

# MISSION STATEMENT

(under review)

*Our mission is to be an outstanding teaching and research university, educating for life and addressing the challenges facing our society.*

*Educating for life* means that our educational process must provide:

- \* a foundation of skills, knowledge and versatility that will last a lifetime, despite a changing environment;
- \* research-based teaching and learning;
- \* critical inquiry in the form of the search for new knowledge and better understanding; and
- \* an active developmental role in our cultural, economic, political, scientific and social environment.

*Addressing the challenges facing our society* means that we must come to terms with our past, be cognisant of the present, and plan for the future. In this, it is central to our mission that we:

- \* recognise our location in Africa and our historical context;
- \* claim our place in the international community of scholars;
- \* strive to transcend the legacy of apartheid in South Africa and to overcome all forms of gender and other oppressive discrimination;
- \* be flexible on access, active in redress, and rigorous on success;
- \* promote equal opportunity and the full development of human potential;
- \* strive for inter-disciplinary and inter-institutional collaboration and synergy; and
- \* value and promote the contribution that all our members make to realising our mission.

*To equip people with lifelong skills* we must and will:

- \* promote the love of learning, the skill of solving problems, and the spirit of critical inquiry and research; and
- \* take excellence as the benchmark for all we do.

We are committed to academic freedom, critical scholarship, rational and creative thought, and free inquiry. It is part of our mission to ensure that these ideals live; this necessarily requires a dynamic process of finding the balance in a range of choices: choices between freedom and responsibility, rights and obligations, autonomy and accountability, transparency and efficiency, and permanence and transience; and of doing this through consultation and debate.



# UNIVERSITY OF CAPE TOWN

## FACULTY OF LAW

### 2010

**Postal Address:** University of Cape Town  
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**Dean's & Faculty Offices:** Wilfred and Jules Kramer Building, Middle Campus

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Faculty Office [law-studies@uct.ac.za](mailto:law-studies@uct.ac.za)

The Registrar's, General Enquiries and Cashier's Offices are located in the Wilfred and Jules Kramer Building and are open during the lunch hour. The Cashier's Office is open Monday-Friday 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
- Books 6-11:** Handbooks of the Faculties of Commerce, Engineering and 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 Students

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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.

# **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.

# LAW STUDENTS' COUNCIL

## VISION AND MISSION FOR 2010

### **VISION:**

"The Law Students' Council (LSC) is a body that represents all law students in the Faculty and in the University as a whole. The LSC holds annual elections in August, which are open to all students registered for a degree in Law. The Council for 2010 has published the following Vision statement:

"We will exercise caring student leadership in order to promote academic excellence, transformation and social balance."

### **MISSION:**

"Our mission is to be a council representative of, and relevant to, the students within the Faculty of Law. We strive to be a supportive and service-orientated body that contributes practically to the development of confident, competent and socially-aware law graduates. To do so, we will promote:

Academic excellence by providing peer support, guidance and mentorship services, and by

- (i) fostering a caring environment for learning;
- (ii) transformation through encouraging inclusivity, representivity and tolerance of all, on both a personal and broader societal level;
- (iii) social balance through facilitating a well-rounded student lifestyle, through a variety of extra-curricula activities.

In academic affairs the LSC's traditional role has been to provide an interface between students and staff. Council members sit on the following Faculty committees Academic Planning, Faculty Board, the Library, Moots and Community Service. The LSC sees full and informed participation in committees as a challenge. Your input as a student is required on academic issues.

The LSC also aims to foster an environment within the Faculty which allows for some tension release during the busy academic year. The LSC aims to host functions that are inclusive of our diverse student population. The LSC hopes to continue their support of the soccer team, the "Creatures of Statute". A variety of collectable mementos will be made available for purchase throughout the year such as t-shirts, jackets and mugs.

In the University as a whole, the LSC represents the Law Faculty through the President who participates in the Student Parliament. All students can attend Student Parliament meetings with observer status. The LSC and the Black Law Students Forum (BLSF) aim to strengthen their relationship with each other and will focus on transforming and invigorating the institutional culture of the Faculty.

The LSC hopes to assist all students to become more aware of what their degree can do for them. This is done through events such as the Careers Day, the annual July vacation Wynberg Magistrates' Court programme and vacation shadowing at the Bar (Cape Town or Johannesburg).

Projects such as the mentorship scheme, whereby students are assigned student mentors, will continue and improve. The LSC hopes to raise social and judicial awareness through arranging prison visits and attendance at JSC interviews if they are held.

In order to serve you, we need to hear from you! Please feel free to contact the LSC with ideas, grievances and suggestions using the contact details above. Find us on campus and let us know how you feel in person! There is an LSC member in the office on the second floor daily - speak to us!"

# Teaching and Learning Charter

## **Mutual Commitment**

Benefiting from the opportunities of education requires a mutual commitment on the part of both student and teacher.

Students should understand that, by accepting the offer of a place at the University, they undertake responsibility for their own learning. This requires that they attend classes, tutorials, practicals and other scheduled activities and prepare assignments to the best of their ability, handing in work on time. Students should be considerate to the needs of others in their behaviour in lectures and tutorials. They should act with honesty and integrity, ensuring that work that they hand in is their own, that all the sources that they use are properly acknowledged, and that they respect and follow the rules and procedures for formal examinations.

Good teachers bring enthusiasm, originality and flair to their work. Good teaching is best fostered in a collegial atmosphere where codes of practice provide a baseline standard for professionalism, rather than serving as a prescriptive and proscriptive list of requirements. While Heads of academic departments are formally responsible to Senate for teaching and learning in their departments, individual members of the academic staff are accountable for their contribution to the university's educational mission. Teachers should understand that, by accepting employment on the academic staff of the University, they undertake to provide all reasonable assistance to students to enable them to succeed in their studies. This requires that they deliver lectures and other scheduled classes and make every reasonable effort to make alternative arrangements if they are unable to do so. Teachers should be available for student consultations at reasonable and clearly-advertised times, and should hand back student work timeously, and with appropriate comment. Teachers' expectations of students should be clearly set out in course outlines, available before the course starts. Required reading and other preparation should be clearly specified, and teachers should ensure that such materials are available to students in the Library, in text books that are available, and in authorized course readers. Methods of evaluation and assessment that will be used in the course must be defined and described in the course outline and followed in the course. Expectations of students in formal examinations must be set out, and such formal examinations must have a fair and reasonable relationship with the ground covered in the course. Consequently: Students should make a formal undertaking, as part of the process of admission to the University, to take responsibility for their own learning, to respect the requirements of the courses for which they register, and to take part in the academic life of the University with integrity and honesty.

Academic staff undertake to

1. provide clearly written course outlines, setting out what is expected of students for the complete course, that are available well in advance of the beginning of the course, to allow students adequate time to prepare;
2. provide lists of required and recommended reading for courses, in advance of the beginning of the course, and to establish that this material is in the University Library, in local bookshops (by timeous submission of reading lists), or in course readers (with copyright clearance, and within agreed policy for course levies);
3. set out a clear and well designed system of assessment for the course, which defines what is expected of a student, and the relative value of different coursework, test and examination components; set clear and consistent DP requirements for courses, consistently enforced;
4. present lectures and tutorials in a clear manner, explaining technical terms where appropriate;
5. establish a fair and consistent approach to hearing requests for concessions and re-marking of assignments, and for leave of absence from lectures (where attendance is compulsory), tutorials and other class sessions;
6. adhere to an agreed and published timetable for lectures, tutorials and other teaching sessions, that respects the need of students to plan their class attendance and study time;

7. ensure that they, and other teaching staff involved in their courses, are available to meet with students at advertised office hours, and interact with students without discrimination or favouritism;
8. return work submitted for assessment within a reasonable period of time, with adequate and appropriate comments and other forms of evaluation, and ahead of formal examinations, so that students can incorporate feedback in their examination preparation;
9. ensure consistent marking of examination papers and, for large classes, effective moderation of examination marking by the lecturer concerned;
10. Organize a written evaluation for each course, allowing students to express their views freely and, if they wish, anonymously, and build on the outcomes of such evaluations in adapting the course for the future.

