGE STUDENTS: INFORMATION AND COURSE OUTLINES

Exchange Advisor: Mr T Thabane

## Definitions

### Exchange Student

An exchange student is one from an overseas tertiary institution with which UCT has entered into an Exchange Agreement. An Exchange Agreement may either be a 'university wide' agreement that is administered by the International Academic Programmes Office (IAPO) or a 'Faculty wide' agreement concluded with the Faculty of Law, which is administered by the Faculty Office. In terms of these agreements, one or more students from the overseas institution may register at UCT for one or more semesters (depending on the terms of the exchange agreement). The agreements are usually subject to a fee waiver arrangement, which means that the exchange student is not required to pay UCT fees but may still be required to pay their home institution's fees.

The overseas institution with which UCT has concluded an exchange agreement will usually nominate students to take up an exchange place at UCT. Once nominated by the home institution and once the UCT Faculty Office is advised of such a nomination, exchange students must comply with the procedures for applying to study at UCT and may contact the Faculty Office for more information in this regard. Contact your university Exchange Co-ordinator for more information on whether or not your institution has an exchange agreement with UCT and for the nomination procedures of your institution.

### Semester Study Abroad (SSA) Student

A SSA student is one from an overseas tertiary institution who registers at UCT for one or more semesters, paying full tuition fees. SSA students must apply through the International Academic Programmes Office (IAPO) for admission to UCT. For information about application procedures and general information to study at UCT, visit <http://www.uct.ac.za/about/iapo/overview/welcome/> or email [int-iapo@uct.ac.za](mailto:int-iapo@uct.ac.za)

See below for further information as to which courses may be taken by Semester Study Abroad students.

## Semester

A semester refers to the study periods at UCT. There are two semesters in each academic year. The first semester usually runs from mid-February to mid-June. The second semester usually runs from the end of July to mid-December. UCT also has Summer and Winter Terms respectively, which fall over the university student vacation periods. Each semester is divided into two terms. For more information about terms, visit <http://www.uct.ac.za> - select Calendars and Events and then Terms.

## Undergraduate Student

An undergraduate student is one who does not yet hold a law degree (or a non-law general degree) from a tertiary institution. Students who are in possession of a degree from a tertiary institution, and who are attending law school, but have yet to be awarded a law degree are regarded as undergraduate students for the purpose of study at UCT.

## Postgraduate Student

A postgraduate student is one who is already in possession of a law degree from a tertiary institution.

## Orientation Programmes and Accommodation

The International Academic Programmes Office (IAPO) at UCT arranges orientation programmes for Semester Study Abroad and Exchange students and provides information about accommodation as well as general information to study at UCT. See <http://world.uct.ac.za> or email [iapo@world.uct.ac.za](mailto:iapo@world.uct.ac.za) for more information.

## Faculty of Law

The Faculty of Law is one of six faculties at UCT. The six faculties comprise approximately 62 departments. The Faculty of Law offers a Bachelor of Laws (undergraduate stream or graduate stream), Master of Laws (by coursework and research dissertation or by research dissertation only), the Professional Masters, the Postgraduate Diploma in Law, and the PhD (Doctor of Philosophy or Doctor of Laws). The Dean is the Head of the Law Faculty and is assisted by the Law Faculty Office, which is headed by the Law Faculty Manager for Academic Administration. For more information, see <http://www.law.uct.ac.za/> The Faculty of Law is physically situated in the Wilfred and Jules Kramer Building, Middle Campus.

## Law Faculty Office

The Law Faculty Office is the office for the academic administration of the Faculty of Law. The Faculty Office may be contacted on +27 21 650 3086. For queries relating to admission to study law at UCT, email [law-studies@uct.ac.za](mailto:law-studies@uct.ac.za)

## Academic and general information

**Undergraduate Exchange and Semester Study Abroad Students** may do no more than four courses per semester (unless they obtain permission from the Exchange Advisor to do so).

- The four courses can comprise no more than one LLM course and up to three LLB courses.
- Should an undergraduate student wish to take a LLM course, s/he must first obtain the permission of the individual course convener and provide the Law Faculty Office with the convener's written permission. A signature by the course convener on the registration form is sufficient, if such permission can be obtained at the time of registration. If not, written confirmation must be given to the Faculty Office at the earliest available date thereafter.
- Students do not need to do a LLM course and may limit their course selections to four LLB courses only.
- We cannot advise Semester Study Abroad and Foreign Exchange students on how many credits they will receive from their home institution per course. Students need to obtain that information from their home institutions. All we can advise is that a full semester load for UCT undergraduate students is the equivalent to four courses per semester.