Postgraduate students have particular needs, and the relationship between postgraduate students and their supervisors is set out in a parallel policy, which should be read in conjunction with this Teaching and Learning Charter.



## 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).

## 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 Professor J Glazewski and the Treasurer is Mr G Bradfield.

### **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.



# GENERAL INFORMATION

## Officers in the Faculty

	Telephone (021) 650 +
<b>Dean of the Faculty:</b>	
Professor PJ Schwikkard, BA <i>Witwatersrand</i> LLB LLM <i>Natal</i> LLD <i>Stell</i>	2705
<b>Administrative Officer in the Dean's Office:</b>	
Ms V Sarig	2706
<b>Deputy Dean:</b>	
Professor A Fagan, BA LLB <i>Cape Town</i> MA DPhil <i>Oxon</i>	3449
<b>Deputy Dean (Postgraduate Studies):</b>	
Associate Professor E van der Spuy, MA <i>Stell</i> PhD <i>Cape Town</i>	2988
<b>Deputy Dean (Internationalisation &amp; Outreach):</b>	
Professor ER Kalula, LLB <i>Zambia</i> LLM <i>London</i> PhD <i>Warwick</i>	3450
<b>Director of the School for Legal Practice:</b>	
Ms GY Kemp, BA LLB <i>Cape Town</i> Attorney of the High Court	480 7181
<b>Director of the UCT Law Clinic:</b>	
Ms BA Bird, BA STD LLB <i>Cape Town</i> Attorney of the High Court	5650
<b>Director of Faculty Research:</b>	
Professor H Mostert, BA LLB LLM LLD <i>Stell</i>	4122
<b>Development and Marketing Manager:</b>	
Ms P Alexander, BA <i>Cape Town</i> BA(Hons) MA <i>Unisa</i>	5602
<b>Professional Development Manager:</b>	
Mrs I Wasserfall, BJuris LLB <i>UPE</i> Attorney of the High Court	5621
<b>IT Manager:</b>	
Ms J Erasmus	5173
<b>Faculty Finance Staff:</b>	
<b>Finance Manager:</b>	
Ms V Stemmet, BCom(Hons) <i>Western Cape</i>	5657
<b>Finance Officer:</b>	
Ms R Ferguson	5653
<b>Human Resources Management:</b>	
<b>Human Resources Advisor:</b>	
<i>Vacant</i>	2934
<b>Faculty Administrative Staff:</b>	
<b>Faculty Manager: Academic Administration</b>	
Mrs RJ Gherasim, BMus (Librarianship) HDipLib BBibI(Hons) <i>Cape Town</i>	3087
<b>Senior Faculty Officer:</b>	
Ms P Phillips, BA <i>Cape Town</i>	5409
<b>Administrative Officer (LLB Studies):</b>	
Ms V Mzamo	5648
<b>Administrative Officer (School for Advanced Legal Studies):</b>	
Ms S Ronnie	2997
<b>Administrative Assistant:</b>	
Mr MS Sigonyela, BSocSc <i>Cape Town</i>	5745
<b>Senior Secretary:</b>	
Mr M Mbebe	3086

## Student Advisers

### LLB Curriculum:

Ms D Collier, BA LLB <i>Rhodes</i> LLM <i>Cape Town</i>	5658
Ms K Idensohn, BA LLB <i>Cape Town</i> LLM <i>Cantab</i> Attorney of the High Court	5072
Ms K Phelps, BA BSocSc(Hons) <i>Cape Town</i> LLM <i>Cantab</i> – 1 <sup>st</sup> semester	5625
Dr D Smythe, BA LLB <i>Cape Town</i> JSM JSD <i>Stanford</i> – 2 <sup>nd</sup> semester	5680
Ms L-A Tong, BA(Hons) LLB <i>Cape Town</i> LLM <i>London</i> LLM <i>Turin</i> Attorney of the High Court	5612

### Other Curricula:

Ms C Ncube, LLB <i>Zimbabwe</i> LLM <i>Cantab</i> ( <b>Business Law Courses</b> )	3776
Ms M du Plessis, BCom LLB LLM <i>Rhodes</i> ( <b>Humanities Courses</b> )	4385
Mr C Chokuda, LLB Hons <i>Zimbabwe</i> Exec MBA <i>Africa University, Zimbabwe</i> LLM <i>Cape Town</i> ( <b>Exchange students</b> )	5617
Ms J Berg, BSocSc(Hons) MSocSc <i>Cape Town</i> ( <b>SALS students</b> )	5624

## Year Co-ordinators

1st year UG LLB & Preliminary 1:	Associate Professor H Scott	5610
2nd year UG LLB & Preliminary 2:	Mr SA Nakhjavani (1 <sup>st</sup> semester)	2493
	Professor P de Vos (2 <sup>nd</sup> semester)	3079
Intermediate Level:	Mr A Hutchison	5613
Final Level:	Associate Professor W de Vos	5692

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

## Law Students Council 2010

### Telephone: (021) 6504723

President  
Vice-President External  
Vice-President Internal  
Treasurer  
Secretary-General  
Transformation Officer  
Academic Officer  
Media & Communications  
Student Life

### Fax: (021) 6505662

Lauren Cowley  
Christine Immenga  
Anelisa Keke  
Sanelisiwe Ngcobo  
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[hfrmar001@uct.ac.za](mailto:hfrmar001@uct.ac.za)  
[gldlar002@uct.ac.za](mailto:gldlar002@uct.ac.za)  
[zndfre002@uct.ac.za](mailto:zndfre002@uct.ac.za)

## Degrees and Diplomas offered in the Faculty

### Minimum period of registration

Bachelor of Laws (Postgraduate stream)	LLB	3 years
Bachelor of Laws (Undergraduate stream)	LLB	4 years
Master of Laws	LLM	1 year
Postgraduate Diploma in Law	PG Dip Law	1 year

*(A general LLM degree is offered as well as specialised degrees in areas such as Commercial Law, Constitutional Law, Criminal Justice, Environmental Law, Human Rights Law, International Law, Labour Law, Marine Law, Marine & Environmental Law, Company Law, Private Law, Public Law, Shipping Law, Social Justice and Tax Law.)*

Master of Laws (Research Dissertation)	LLM	1 year
Master of Philosophy (Research Dissertation)	MPhil	1 year
Doctor of Philosophy (Research Thesis)	PhD	2 years
Doctor of Laws (Published Work)	LLD	1 year

*(Offered in many areas of law including Commercial Law, Constitutional Law, Criminal Justice, Environmental Law, Human Rights Law, International Law, Labour Law, Private Law, Marine Law, Marine & Environmental Law, Shipping Law, Public Law and Tax Law.)*

## 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 imply that non-citizens of South Africa may 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.

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## PROGRAMMES 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, Comparative Legal History, Constitutional Law, Corporation Law, Criminal Law, Criminal Procedure, Evidence, Foundations of South African Law, International Law, Interpretation of Statutes, Jurisprudence, Law of Contract, Law of Delict, Law of Persons and Marriage, Law of Property, Law of Succession, Quantitative Literacy for Lawyers and optional and research components.

These courses are offered in three streams: a three year postgraduate 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.

### Postgraduate LLB stream

Students enter this stream after having completed a bachelor's degree without law subjects. The Faculty regards this as the best way to approach the study of law; it considers a broad education in the Humanities, Commerce or Sciences an indispensable part of legal training. Students who have done a full degree in another discipline will have had the greatest opportunity to develop their critical and analytical skills in a non-legal environment, and therefore to be equipped to benefit from legal studies.

## **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 postgraduate 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.

## **Extended streams**

All streams include 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.

## **Practical Legal Education programme**

The School for Legal Practice, established in 1992, is a joint project of the Law Society of South Africa and the Law Faculties of the Universities of Cape Town, Western Cape and Stellenbosch. The object of the School is to provide law graduates with applied skills in legal practice, thereby also improving access to the legal profession.

Two intensive full-time programmes are offered each year, the first commences in mid-January and runs to mid-June, and the second from late June to the end of November. A Night School is also offered which runs from late January to the end of November.

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

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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.

### Admission and Curriculum Rules

The Basic Legal Education Programme is offered in three streams:

- (a) the three year postgraduate LLB
- (b) the two year postgraduate 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*.

### 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 extended stream will extend over five years.
- FP2 Subject to the provisions that follow, the curriculum for the three year postgraduate stream of the Basic Legal Education programme will extend over three years; the curriculum for the extended stream will extend over four years.
- FP3 Subject to the provisions that follow, the curriculum for the two year postgraduate stream of the Basic Legal Education programme will extend over two years; the curriculum for the extended stream will extend over three years.

### CURRICULUM REQUIREMENTS:

#### Postgraduate LLB stream

- FP4.1 The courses prescribed for the LLB degree programme are:

##### PRELIMINARY LEVEL

RDL1002H	Law of Persons and Marriage
RDL1003W	Foundations of South African Law
RDL1004H	Comparative Legal History
PBL2000W	Constitutional Law
PBL2001H	International Law
RDL2002H	Law of Property
MAM1013F/S	Law That Counts: Quantitative Literacy for Lawyers (unless the candidate has passed the numeracy test – attempted once only – administered by the Law Faculty during the orientation period). Note that candidates admitted to the Intermediate Level are exempted from this course.

##### INTERMEDIATE LEVEL

CML3001W	Corporation Law
PBL3801W	Criminal Law
PBL3802H	Criminal Procedure
PBL3000F	Interpretation of Statutes
RDL3003H	Law of Delict



RDL3001H	Law of Succession
RDL3005W	Law of Contract
RDL3008H	Civil Procedure
DOL3001X	Community Service

**FINAL LEVEL**

CML4006W	Commercial Transactions Law
PBL4801H	Evidence
PBL4001W	Administrative Law
RDL4005H	African Customary Law
RDL4006H	Jurisprudence
DOL4000H	Integrative Assessment Project Research Component Options

- FP4.2 The research component and Community Service are compulsory requirements for the degree; the research component is weighted 9 NQF credits.
- FP4.3 Optional courses in the Final Level of the degree are weighted 9 NQF credits or 4.5 NQF credits each.
- FP4.4 A candidate in the Final Level of the degree must choose optional courses totalling a minimum of 22.5 NQF credits. Although a candidate may register for more than one moot option, only 4.5 of the required 22.5 credits may be acquired by completing a moot option. Students may also write independent research papers in fulfilment of the required total of 22.5 optional credits. These research papers would be in addition to the paper completed for the research component of the degree. Each research paper counts 9 NQF credits.
- FP4.5 A candidate may undertake additional optional courses amounting to not more than 9 NQF credits.
- FP4.6 The maximum number of credits for optional courses in the final level is 31.5 credits.
- FP4.7.1 Intermediate Level students may register for RDL5030H 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.
- FP4.7.2 RDL5030H Legal Practice completed while a student is in the Intermediate Level does not contribute to the fulfilment of the requirements in FP4.4.
- FP4.8 A student from the University of Cape Town coming into the Postgraduate stream of the LLB may be exempted from MAM1013F/S if he or she
- (i) shows in a test prescribed by Senate that he or she has an ability to deal with the numerical problems that arise in law; or
  - (ii) shows evidence that he or she has received credit or tested out for MAM1014F course or its equivalent.

**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.*

## 8 RULES FOR RESEARCH DEGREES

### Four year undergraduate LLB stream

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 Lawyers.

*A candidate may not attempt the numeracy test a second time.* Note that candidates admitted to the third (Intermediate) year are exempted from this course.

FP5.3 The courses prescribed for the first (Preliminary) year are:  
RDL1002H Law of Persons and Marriage  
RDL1003W Foundations of South African Law  
RDL1004H Comparative Legal History  
One English (ELL) course OR SLL1002S Word Power  
MAM1013F/S Law That Counts: Quantitative Literacy for Lawyers

AND two semester courses in another faculty

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 prerequisites 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 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.*

FP5.4 The courses prescribed for the second (Preliminary) year are:  
PBL2000W Constitutional Law  
PBL2001H International Law  
RDL2002H Law of Property  
Two semester courses in a single language, or a whole course in a language.  
Two 2000-level semester courses in one discipline (e.g. English) offered in another faculty.

**NOTE:** *Students are 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.*

FP5.5 The courses prescribed for the third (Intermediate) year are:  
CML3001W Corporation Law  
PBL3801W Criminal Law  
PBL3802H Criminal Procedure  
PBL3000F Interpretation of Statutes  
RDL3001H Law of Succession

RDL3003H	Law of Delict
RDL3005W	Law of Contract
RDL3008H	Civil Procedure
DOL3001X	Community Service

- FP5.6 The courses prescribed for the fourth (Final) year are:
- |          |  |
|----------|--|
| CML4006W | Commercial Transactions Law                                  |
| PBL4801H | Evidence   |
| PBL4001W | Administrative Law   |
| RDL4005H | African Customary Law  |
| RDL4006H | Jurisprudence  |
| DOL4000H | Integrative Assessment Project<br>Research Component Options |

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

### All streams: skills component

- 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 32 tutorials (or submit written work at the discretion of the course convener)
- FP6.6 In the FOURTH year, there should be:
- interviewing
  - 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

### Postgraduate LLB stream

- FP7.1 Except with permission of Senate, a candidate may not register for any course prescribed for the Intermediate Level of study unless he or she has completed all the courses prescribed for the Preliminary Level of study.
- FP7.2 Except with permission of Senate, a candidate may not register for any course prescribed for the Final Level of study unless he or she has completed all courses prescribed for the Preliminary and Intermediate Levels 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 credit obtained will not count towards the fulfilment of the requirements of the degree, nor will the mark obtained be considered for purposes of calculating the Intermediate Level average. The mark will be taken into account, however, for purposes of calculating the overall degree average, in accordance with the normal principles governing this calculation.*

- FP7.3 Notwithstanding the provisions of Rules FP7.1 and FP7.2, 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.

***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.*

- FP7.4 In addition to the provisions of Rules FP7.1 and FP7.2, a candidate who has failed more than one half course for the Preliminary Level or one course (or two half courses) for the Intermediate Level, 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.