**Postgraduate Exchange and Semester Study Abroad Students** may do a maximum of three LLM courses per semester.

- No additional LLM or LLB courses may be taken.
- Postgraduate students do not need to obtain the permission of the LLM course convener in order to take a LLM course, unless the Faculty Handbook prescribes certain necessary course entrance requirements or has limited class sizes prescribed for the course.

### Course Contact Lectures and Information

- The number of contact lectures for each LLB and LLM course is contained in the Law Faculty Handbook, available from the Law Faculty Office or on the UCT website ([www.uct.ac.za/students/undergraduates/handbooks/](http://www.uct.ac.za/students/undergraduates/handbooks/)).
- Much of the information regarding courses (both LLB and LLM) is available online on the Law Faculty's website (<http://www.law.uct.ac.za>, select Courses).

### Other General Requirements

- Exchange students who come to study at UCT in terms of an exchange agreement between their Law Faculty and the UCT Law Faculty may only do courses offered by the UCT Law Faculty. If they wish to do courses offered by other faculties at UCT, they need to register with IAPO as occasional students in respect of those additional courses, for which they will need to pay the appropriate fees.
- Exchange and Semester Study Abroad students who register for a course are expected to complete all the assignments and examinations set for that course. Students do not receive a credit for a course merely for 'attending' lectures or seminars.
- Exchange and Semester Study Abroad students can change a course at any time within the first week following registration. Thereafter, they will be precluded from doing so.

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#### **PBL2000F** CONSTITUTIONAL LAW (PART A)

*Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.*

18 NQF credits at HEQSF level 7

**Convener:** Associate Professor C Powell

**Course outline:**

This course provides an introduction to the history of South African constitutional law and basic concepts such as democracy, legitimacy, constitutionalism, federalism, separation of powers and the rule of law. It then considers the South African Constitution in detail, examining the functions and powers of the three branches of government and the different spheres of government (national, provincial and local).

**DP requirements:** None.

**Assessment:** Two assignments 20%; One written examination (2 hours) 80%

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#### **PBL3001F** INTERNATIONAL LAW (PART A)

*Only exchange and semester study abroad students may register. This course cannot be considered as credit towards a degree at UCT.*

9 NQF credits at HEQSF level 7

**Convener:** Dr H Woolaver

**Course outline:**

This course addresses the following aspects of international law: introduction and sources; sovereignty; subjects and objects of international law; the relationship between international and municipal law; limitations upon the exercise of sovereignty; state responsibility; state succession; peaceful settlement of disputes; the use of force; the United Nations and international integration; the African Union and regional integration; prescriptive and enforcement jurisdiction in criminal matters; and international criminal law.

**DP requirements:** Please refer to the course handout and/or the intermediate year schedule.

**Assessment:** Please refer to the course handout and/or the intermediate year schedule.



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**PBL3801F CRIMINAL LAW (PART A)**

*Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.*

18 NQF credits at HEQSF level 7

**Convener:** Professor PJ Schwikkard

**Course outline:**

Introduction: This course covers the general principles of criminal law. Students are introduced to these principles by a brief examination of the nature of criminal law, the principle of legality and the operation of the Bill of Rights on the rules of criminal law.

**Analysis of principles:**

The course focuses on an analysis of the case law and legal principles governing the elements of voluntariness of conduct (including the defence of automatism); causation; defences excluding unlawfulness (private defence, necessity, impossibility, obedience to orders, public authority and consent); capacity (including the defences of youth, insanity, intoxication, provocation and emotional stress); fault in the forms of intention and negligence; common purpose, accomplice and accessory-after-the-fact liability; attempt, incitement and conspiracy. The tutorial style of teaching is favoured and students are given all of the tutorial problems and readings, in the order in which they will be covered in classes, at the beginning of the semester and are required to prepare in advance of lectures and tutorials. Class participation is essential.

**DP requirements:** None

**Assessment:** Essay 20%; Compulsory test 80%

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**RDL1003F FOUNDATIONS OF SOUTH AFRICAN LAW (PART A)**

*First semester, four lectures per week. Occasional tutorials, at the convener's discretion, will be held as well. Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.*

18 NQF credits at HEQSF level 5

**Convener:** Associate Professor L Greenbaum

**Course outline:**

The objectives of this course are that firstly students should develop foundational knowledge about the legal system in South Africa, including a knowledge of the history, sources of law, hierarchy of the courts, legal reasoning, with special attention to the doctrine of precedent, classifications of the law and fundamental legal concepts, as well as areas of the law relating to HIV and AIDS.

The course then provides students with an overview of the rules relating to interpretation of statutes, and their practical application.

A series of twelve workshops on analytical legal writing are presented and students are required to submit at least three of the four prescribed written exercises on which written feedback is provided. The aim of this component of the course is to support students in their development of legal writing and argumentation skills.

**DP requirements:** Attendance at 80% of the tutorials and the submission of at least three of the four writing exercises.