### Combined undergraduate/postgraduate 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 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.
- FP8.2 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 courses prescribed for the second year of study.

FP8.3 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 course prescribed for the third 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 credit obtained will not count towards the fulfilment of the requirements of the degree, nor will the mark obtained be considered for purposes of calculating the Intermediate Level average. The mark will be taken into account, however, for purposes of calculating the overall degree average, in accordance with the normal principles governing this calculation.*

FP8.4 Notwithstanding the provisions of Rules FP8.1, FP8.2 and FP8.3, 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.*

FP8.5 In addition to the provisions of Rules FP8.1, FP8.2 and FP8.3, a candidate who has failed more than one half course in the first or second year, and a candidate who has failed more than one course (or two half courses) in the third 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.

## Extended 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 credit obtained will not count towards the fulfilment of the requirements of the degree, nor will the mark obtained be considered for purposes of calculating the Intermediate Level average. The mark will be taken into account, however, for purposes of calculating the overall degree average, in accordance with the normal principles governing this calculation.*

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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 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) eight 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 ADP undergraduate stream is regarded as Preliminary Level (see pages 35-38).*

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

### Minimum requirements for re-admission:

FP11.1 Except with permission of Senate, a candidate may not be permitted 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; or
- (iii) to complete a course after two years of registration for the course.

FP11.2 A student on an extended stream may not be permitted 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 grant 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 50% in each University examination in a course in order to be credited for that course, subject to Rule FP15.

**Oral examinations:**

- 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 50% 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:
- (i) he or she has reached a sufficiently high standard when failing such course(s); and
  - (ii) the courses are the only courses failed by him/her in that year.

*NOTE: The decision on whether to award a supplementary examination will be taken by Senate 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 Wilfred and Jules Kramer Building, within seven days from the first examination (written, oral, or practical) which the student missed or was unable to complete.

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- 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*.
- 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 Admissions, Concessions and Credits Committee of the Law Faculty.*

### **Revision of the rules:**

- FP21 Senate may at any time revise any rule.



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# RULES FOR RESEARCH DEGREES

## Master of Laws (LLM) by Dissertation

### Admission:

FMD1 A person may be considered for admission as a candidate for the degree of Master of Laws if –

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
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 not later than the last Friday in February 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 –

1. a dissertation on a subject of legal interest approved by Senate; or
2. a series of (four) short dissertations on cognate areas of the law, approved by Senate.

### Dates for submission:

FMD4.1 When candidates intend to submit their dissertations for examination in a view to the degree being awarded at either the June or December graduation ceremonies, they must inform the Registrar in writing by no later than 1 February or 20 June, as the case may be.

FMD4.2 The final dates for submitting dissertations to the Registrar are 1 March or 15 August, respectively.

### 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. A candidate must submit five copies (in temporary bindings), together with five copies of a brief summary of the contents of the argument.

### 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.

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### **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, obtainable from the Faculty Office. This proposal is considered by the Higher Degrees Committee. Before registration candidates may be required to undertake further work of a preparatory nature.*

## **Master of Philosophy (MPhil) by Dissertation**

### **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 not later than the last Friday in February 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.

Rules FMD4 to FMD9 apply also to candidates for the MPhil degree.

## **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 applicant as the leading authority in his or her field.

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 in a document entitled *Procedures for the Administration of the LLD by Published Work*.

**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 the Higher Degrees Committee specifies,
- (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.

**Doctor of Philosophy (PhD)**

The general rules of the University for the PhD apply, ie, there are no specific rules for the Faculty of Law.

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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 these departments: Institute of Development and Labour Law (Commercial Law) and the Institute of Marine and Environmental Law, the Law, Race and Gender Research Unit and the Democratic Governance and Rights Unit (Public Law).

The Centre of Criminology offers courses in both the Faculty of Law and the Faculty of Humanities. The Centre is a research unit with strong community links, and is situated in the Department of Public Law. The School for Legal Practice falls under the office of the Dean.

\* *Denotes on leave for part or all of the 2010 academic year.*

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

DP Visser, B Juris LLB LLD *Pretoria* Dr Jur *Leiden* Advocate of the High Court

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

K Asmal, LLB LLM *London*

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

C Dugard, BA LLB *Stell* LLB PGDip International Law *Cantab* LLD *Natal* LLD *Cape Town*

I Farlam, BA LLB *Cape Town*

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

A Sawyerr, JSD LLB *Durham* LLM *London* LLM *California*

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

W Trengove, BCom LLB *Pretoria*

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

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## DEPARTMENT OF COMMERCIAL LAW

### **Emeritus Associate Professor:**

J Hofman, BL LLB *Zimbabwe* LPhil *Heythrop* B Theol LJC *Greg* Legal Practitioner *Zimbabwe*

### **Head of Department:**

Associate Professor 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

### **Professor and Chair:**

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

### **Professors:**

PS Benjamin, BA LLB *Cape Town* LLM *Warwick* (Part-time)

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

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

ER Kalula, LLB *Zambia* LLM *London* PhD *Warwick*

### **Associate Professors:**

TS Emslie, SC BA LLB *Witwatersrand* BCom(Hons)(Taxation) MBA *Cape Town* Advocate of the High Court (Part-time)

T Mongalo, BProc(summa cum laude) LLB *Natal* LLM *Cantab*

**Honorary Research Associate:**

T Kruger, BA LLB *Stell* PhD *Lewen*

**Adjunct Professors:**

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

N Jeram, BA LLB LLM *Cape Town*

D Kruger, BCom LLB *Natal* LLM *Harvard* Advocate of the Supreme Court

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

C Nupen, BA LLB *UKZN*

T Orleyn, BJuris *Fort Hare* BProc LLB *Unisa*

W Scholtz, BA(Hons) *Rhodes* LLB *Cape Town* Advocate of the Supreme Court

CR Thompson, BA(Hons) *Stell* LLB *Cape Town* Attorney of the High Court

**Senior Lecturers:**

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

D Collier, BA LLB *Rhodes* LLM *Cape Town* Attorney of the High Court

TL Gutuza, BSocSc LLB *Cape Town* BA(Hons) LLM *Unisa* LLM *London* Attorney of the High Court (Part-time)

K Lehmann, BA LLB *Cape Town* LLM *Nottingham* Attorney and Conveyancer of the High Court

A Rens, BA LLB LLM *Witwatersrand* Attorney of the High Court (Part-time)

**Lecturers:**

W Amien, BA LLB *Cape Town* LLM *Western Cape* Attorney of the High Court

C Chokuda, LLB Hons *Zimbabwe* Exec MBA *Africa University, Zimbabwe* LLM *Cape Town*

L Draai, BSocSc LLB *Cape Town* Attorney and Notary Public of the High Court (Part-time)

J Franco, BA LLB *Cape Town* Attorney and Notary Public and Conveyancer of the High Court (Part-time)

A Hutchison, BA LLB LLM *Cape Town*

K Idensohn, BA LLB *Cape Town* LLM *Cantab* Attorney of the High Court

C Ncube, LLB *Zimbabwe* LLM *Cantab*

NR Nengome, LLB *North* LLM *PU for CHE*

H Stoop, LLB *Pretoria* LLM *Stell*

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

J Yeats, BA LLB LLM *Stell* Attorney of the High Court

**Administrative Officer:**

C Elissac, BAdmin(Hons) *Western Cape* (LLB PGDip/LLM courses)

**Administrative Assistant:**

B Pillay (Commerce/Law service courses)

## Institute of Development and Labour Law

**Founding Directors:**

CR Thompson (Labour Law Unit, 1987); DP Visser (Institute of Development Law, 1992)

**Director and Professor:**

ER Kalula, LLB *Zambia* LLM *London* PhD *Warwick*

**Deputy Director:**

D Collier, BA LLB *Rhodes* LLM *Cape Town* Attorney of the High Court

## 20 DEPARTMENTS IN THE FACULTY

### **Senior Researcher:**

S Godfrey, MA *Cape Town*

### **Labour and Enterprise Project Co-ordinator:**

J Theron, BA LLB PG Dip (Employment Law and Security Law) *Cape Town* Attorney of the High Court

### **Research Associates:**

R Banda, LLB *Malawi* LLM *Indiana*

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

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

SH 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

C Fenwick, LLB *Melbourne* LLM *Virginia*

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

G Giles, BA *Stell* LLB *Johannesburg*

I Manley, BA LLB *London*

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

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

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

### **Administrator:**

F Khan

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 Conciliation & Arbitration; Employment Law; and Dispute Resolution as part of the School of Advanced Legal Studies programme.

## Shipping Law Unit

### **Head:**

JE Hare, BCom LLB LLD *Cape Town* LLM *London* Dip Navigation *City of London Polytechnic*  
Attorney and Notary Public of the High Court

### **Visiting Teacher:**

R Knutzen, LLB *Cape Town* BCL *Oxon*

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.

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## DEPARTMENT OF PRIVATE LAW

**Emeritus Professors:**

SB Burman, BA LLB *Cape Town* MA DPhil *Oxon* Advocate of the High Court  
 W de Vos, SC BA LLB *Stell* Drs Jur *Leiden* LLD *Cape Town* Advocate of the High Court

**WP Schreiner Chair and Head of Department:**

AG Fagan, BA LLB *Cape Town* MA DPhil *Oxon*

**Professors:**

CN Himonga, LLB *Zambia* LLM PhD *London*  
 DB Hutchison, BCom LLB *Cape Town* PhD *Cantab* Advocate of the High Court (Part-time)  
 J Kinderlerer, BSc(Hons) *Cape Town* PhD *Cantab*  
 H Mostert, BA LLB LLM LLD *Stell*  
 T Naudé, BA LLB LLD *Stell* Attorney of the High Court

**Associate Professors:**

\*AJ Barnard-Naudé, BCom LLB LLD *Pretoria*  
 H Scott, BA(Hons) LLB *Cape Town* BCL MPhil DPhil *Oxon*

**Visiting Professor:**

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

**Honorary Senior Lecturer:**

T Fleischer, BA JD *Santa Clara* LLM *McGill* Attorney of Alaska, Idaho and United States Supreme Courts

**Senior Lecturers:**

M Paleker, BA LLB LLM *Cape Town* Attorney of the High Court  
 A Pope, LDipLib *Stell* BA LLB *Rhodes* PG Dip Int Res Ethics *Cape Town*

**Lecturers:**

A Barratt, BA(Hons) HDLIS *Cape Town* LLB LLM *Unisa* PhD *Cape Town*  
 \*J Jonker, BBusSc LLB MPhil *Cape Town*  
 L-A Tong, BA(Hons) LLB *Cape Town* LLM *London* LLM *Turin* Attorney of the High Court

**Administrative Officer:**

M Bedin

**Senior Secretary:**

P Allen

## Intellectual Property Law and Policy Research Unit

**Founding Director:**

DP Visser, B Juris LLB LLD *Pretoria* Dr Jur *Leiden* Advocate of the High Court

**Director and Professor:**

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

## 22 DEPARTMENTS IN THE FACULTY

### **Unit Staff:**

D Milius, BSc(Hons) MA *Guelph* MSc *Sussex* PhD *Sheffield*  
T Schönwetter, LLB equivalent *Hamburg* LLM PhD *Cape Town*  
J von Braun, BA(Hons) *Sussex* MIA *Columbia* PhD *London*

### **Unit Members/Research Staff:**

A Barratt, BA(Hons) HDLIS *Cape Town* LLB LLM *Unisa* PhD *Cape Town*  
D Collier, BA LLB *Rhodes* LLM *Cape Town* Attorney of the High Court  
C Moitui, Dip *Kenya* LLB *Nairobi* LLM *Cape Town* Advocate of the High Court of Kenya  
C Ncube, LLB *Zimbabwe* LLM *Cantab*  
A Rens, BA LLB LLM *Witwatersrand* Attorney of the High Court  
L-A Tong, BA(Hons) LLB *Cape Town* LLM *London* LLM *Turin*

The Intellectual Property Law and Policy Research Unit (IP Research Unit) was set up in 2007 as a centre for policy research and teaching in intellectual property law in the Department of Private 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 engage in research and teaching primarily in the area of new and emerging technologies in the fields of biotechnology, information science and technology, medical science and agriculture. As such, the Unit specialises in areas of intellectual property which include patent law, copyright law and access and benefit sharing issues. The debate on intellectual property law and global issues increasingly necessitates policy research and analysis which is relevant to addressing the needs of developing and emerging economies. South Africa has to play a part in defining the manner in which these new challenges are met.

## UCT Law Clinic

### **Director:**

BA Bird, BA STD LLB *Cape Town* Attorney of the High Court

### **Attorneys:**

#### **General Clinic:**

S Ally, LLB *Western Cape* Attorney of the High Court  
M Smith, BA LLB *Cape Town* Attorney of the High Court

#### **Refugee Rights Project:**

F Khan (Project Director), BA HDE LLB LLM *Cape Town* Attorney of the High Court  
V Camilo, LLB *NMMU* Attorney of the High Court  
J Chapman, LLB *Cape Town* Attorney of the High Court  
Y Moodley, BA HDE LLB *Cape Town* Attorney of the High Court

### **Candidate Attorneys:**

#### **General Clinic:**

R Wynne, BSocSc LLB *Cape Town* Attorney of the High Court

#### **Refugee Rights Project:**

R Chennells, BSocSc LLB *Cape Town*  
J de Jager, BA LLB LLM *Cape Town*  
T Mwambala, BSocSc LLB *Cape Town*



**Administrative Assistant:**

P Norris, BA *Unisa*

The UCT Law Clinic operates as a fully functioning law practice run by a professional staff of experienced practising attorneys and conducting proceedings in both the magistrates' and high courts as well as before the Refugee Appeals Board.

As a litigation practice, the Law Clinic offers students their first opportunity of handling cases for clients and gaining first-hand experience of court procedures, whilst its refugee project gives students the chance of working with refugees and assisting them with their legal problems.

Senior law students may register for the Legal Practice course (RDL5030H) which gives them the opportunity of working in the Law Clinic as legal advisors under supervision of the Clinic's attorneys. Through the course the Law Clinic provides its students with outstanding practical legal training while at the same time rendering free legal assistance to impoverished communities who would not otherwise have access to professional legal services. Many students who have completed the course have said that it is the most useful course they have taken during their law studies.

In addition, the Law Clinic convenes two further courses of special interest to refugee lawyers: Refugee and Immigration Law (PBL5030F) which focuses on the basic criteria for the attainment, denial and withdrawal of refugee status and the rights and treatment of refugees, and a higher postgraduate course, Refugee and Immigration Law and Policy in South Africa (PBL6020F), which focuses primarily on refugee law and policy issues but does so within the broader context of migration.