**Assessment:** One 3 hour written examination 100%

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**RDL1003S FOUNDATIONS OF SOUTH AFRICAN LAW (PART B)**

*Second semester, four lectures per week. Occasional Three tutorials, at the convener's discretion, will be held as well. Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.*

18 NQF credits at HEQSF level 5

**Convener:** Professor A J Barnard-Naudé

**Course outline:**

The course covers an introduction to the South African political transition from authoritarian rule to constitutional democracy, including a discussion of the Truth and Reconciliation Commission and transformative constitutionalism, as well as post-apartheid jurisprudence. The final section provides

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students with an overview of the rules relating to interpretation of statutes, and their practical application.

**DP requirements:** None

**Assessment:** One 3 hour written examination 100%

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## SCHOLARSHIPS AND PRIZES

### Bursaries from external agencies for LLB study

#### The Attorneys Fidelity Fund

Merit bursaries for study for a maximum period of two years for the LLB degree are offered by the Fund. The amount of such bursaries will in each case be determined by the Bursary Committee of the Fund and preference will be given to applicants in serious financial need, although exceptional merit might also result in an award. Applicants must apply when they have a maximum of two years of study remaining towards their LLB degree.

The closing date for bursary application is 15 August. Application forms are available on request in writing to Attorneys Fidelity Fund, P O Box 3062, Cape Town 8000 or email: LLBbursary@fidfund.co.za

#### The Educational Opportunities Council Scholarship Programme for Black South Africans

Merit bursaries for study for the LLB degree are offered by the Educational Opportunities Council in co-operation with certain US law firms and other institutions. The amount of the bursaries is determined by the Bursary Committee of the Council. Black South African candidates with a BA, BProc or BLuris degree intending to proceed to the LLB degree are invited to apply for these awards. The closing date for bursary applications is 30 November. Application forms are available from: - The Secretary, Educational Opportunities Council, P O Box 332, Johannesburg, 2000.

#### Professional Examination Bursaries

Four bursaries per annum are offered to students whose matriculation examination results are outstanding and who are in need of financial assistance. A candidate should be registered for the Public Service Law Examination, the Attorney's Admission Examination or a University examination in Law (other than for the degree of Bachelor of Laws).

Application forms, available from the Secretary, South African Universities' Vice-Chancellors' Association, P O Box 27392, Sunnyside, Pretoria 0132, should be submitted to that body by 31 January.

**See also Book 13 in the series of handbooks, *Bursary and Loan Opportunities for Undergraduate Study*, available from the Faculty Office and Undergraduate Funding Office.**

### Scholarships for LLB study

#### Scholarships awarded by the Faculty based on academic merit at the end of each year

##### Philip Schock Charitable and Educational Foundation Scholarship (for Intermediate Level LLB)

This scholarship was founded in 1989 by the above Foundation in memory of the late Mr Justice Philip Schock.

Awarded on law course results of a student proceeding to Intermediate Level LLB studies either from Final Level BA or from Preliminary Level LLB. The candidate must be within the top third of the class and financial need shall be a consideration.

Value: R11 000 variable

Tenure: One year.

**Philip Schock Charitable and Educational Foundation Scholarship (for Final Level LLB)**

This scholarship was founded in 1989 by the above Foundation in memory of the late Mr Justice Philip Schock.

Awarded on the course results of a student in the Intermediate LLB studies proceeding to the final year. The candidate must be within the top third of the class and financial need shall be a consideration.

Value: R11 000 variable

Tenure: One year.

**Scheepers Memorial Scholarship**

This scholarship was founded in 1923 by the late Mr Justice JJ Scheepers in memory of his two sons who were killed in the Great War and is based on the results of the examination at the end of the Intermediate Level LLB by the Faculty Board. The scholarship is tenable for the Final Level LLB and may be held together with another University scholarship.

Value: R2 000

Tenure: One year.

**Twamley Undergraduate Scholarship**

The Twamley Undergraduate Scholarships were founded in memory of the late Mr Harold James van Staveren Twamley who bequeathed funds to the University for this purpose.

The scholarship is made on the basis of the most outstanding academic performance on the results obtained by a student who was registered for the first time for PBL2000W Constitutional Law, RDL2002H Law of Property and RDL2003H Law of Succession.

Value: R2 000

Tenure: One year.

**Scholarships awarded on application:**

Application forms are obtainable from the Law Faculty Office. These scholarships are paid to the University and credited to the fee account of the successful student.

**Law Diversity Scholarships**

The Law Faculty has established partnerships with several law firms and alumni for the purpose of assisting current academically meritorious and financially needy Black South African Law students to complete their studies. This initiative seeks to promote and increase the equity profile of the legal profession.

Closing date: 15 December

Value: Variable

Tenure: One year (renewable subject to conditions).

**Law 150 Endowment Scholarships: for top Black South African learners**

To mark 150 years of the teaching of law in South Africa, the Faculty of Law launched a fund-raising campaign in 2008 under the umbrella 'Towards Sustainable Justice.' Some of the funds raised are being used to attract talented black South Africans learners to study law. There are several scholarships of R45 000 p.a. on offer.

Closing date: 31 August. Forms available from the Dean's office.

Tenure: One year (renewable subject to conditions).

## Higher Postgraduate Scholarships

### Scholarships awarded without application:

#### Ilse Lowissohn Grants

In 1984 a sum of R10 000 was bequeathed to the University by the late Miss Ilse Lowissohn for the purpose of providing a grant to assist a graduate of the Faculty of Law to undertake courses of postgraduate study in legal history or comparative law at an overseas university. Candidates are selected annually by the WP Schreiner Professor of Law from graduates of the faculty who have shown interest in the historical and comparative dimensions of Roman-Dutch law. Recipients must be registered or intend to register for an approved course of postgraduate study at an overseas university and use the grant to further their knowledge of Roman Law or one of the modern civil law jurisdictions.

Value: Variable

Tenure: One year.

#### Ina Ackermann Scholarship

A scholarship in memory of the late Ina Ackermann was established in the Faculty of Law from contributions donated to the Ina Ackermann Memorial Fund by family, friends and colleagues. The scholarship is awarded annually in recognition of the importance which Ms Ackermann attached to the role of women in the practising legal profession and is awarded to a woman graduate of the Faculty of Law at UCT who proceeds to the full-time first semester programme offered by the School for Legal Practice. Factors considered when making the award would include academic achievement, financial need and potential for success in the practising legal profession.

Value: Variable

Tenure: Six months.

### Scholarships awarded on application:

#### Basil and Con Corder Scholarship

In 1997, a scholarship was established in terms of the wishes of the late Basil Corder. The scholarship is awarded to a University of Cape Town graduate in law who is registered at the University of Cape Town for the LLM degree by coursework and minor dissertation, on the basis of financial need, proven academic merit and having displayed a concern for the wider community through service individually or in voluntary organisations. Preference will be given to an applicant who will be completing part of the degree at a university outside South Africa. In the event of no award or insufficient awards of the Basil and Con Corder Scholarship for LLM studies, the scholarship may be awarded to an applicant registered for the Intermediate or Final Level LLB, on the basis of financial need, proven academic merit and indication of concern for the wider community, as set out above.

Closing date: 31 January

Value: Variable (approximately R10 000)

Tenure: One year.

#### Ethel Walt Human Rights Scholarship

Ethel Walt was a human rights activist who directed her passion for social justice through her work in the Black Sash. This scholarship is awarded towards tuition for the LLM or MPhil programme in Social Justice or Human Rights Law by coursework and minor dissertation. Preference will be given to applicants who demonstrate proven community involvement of some kind, and a commitment to engaging in community issues after graduation.

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Closing date: 31 January  
Value: R10 000  
Tenure: One year.

### **Faculty International Student Bursaries**

The Faculty awards bursaries for Postgraduate Diploma and coursework Master's students which will reduce the International Term Fee. These are awarded based on academic merit, financial need and Faculty requirements. Further details may be found in section 5.7 of the Student Fees book.  
Closing dates: 31 January and 15 June  
Value: Variable

### **Law Endowment Postgraduate Scholarship**

To mark 150 years of the teaching of law in South Africa, the Faculty of Law launched a fund-raising campaign in 2008 under the umbrella 'Towards Sustainable Justice'. Some of the funds raised are being used to support postgraduate students taking Master's or Doctoral degrees in law at the University of Cape Town. Scholarships are awarded to LLM, MPhil or PhD students primarily on the basis of academic merit, but financial need may also be a consideration.  
Closing date: 31 January  
Value: R60 000 for LLM or MPhil students and R90 000 for PhD students  
Tenure: One year for LLM or MPhil students. Renewable for a further two years depending on satisfactory progress for PhD students.

### **Law Faculty Master's and Doctoral Scholarships**

To encourage postgraduate research, the Law Faculty makes four awards to suitable candidates for master's or doctoral degrees by thesis at UCT. This funding is to be regarded as a form of bridging finance to give students contemplating higher degrees the security of knowing that their financial needs will be met for the first year of their studies, which is a critical period in their progress. Successful candidates must also make application to the University Scholarships Committee and other appropriate sources for scholarship funding. Any award from external sources that takes financial support beyond the level of R170 000 per annum for a master's student or R220 000 per annum for a doctoral student will then be deducted from the scholarship granted by the Faculty.  
Closing dates: 31 January and 15 June  
Value: R84 000  
Tenure: One year (renewable, depending on satisfactory progress, once only).