The Law Clinic may be contacted at [uctlawclinic@uct.ac.za](mailto:uctlawclinic@uct.ac.za) or by telephoning 021- 650 3775.

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## DEPARTMENT OF PUBLIC LAW

The Department of Public Law offers degrees in both the Faculty of Law and the Faculty of Humanities. The Centre of Criminology, Institute of Marine and Environment Law, Law Race and Gender Unit, and Democratic Governance and Rights Unit are all linked to the Department of Public Law.

The Department of Public Law and 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).

**Emeritus Professors:**

DJ 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*

**Head of Department:**

Associate Professor DM Chirwa, LLB *Malawi LLM Pretoria PhD Western Cape* Practitioner of the High Court of Malawi

**Professors:**

TW Bennett, BA LLB *Rhodes PhD Cape Town*

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

MH Cheadle, BA(Hons) *Natal B Proc Unisa LLB Witwatersrand* Advocate of the High Court of South Africa, Advocate of the High Court of Namibia (Part-time)

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

## 24 DEPARTMENTS IN THE FACULTY

P de Vos, BCom LLB LLM *Stell* LLM *Columbia* LLD *Western Cape*  
JN Gibson, BA MA *Oxon*  
JI Glazewski, BCom LLB MA LLD *Cape Town* LLM *London* Attorney of the High Court  
\*CM Murray, BA LLB *Stell* LLM *Michigan*  
PJ Schwickard, BA *Witwatersrand* LLB LLM *Natal* LLD *Stell* Attorney of the High Court  
CD Shearing, BSocSc(Hons) *Natal* MA PhD *Toronto*

### **Associate Professors:**

R Calland, BA(Hons) LLB *Dunelm* LLM *Cape Town* Dip World Politics *London*  
W de Vos, BA LLB LLM LLD *RAU*  
LA Feris, BA LLB *Stell* LLM *Georgetown* LLD *Stell*  
E van der Spuy, BA(Hons) MA *Stell* PhD *Cape Town*  
\*AR Paterson, BSocSc LLB LLM *Cape Town* Attorney of the High Court

### **Honorary Research Associates:**

LWH Ackermann, BA LLB *Stell* MA *Oxon* LLD (hc) *Stell* Honorary Fellow Worcester College  
Oxford Emeritus Justice, Constitutional Court of South Africa  
CP Cullinan, BA(Hons) LLB *Natal* LLM *London* Attorney of the High Court  
R Manjoo, BA LLB LLM *Natal* Advocate of the High Court

### **Senior Lecturers:**

J Berg, BSocSc(Hons) MSocSc *Cape Town*  
\*SA Nakhjavani, BCL LLB *McGill* LLM *Cantab*  
A Pillay, BA LLB *Natal* LLM *London*  
\*C Powell, BA LLB *Cape Town* LLM *Humboldt*  
D Smythe, BA LLB *Cape Town* JSM JSD *Stanford*

### **Lecturers:**

M du Plessis, BCom LLB LLM *Rhodes*  
P Gumede, LLB *Fort Hare* LLM *UKZN*  
\*K Phelps, BA BSocSc(Hons) *Cape Town* BA (Law) MA LLM *Cantab*  
\*AE Tshivhase, BJuris LLB *Venda* LLM *Pretoria* Advocate of the High Court  
M von Broembsen, BA *Stell* LLB *Cape Town* MA *Western Cape* (Part-time)

### **Administrative Officer:**

D Mwambala

### **Senior Secretary:**

R Francke

## **Centre of Criminology**

### **Professor and Director:**

CD Shearing, BSocSc(Hons) *Natal* MA PhD *Toronto*

### **Associate Professor:**

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

### **Senior Lecturer:**

J Berg, BSocSc(Hons) MSocSc *Cape Town*

### **Co-ordinator Multi-Media Electronic Resource Library (MERL):**

E Atkins, Dip SocSc BA MBibl *Cape Town* (Part-time)

**Administrative Assistant:**

V Toleni

## Democratic Governance and Rights Unit

**Associate Professor and Director:**R Calland, BA(Hons) LLB *Dunelm* LLM *Cape Town* Dip World Politics *London***Senior Researcher:**KA Bentley, BA(Hons) MA *Rhodes* PhD *Manchester***Researcher and Advocacy Manager:**A Siphondo, LLB *Western Cape* LLM *Cape Town* LLM *Columbia***Administrative Manager:**

V Karth

**Senior Secretary:**

N Jwaqu

The Mission of the Democratic Governance and Rights Unit (DGRU) is to influence policy-making and law reform in Africa through the development of fresh ideas on the most demanding and cutting-edge democratic governance obstacles to the full and effective enforcement and enjoyment of rights. It will seek to fulfil this mission by creating a safe intellectual space in which key stakeholders can think through possible solutions, with a range of inter-disciplinary projects that support the process and inform the debate so as to promote public accountability and the rule of law. The Unit has entered a period of growth, in which a set of new projects will unfold, encompassing:

- (i) Constitutionalism and the rule of law in Africa (as the secretariat to the African Network of Constitutional Lawyers); in ‘design’ (the exploration of new rights, such as the ‘right to public participation’); in implementation and enforcement (giving effect to the right of access to information); in promoting judicial ethics; and in South Africa (building and defending the Constitution);
- (ii) Public law and non-state actors – with special, initial emphasis on the 2010 FIFA World Cup, and transnational actors, such as international financial institutions;
- (iii) The rights and governance dimension to sustainable development – the intersection between governance and key socio-economic rights, such as the right to quality, basic education, and public law and new technology - bio-genetics/food security; power/energy security; new medicine and health care; mass transit and a ‘right’ to mobility; urban planning and architecture and safe, sustainable cities.

## Institute of Marine and Environmental Law

**Emeritus Professor:**DJ Devine, BA LLB *NUI* LLB *Unisa* LLD *Cape Town* Solicitor of the Supreme Court in Ireland  
Advocate of the High Court of Kenya**Professor and Director of the Institute:**JN Gibson, BA MA *Oxon***Professor:**JI Glazewski, BCom LLB MA LLD *Cape Town* LLM *London* Attorney of the High Court**Associate Professors:**

## 26 DEPARTMENTS IN THE FACULTY

LA Feris, BA LLB *Stell* LLM *Georgetown* LLD *Stell*

\*AR Paterson, BSocSc LLB LLM *Cape Town* Attorney of the High Court

### **Honorary Research Associate:**

CP Cullinan, BA(Hons) LLB *Natal* LLM *London* Attorney of the High Court

### **Lecturer:**

P Gumede, LLB *Fort Hare* LLM *UKZN*

### **Research Assistant:**

CO Moitui, Dip *Kenya* LLB *Nairobi* LLM *Cape Town* Advocate of the High Court of Kenya

The Institute of Marine and Environmental Law monitors developments in the Law of the Sea and Environmental Law both at 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 the Law of the Sea and Environmental Law; providing courses and research supervision for postgraduate students in aspects of the Law of the Sea and Environmental Law; and providing such incidental lectures on these subjects as may be required by the University or outside interests.

## Law, Race and Gender Research Unit

### **Director:**

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

### **Senior Researchers:**

A Claasens, BA *Cape Town* BA(Hons) *Witwatersrand*

S Mnisi, BA *Cape Town* MST PhD *Oxon*

### **Research Assistant:**

C Mhongo, BA(Hons) *Stanford*

### **Senior Administrator:**

S Wright

The Law, Race and Gender Research Unit (LRG) is a research and training unit based at the Faculty of Law. Its work focuses on issues of social context and diversity in the administration of justice, and in particular in the magistrates' courts. In both its training and research LRG addresses problems of bias in judicial decision making and attempts to provide an understanding of the complexity of dispensing justice in a diverse society undergoing transformation. LRG works closely with a variety of organisations and individuals involved in the administration of justice including Justice College (the official judicial training institute) and the Judicial Officers Association of South Africa.

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## OTHER UNITS AND FACILITIES

### School for Legal Practice

**Director:**

GY Kemp, BA LLB *Cape Town* Attorney of the High Court

**Training Co-ordinator:**

M Boltman

**Receptionist:**

D Arendse

The School for Legal Practice, established in 1993, is a joint project of the Law Society of South Africa and the Law Faculties of the Universities of Cape Town, Western Cape and Stellenbosch. The object of the School is to provide law graduates with applied skills in legal practice, thereby also improving access to the legal profession.

Two intensive full-time programmes are offered each year, the first commences in mid-January and runs to the middle of June, and the second from late June to end November. A Night School is also offered which runs from late January to the end of November.

Candidates at the School register as UCT students for the semester course DOL6000F/S Legal Practice, and may elect either to follow that course alone, or to apply for admission to LLM studies which will entail the completion of an additional three courses and a 25 000 word dissertation.

Attendance at the School may be credited towards the period required for the successful completion of articles of clerkship for the purposes of admission as an attorney.

The School is situated on the Hiddingh Campus. Further details on the School for Legal Practice may be obtained from either the Faculty Office or from the Director of the School for Legal Practice, University of Cape Town, Private Bag X3, Rondebosch, 7701. Telephone (021) 480 7181.

### Brand Van Zyl Law Library

**Law Librarian:**

Vacant

**Deputy Law Librarian:**

P Snyman, Lib Cert *Cape Town* BBibl LLB LLM *Unisa*

**Reference Librarians:**

LB Booï, BSocSc PGDLIS *Cape Town*

D Brey, BSocSc HDLIS BBibl(Hons) *Cape Town*

**Short Loan Library Assistant:**

X Njobe, BA *Witwatersrand* PGDipMM *Rhodes*

**Library Assistant:**

Z Jaffer

## 28 OTHER UNITS AND FACILITIES

### **Departmental Assistant:**

J Ismail

The Brand Van Zyl Law Library is located on the second level of the Wilfred and Jules Kramer Law School Building, University of Cape Town. It holds substantial collections of South African, foreign, international and comparative legal materials, including monographs, law reports, statutes and journals.

The Library offers a substantial range of electronic resources, including indexes and full-text databases of case law, statutes and journal articles. Law students may access these databases from seventy computers in the Library, and may use these facilities to type and print out their assignments.

The Law Library also houses the Brand Van Zyl Collection which was presented to the University Library by the Rt Hon G Brand Van Zyl in 1949, and comprises legal works collected by the Van Zyl family over a period of 70 years. Additions to the collection are made by virtue of a bequest received for this purpose from the estate of the late Mrs MEC Van Zyl. This valuable collection now consists of more than 5000 volumes on Roman-Dutch law, most of which were published in the seventeenth and eighteenth centuries. These books may be consulted in the Van Zyl Seminar Room, with the permission of the Law Librarian. Hours of opening may be obtained from the Law Librarian, or from the website: <http://www.lib.uct.ac.za/law>.

## **Computer Laboratory**

The Law Faculty believes that all its graduates should be computer literate and should know how to use the Internet and electronic legal resources for research and communication. Every student registered in the Faculty has an account on the Law fileserver and has the use of the computers in the Law Faculty email bar and in the Brand Van Zyl Law Library. Among the facilities available to students are word-processing, electronic mail and access to a range of South African and international electronic legal databases.

Students in the Faculty are offered training in general computer and word processing skills and in use of a wide range of electronic legal resources. 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 World Wide Web homepage 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. 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 <http://www.law.uct.ac.za>

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## 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, eg 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	1st semester course
S	2nd semester course
H	half course taught over whole year
W	full course, year long
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>PBL3000F</b>	Interpretation of Statutes
PBL	designates a Public Law course
3	designates a third year course
000	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

## COURSES AND CURRICULA

### Dean of Law

DOL3000X	Moot Competition
DOL3001X	Community Service
DOL4000H	Integrative Assessment Project
DOL6000F/S/Z	Legal Practice

### Department of Commercial Law

CML1001F	Business Law I
CML1004S	Business Law I
CML2001F	Company Law
CML2005F	Labour Law UG
CML2010S	Business Law II
CML3001W	Corporation Law
CML4006W	Commercial Transactions Law

#### *Research components*

CML5401H	Independent Research Option
CML5402H	RFG: Law Development, Labour and Social Policy
CML5425H	RFG: Commercial Law
CML5426H	RFG: Social Security ( <i>Not on offer in 2010</i> )
CML5428H	RFG: Global Economic Law ( <i>Not on offer in 2010</i> )
CML5429H	RFG: Law and Regional Integration in Africa

#### *Optional courses: Final Level LLB*

CML5009H	Revenue Law
CML5012F	Insurance Law ( <i>Not on offer in 2010</i> )
CML5013H	Labour Law
CML5016S	Trusts and Estate Planning
CML5022S	Electronic Law (Examination)
CML5023S	Competition Law
CML5028F	Global Economic Law (Examination) ( <i>Not on offer in 2010</i> )
CML5030F	Conflict Resolution (was PBL5811F)
CML5421H	Moot Caput
CML5422H	Electronic Law (Paper)
CML5428H	Global Economic Law (Paper) ( <i>Not on offer in 2010</i> )
ACC1014S	Understanding Financial Statements

#### *Higher postgraduate courses*

CML6001F	Advanced Company Law: Securities
CML6013S	Collective Labour Law
CML6016F	International and Comparative Labour Law
CML6019F	Law of International Trade
CML6022S	Pensions and Social Security Law
CML6024F	Admiralty Jurisdiction and Practice ( <i>Not on offer in 2010</i> )
CML6025F	Maritime Law
CML6026S	Carriage of Goods by Sea
CML6031S	Conciliation and Arbitration
CML6040S	International Economic Law
CML6041S	Commercial Arbitration
CML6051F	Individual Employment Law
CML6054S	Competition Law
CML6055S	Advanced Company Law: Corporate Governance



CML6056F	Telecommunications Law
CML6057S	Electronic Intellectual Property Law
CML6058S	Electronic Transactions Law
CML6059F	Issues in Information Communication Technology Law ( <i>Not on offer in 2010</i> )
CML6061W	Tax Law
CML6063W	Advanced Tax Law
CML6064F	Law and Regional Integration in Africa: Comparative Perspective
CML6070F	Advanced Insurance Law
CML6071F	Negotiation