### **Sir William Solomon Memorial Scholarship**

In 1939 Miss Emile Jane Solomon bequeathed R10 000 to the University to found a scholarship in memory of her brother, the late Sir William Solomon MA KCSI KCMG, formerly Chief Justice of the Union of South Africa.  
The scholarship is available for candidates taking research degrees in law by thesis only.  
Closing dates: 31 January and 15 June  
Value: R20 000 (variable)  
Tenure: 1 year (renewable depending on satisfactory progress).

### **Wilfred Kramer Law Grants and Scholarships**

Wilfred Kramer Law Grants are available for graduates in Law who enrol for approved higher post-graduate study in the Faculty of Law at the University of Cape Town. In addition limited funds are available for students who wish to participate in an approved exchange programme at an overseas university; the students do part of the LLM coursework at an approved overseas university and the balance of coursework as well as the minor dissertation at UCT Law Faculty. Further information is available from the Law Faculty Office. Wilfred Kramer Law Scholarships are available to enable

graduates in law of the University of Cape Town to pursue postgraduate studies in law at Cambridge University, England preferably (Trinity Hall) or elsewhere overseas.

Closing dates: 31 January and 15 June

Value: Variable

Tenure: 1 year (renewable depending on satisfactory progress).

For other funding and grants see Book 14 in the series of handbooks, available from the Postgraduate Funding Office, e-mail: [pgfunding@uct.ac.za](mailto:pgfunding@uct.ac.za).

## **Prizes and Awards**

### **Final Level LLB Students**

#### **Bowman Gilfillan Prize**

Established in 1992, this annual prize of R5 000 is awarded to the Final Level student, if of sufficient merit, with the highest marks in the courses CML4506F Tax Law A and CML4507S Tax Law B.

#### **D B Molteno Memorial Prize**

A prize of R1 000 in memory of the late Professor DB Molteno QC, first Professor of Public Law in the University of Cape Town, to be awarded annually to the Final Level student who achieves the best overall performance, if of sufficient merit, in courses offered by the Department of Public Law.

#### **Ephraim Kluk Award**

Established in 1988, in terms of the wishes of the late Ephraim Kluk for the purpose of undertaking postgraduate research at the University into international law in respect of the concept of peace, justice and understanding between nations. The candidate is selected by the Head of the Department of Public Law in consultation with members of staff in the Department of Public Law.

Value: R700

Tenure: One year.

#### **Gering Prize for Commercial Transactions Law**

In 2005 an annual prize in honour of his late wife Nina, a UCT BA graduate, was established by Professor Leonard Gering, an alumnus and academic. Professor Gering passed away in 2007 and the family has now established the Leonard and Nina Gering Prize (R2 750) for the best student in CML4006W Commercial Transactions Law.

#### **Ina Ackermann Prize**

A prize of R1 000 in memory of the late Ina Ackermann, Senior Lecturer in Commercial Law at the University of Cape Town (1985-1993), is awarded annually to a student of sufficient merit obtaining the highest overall marks in the course CML4006W Commercial Transactions Law. The necessary funds for this purpose have been made available by friends and colleagues of Ms Ackermann.

#### **Judge Schock Prize**

In 1989 a prize, variable from R10 000, was established in memory of the late Judge Schock, to be awarded annually to the best Final Level student, if of sufficient merit, at the discretion of the Dean.

## 192 SCHOLARSHIPS AND PRIZES

### **Juta Law Prize**

Juta & Co Limited established a prize of R1 000 in the form of books to be awarded annually to the best Final Level student, if of sufficient merit. The prize winner will be entitled to purchase books of his/her choice to that value.

### **LexisNexis Butterworths Prize – Civil Procedure**

LexisNexis Butterworths (Pty) Limited has established an annual prize of R750 to be used for the purchase of books which it publishes. The prize is awarded annually to a student of sufficient merit obtaining the highest overall marks in the course RDL4008H Civil Procedure.

### **Lewis Pugh Award**

From 2017, the Lewis Pugh Award will go to a final year LLB student who chooses Environmental Law as an elective and who is either the top student in the exam or research paper or a student who demonstrates passion for the subject over the course of the elective.

Value: R2 000

Tenure: One year.

### **South African Society for Labour Law**

In 2000 the South African Society for Labour Law established a prize of R2 000, to be awarded annually to the best Final Level student, if of sufficient merit, with the highest marks in the course CML4004H Labour Law.

### **Spoor and Fisher Prize**

Spoor and Fisher, attorneys and patent attorneys, established a prize to be awarded to the student who has the highest average mark in the courses Intellectual Property Law A and Intellectual Property Law B (CML4503F and CML4504S). The value of the award is R500.

## **Intermediate Level LLB Students**

### **Ionann Prize for Criminal Justice**

In 2005, Dianna Yach and Peter Stephens donated the proceeds from their book to establish an award of R5 000 for the top black female student in Intermediate Level Criminal Justice courses; their hope is that the award will encourage black women from Southern Africa (including the SADC region) to make a career in criminal justice.

### **LexisNexis Butterworths Prize – Best Intermediate Level**

LexisNexis Butterworths (Pty) Limited has established an annual prize of R5 000 to be used for the purchase of books which it publishes. The prize is awarded to the best Intermediate Level student, if of sufficient merit.

### **Mike Blackman Memorial Prize**

The Mike Blackman Memorial Prize is sponsored by Juta & Co and is awarded annually to the student with the best results in Corporation Law. The prize is to commemorate Mike Blackman's outstanding work and contribution to commercial law. The prize consists of a set of the 3-volume *Commentary on the Companies Act* by Blackman et al.

### **Tom W Price Memorial Prize**

A prize in memory of the late Professor T W Price, Professor of Roman-Dutch Law at the University of Cape Town, is awarded annually to the Intermediate Level student, if of sufficient merit, obtaining the highest overall marks in the Preliminary and Intermediate Levels examinations



in Private Law. Value: R10 000 (variable)

#### **Werksmans Attorneys Prize**

Since 2013 the firm Werksmans Attorneys established a prize of R5 000 is awarded to the best Intermediate Level student, if of sufficient merit, in RDL3005W Law of Contract.

#### **Preliminary LLB Level and Undergraduate Students**

*(Year 1 Graduate LLB, Year 3 and 4 Combined Law Stream and Year 1 and 2 Undergraduate LLB)*

#### **Adams and Adams Prize**

Since 1988 an annual prize of R3 500 is awarded to the best second year five-year undergraduate LLB curriculum stream student.

#### **Ben Beinart Memorial Prize**

The Editorial Board of *Acta Juridica* and its publishers, Juta & Company Limited, have established an annual prize for the award to the best student, if of sufficient merit, in RDL1004H South African Private Law: System and Context and RDL1003W Foundations of South African Law. The prize is a set of all available issues of *Acta Juridica*.

#### **Cliffe Dekker Hofmeyr Prize**

A prize of R5 000 is awarded to the best student at Preliminary Level i.e. Foundations of SA Law, Law of Persons and Family, Comparative History, Constitutional Law, Law of Succession and Law of Property.

#### **The Hogan Lovells (SA) Prize**

A prize of R2 000 is awarded to the best student in the Law of Property.

#### **Sir Franklin Berman Prize**

In 2006 Sir Franklin Berman this a graduate of UCT and former legal advisor to the British Foreign Office, established a prize of R1 000 for the student who gains the highest marks in International Law.

#### **Soraya Donnelly Technology Award**

Awarded annually (at the discretion of the Faculty of Law) to a deserving student of International Law (PBL3001H). The award consists of various electronic devices and is funded by Shiham Donnelly in honour of her mother Soraya Donnelly who constantly motivated and supported her throughout her academic career.

#### **Yash Ghai Prize**

In 2006, a leading Public Law academic and honorary professor in the Faculty established a prize of at least R1 000 to be awarded to the top student in Constitutional Law.

## Other Prizes

### Bar Council Moot Prize

A prize of book vouchers to the value of R1 000 to be awarded annually to the best students participating in a series of moots conducted within the Faculty. The necessary funds for this prize are made available as a result of a grant from the Cape Town Bar Council.

### Blumberg Prize

In 2007 alumnus Henry Blumberg established the Henry & Marcia Blumberg Prize of R2 000 to be awarded annually to an LLB student who has worked hard both academically and in service of the wider student community; the award will be made at the Dean's discretion in consultation with Heads of Department.

### Captain Bob Deacon Prize

This prize is awarded annually (at the discretion of the Board of the Shipping Law Unit) to the student who achieves the top mark in the Higher Postgraduate Shipping Law courses. It is funded by donations from colleagues in memory of Captain Bob Deacon, one of the first forensic marine surveyors to practise in the port of Cape Town

### David Potts Prize

The David Potts Prize in the amount of \$1,000 may be awarded annually for the best essay on a topic concerning Delict/Torts in cyberspace, which could be in any course at LLB or LLM/PG Diploma level. David Potts is an alumnus of the University of Cape Town, who specialises in defamation law including cyberlibel.

### Dean's Awards for Service

In recognition of student service to the wider community, such awards were established in 2008. They are made during the course of the year, after a call for nominations from students and staff. They are awarded at the discretion of the Dean, in consultation with the Deputy Deans and Heads of Department. They carry no purse.

### Engen Petroleum Prize

A prize to be awarded to the student obtaining the highest marks in International Law of the Sea, provided that a satisfactory standard is obtained.

### ENSafrica Essay Prize

This prize of R4 000 is to be divided annually among all the students whose essays have been accepted for publication in *Responsa Meridiana*.

### Lawrence Miller Memorial Award

This award was established by members of *Legalink* in memory of their colleague and UCT alumnus Lawrence Miller (1964) for a student who is going either into their Intermediate or Final year and whose CV reflects community involvement and demonstrates how they have tried to empower or uplift others in their community.

### Mike Larkin Award

This award was an initiative of the LSC in 2006. In 2008 the LSC scholarship was renamed the Mike Larkin Scholarship in honour of the much-loved Head of Commercial Law who was slain in

Rondebosch in late 2007. In line with the goals and mission of the LSC, as stated in its constitution, and as a body representative of all Law students, the award will be made annually to a final-year LLB student.

Value: Variable

Tenure: One year.

### **Rodman Ward Prize**

Mr and Mrs Rodman Ward Jr have established an annual prize of R3 000 for the best essay written on an aspect of Corporate Governance.

### **Solly Kessler Memorial Essay Prize**

A book prize of R1 000 for the best essay on a topic concerning constitutional law, which could be in any course, was established in memory of alumnus Solly Kessler, an outstanding student, who had a particular interest in constitutional law.

### **Spoor and Fisher Prize**

In commemoration of their 75th anniversary in 1995, Spoor and Fisher established a prize of R500 for the best article submitted by a UCT Law student and accepted for publication in *Responsa Meridiana*.

### **Dean's Merit List**

#### **NOTES:**

1. *The Dean's Merit List is published annually. It contains the names of students whose academic performance over the year is meritorious and hence worthy of recognition. Students who qualify for inclusion in the list will receive a letter of commendation from the Dean. The list will be posted on notice boards. The academic records of students will be endorsed accordingly.*
2. *The final results for students who write deferred examinations will be calculated only after publication of the deferred examination results.*

For inclusion in a Merit List, a student must:

- (a) obtain an overall percentage of 70% or above in all courses completed for the relevant year of study. Credits from other universities may be included for this purpose, provided that at least the equivalent of four full courses is completed at this university in each of the years.  
*(Note: For the purposes of computing averages, see the details below in 'How to calculate your total average mark'. The mark for the course Law that Counts (MAM1013F/S), is not included when determining inclusion in the Dean's Merit List. The required aggregate will include deferred examination results, but not supplementary examination results. The required aggregate will be increased by one percentage point for each course fewer than the prescribed number in the standard curriculum.)*
- (b) complete the courses within the minimum period;
- (c) not fail any course in the year concerned; and
- (d) not be repeating any course.

### **How to calculate your total average mark**

#### **Preliminary Level and Five-year LLB curriculum**

Add the scores in all the courses of the Preliminary Level, Preliminary Level A, Preliminary Level B, or the relevant year of the undergraduate or graduate extended curriculum stream, as the case may be, adding the scores for whole courses TWICE. To get the average percentage, divide the total so calculated by the number of half course equivalents taken.

**Intermediate Level**

Add the scores in all the courses of the Intermediate Level, adding the scores for whole courses TWICE. Divide the total number so calculated by 10 to get the average percentage.

**Final Level**

- Whole courses = % x 4
- Half courses = % x 2
- Elective courses = % x 1

Add the weighted percentages calculated according to the above formula. Divide the total by 20 to get the average percentage.

**LLB Class Medals**

A. Courses for which medals may be awarded:

1. A medal is awarded for a course only if Senate so decides. In determining whether a medal should be awarded for a course, Senate must be guided by the following:

1.1 A medal may be awarded in any course, half course or semester course which is taught during contact periods totalling at least 36 hours, or which has equivalent weight.

1.2 Courses or parts of courses or units may be combined for the purposes of the award of a medal provided:

1.2.1 the courses, part courses or units are not optional, and

1.2.2 they are undertaken in each instance by the same group of students during the course of a single academic year.

1.3 Except as determined by Senate, only one medal is awarded for each course or combination of courses, half courses or semester course.

2. The award of a medal:

2.1 A medal may be awarded only to a student who has demonstrated special ability and no award will be made if there is no candidate of sufficient merit.

2.2 No award will be made to any student undertaking the course for a second time.

2.3 If Senate decides that a medal may be awarded for a course, it must designate the faculty which will make the award. No distinction must be made between students from different faculties undertaking the course.

2.4 The award will be at the discretion of the Faculty concerned and based upon final examinations or class work or both.

3. Publication of awards: A list of class medallists will be published in December and a supplementary list will be published in April, after deferred examination results are known.

Class medals may be awarded in the following LLB courses:

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CML3001W	Corporation Law
CML4004S	Labour Law - LLB
CML4006W	Commercial Transactions Law
PBL2000W	Constitutional Law
PBL3001H	International Law
PBL3801W	Criminal Law
PBL4802F	Criminal Procedure
PBL4001W	Administrative Law
PBL4801F	Evidence
RDL 1003W	Foundations of South African Law
RDL1004H	South African Private Law: System and Context
RDL 1008H	Law of Persons and Family
RDL2002H	Law of Property

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RDL2003H	Law of Succession
DOL3003H	African Customary Law
RDL3003H	Law of Delict
RDL3005W	Law of Contract
RDL3006H	Jurisprudence
RDL4008H	Civil Procedure

**B. John Kotze Medal**

The late Sir John Gilbert Kotze, formerly a judge of the Supreme Court of Appeal (formerly the Appellate Division), bequeathed a sum of money to the University for a medal to be awarded annually to the Final Level LLB graduate who obtained the highest marks in Roman Law and Private Law. (Note: As Roman Law is no longer a compulsory course in the LLB curriculum, South African Private Law: System and Context is substituted as the equivalent).

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## ADDITIONAL INFORMATION

### Distinguished Teachers in the Faculty

The University has instituted a Distinguished Teacher Award in recognition of the importance of excellence in teaching at all levels in the University. The following members of staff of the Faculty of Law have received the award:

Professor D B Hutchison (Roman Dutch and Private Law)	1982
Judge D M Davis (Commercial Law)	1983
Professor J Hare (Commercial Law)	2000
Ms EJS Steyn (Criminal Justice)	2001
Associate Professor W Schärf (Criminal Justice)	2002
Associate Professor M Paleker (Private Law)	2005

### Fellows in the Faculty

The Council of the University has established Fellowships for members of the permanent academic staff in recognition of original distinguished academic work of such quality as to merit special recognition. The following members of staff of the Faculty of Law have received Fellowships:

Professor T W Bennett  
 Professor J Burchell  
 Professor H M Corder  
 Professor W de Vos  
 Professor C N Himonga  
 Distinguished Professor Ph-J Salazar  
 Professor C D Shearing  
 Professor D P Visser

### UCT Book Award

The University Book Award recognises the publication of books, written by University staff, that brings credit to the University. The following members of staff of the Faculty of Law have received the award:

Professor M S Blackman	<i>Companies (in Law of South Africa, first re-issue Vol 4, parts 1,2 and 3)</i>	1998
Professor J I Glazewski	<i>Environmental Law in South Africa</i>	2002
Professor M S Blackman, G K Everingham, R D Jooste	<i>Companies Act: Commentary</i>	2004

### Publications

#### Acta Juridica

*Acta Juridica* is published under the auspices of the Faculty of Law of the University of Cape Town. It has appeared annually since 1958, and is the successor to Butterworths South African Law Review (1954-1957). The General Editor is Associate Professor AM Price and the Treasurer is Ms S Lutchman.

**Responsa Meridiana**

*Responsa Meridiana* is an annual law review published under the auspices of the Student Law Societies of the Universities of Cape Town and Stellenbosch. It first appeared in 1964. It is purely a student publication, and contains articles of legal interest from both within and outside the Faculty of Law.

**Law Students' Council**

**The Law Students' Council (LSC)** consists of nine UCT Law students. Students are chosen to represent the Law Faculty through democratic elections held annually and which occur independently of the Student Representative Council (SRC).

The LSC acts a bridge between staff and Law students on both academic and extra-curricular fronts. We strive to develop a healthy student life above and beyond academic learning.

In achieving these aims, the LSC represents the student body in various aspects of the Law Faculty. Our members echo the student voice on the Faculty Board, Academic Planning Committee, Moots Committee, Community Service Committee, Health and Safety Board, Orientation Committee, Information Technology and Equipment Committee, and Timetable Committee.

Our **Mission** going forward is:

**Communication:** to facilitate consistent and helpful dialogue between staff and students

**Integration:** to culture a sense of genuine community within the Law Faculty

**Representation:** to elevate student-related issues to relevant faculty committees and to create new platforms conducive to hearing and tackling student-related issues

**Service:** to meeting the academic and social needs of students

**Leadership:** to build on the foundations laid by past Councils in order to realise long-term goals

**Legitimacy:** to gain confidence from the student body as an integral part of academic and social life

Our **Vision** going forward is to meet diverse student needs through healthy communication, effective representation and thoughtful leadership.

**Ethics Clearance**

Research that involves human participants or animal use for research or teaching must undergo ethics review, according to faculty-specific guidelines. Review generally entails prior approval of a research proposal by a Research Ethics or Animal Ethics Committee. In cases where prior approval is not appropriate, the research proposal should be subjected to appropriate deliberative procedures, according to faculty-specific guidelines. Research papers, research projects, dissertations or theses that involve human participants or animal use may not be submitted for examination if they have not undergone any ethics review process.

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