<i>Thesis, dissertation and research paper codes</i>		<i>NQF credits</i>
CML6000W	Masters in Commercial Law	240
CML6006W	Masters in Commercial Law Dissertation Part	120
CML6007W	Postgraduate Diploma in Law (Labour Law) Research Paper	60
CML6011W	Masters in Tax Law Dissertation Part	120
CML6013W	Masters in International Law Dissertation Part	120
CML6014W	Masters in Labour Law Dissertation Part	120
CML6015W	Postgraduate Diploma in Law (Tax Law) Research Paper	60
CML6016W	Masters in Shipping Law Dissertation Part	120
CML6017W	Postgraduate Diploma in Law (Shipping Law) Research Paper	60
CML6019W	Postgraduate Diploma in Law (International Law) Research Paper	60
CML6020W	Postgraduate Diploma in Law (Commercial Law) Research Paper	60
CML6023W	Postgraduate Diploma in Law (Employment Law) Research Paper	60
CML6029W	Postgraduate Diploma in Law (Electronic Law) Research Paper	60
CML6030W	Masters in Electronic Law Dissertation Part	120
CML6033W	Postgraduate Diploma in Law (Arbitration and Conciliation) Research Paper	60
CML7000W	PhD in Commercial Law	360
CML7001W	LLD in Commercial Law (Thesis)	360
CML7002W	LLD in Commercial Law (Published Work)	360

## Department of Private Law

RDL1002H	Law of Persons and Marriage
RDL1003W	Foundations of South African Law
RDL1004H	Comparative Legal History
RDL1005H	Law of Persons and Marriage (ADP)
RDL1006W	Foundations of South African Law (ADP)
RDL1007H	Comparative Legal History (ADP)
RDL2002H	Law of Property
RDL3001H	Law of Succession
RDL3003H	Law of Delict
RDL3005W	Law of Contract
RDL3008H	Civil Procedure
RDL4005H	African Customary Law
RDL4006H	Jurisprudence

### *Research components*

RDL5406H	Independent Research Option
RDL5423H	RFG: Private Law
RDL5433H	RFG: Intellectual Property Law

### *Optional courses: Final Level LLB*

RDL5000F	Conflict of Laws
RDL5026H	Unjustified Enrichment and Cession
RDL5030H	Legal Practice

## 32 COURSES AND CURRICULA

RDL5031S	Current Issues in Private Law ( <i>Not on offer in 2010</i> )
RDL5032H	Intellectual Property Law
RDL5034Z	Introduction to American Law
RDL5035S	Dignity, Equality and Freedom - Fundamental Rights and Fundamental Values ( <i>Not on offer in 2010</i> )
RDL5036F	Selected Studies in Roman Law
RDL5071F	HIV/Aids, Bioethics and the Law ( <i>Not on offer in 2010</i> )
RDL5418H	Moot Caput

### *Exchange programme courses*

RDL1003F	Foundations of South African Law (Part A)
RDL1003S	Foundations of South African Law (Part B)
RDL5032S	Intellectual Property Law (Part B) ( <i>Not on offer in 2010</i> )

### *Higher postgraduate courses*

RDL6009S	Comparative Private Law
RDL6013S	Developmental Issues in Intellectual Property Law
RDL6014F	Advanced Intellectual Property Law
RDL6015F	Biotechnology and Intellectual Property Law
RDL6016S	Legal Pluralism: with Special Reference to Africa ( <i>Not on offer in 2010</i> )
RDL6017F	Comparative Land Law ( <i>Not on offer in 2010</i> )
RDL6020S	Advanced Contract Law

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

	<i>NQF credits</i>
RDL6006W	Masters in Private Law 240
RDL6007W	Masters in Private Law Dissertation Part 120
RDL6010W	Postgraduate Diploma in Law (Private Law) Research Paper 60
RDL6012W	Masters in International Private Law Dissertation Part 120
RDL6021W	Postgraduate Diploma in Law (Intellectual Property Law) Research Paper 60
RDL6022W	Masters in Intellectual Property Law Dissertation Part 120
RDL7003W	PhD in Private Law 360
RDL7004W	LLD in Private Law (Thesis) 360
RDL7005W	LLD in Private Law (Publication) 360

## Department of Public Law

PBL2000W	Constitutional Law
PBL2001H	International Law
PBL2002W	Constitutional Law (ADP)
PBL3000F	Interpretation of Statutes
PBL3801W	Criminal Law (was CRJ3001W)
PBL3802H	Criminal Procedure (was CRJ3002H)
PBL4001W	Administrative Law
PBL4801H	Evidence (was CRJ4001H)

### *Research components*

PBL5401H	Independent Research Paper
PBL5406H	Independent Research Paper (was CRJ5006X)
PBL5416H	RFG: Punishment and the Constitution (was CRJ5016X)
PBL5421H	RFG: International Criminal Law (was CRJ5021X)
PBL5439H	RFG: Public Law
PBL5440H	RFG: Women and the Legal System
PBL5444H	RFG: Environmental Law ( <i>Not on offer in 2010</i> )

*Optional courses: Final Level LLB*

LAB5000S	Medicina Forensis
PBL5014F	Environmental Law (Examination)
PBL5028F	European Union Law
PBL5030F	Refugee and Immigration Law
PBL5034S	Constitutional Litigation
PBL5042F	Current Issues in Constitutional Law
PBL5043S	International Human Rights Law and the Constitution
PBL5414H	Environmental Law (Paper) ( <i>Not on offer in 2010</i> )
PBL5418H	Moot Caput (was CRJ5018X)
PBL5432H	Moot Caput
PBL5822F	Criminology: Selected Issues (was CRJ5022F)

*Exchange programme courses*

PBL2001F	Constitutional Law (Part A)
PBL2001F	International Law (Part A)
PBL3801F	Criminal Law (Part A) (was CRJ3001F)
PBL4001F	Administrative Law (Part A)

*Humanities Honours in Criminology (for Humanities Honours students only)*

PBL4804F	Crime and Criminology (was CRJ4004F)
PBL4806H	Research Paper (was CRJ4006X)
PBL4807W	Criminal Process (was CRJ4007W)
PBL4809S	Crime and Social Control in Africa (was CRJ4009S)

*Higher postgraduate courses*

PBL6002F	International Law of the Sea
PBL6008S	Marine Resources Law
PBL6015F	Principles of Public International Law
PBL6018S	International Law on Disputes and the Use of Force
PBL6019F	International Environmental Law
PBL6020F	Refugee and Immigration Law and Policy in South Africa
PBL6022S	Legal Writing
PBL6023S	Governing under the Constitution: Law and Practice
PBL6028F	International Rights of the Child
PBL6030S	Marine Pollution Law
PBL6031S	International Protection of Human Rights
PBL6033S	Litigating the Bill of Rights
PBL6034F	Human Rights Law
PBL6035F	Administrative Justice (was PBL6010S Advanced Administrative Law)
PBL6036S	Environmental Law for Non-Lawyers
PBL6037S	Biosafety Law
PBL6038S	Law, Science and Ethics
PBL6039F	Medicine, Law and Governance
PBL6040F	Principles of Environmental Law
PBL6041F	Land Use Planning Law ( <i>Not on offer in 2010</i> )
PBL6042S	Natural Resources Law
PBL6043S	Pollution Law
PBL6047F	Social Justice, Law and Poverty (was CML6065F)
PBL6048S	Social Justice in Practice (was CML6066S)
PBL6807F	International Criminal Law (was CRJ6007F)
PBL6815F	Punishment and Human Rights (was CRJ6015S)

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PBL6816S	Advanced Criminal Procedure and Evidence (was CRJ6016S)
PBL6819S	Prisoners' Rights and Comparative Prison Systems (was CRJ6019S) ( <i>Not on offer in 2010</i> )
PBL6820F	Theories of Crime and Social Order (was CRJ6020F)
PBL6822S	Victims and Victimology (was CRJ6022S)
PBL6844F	Police and Policing: Explorations in Security Governance (was CRJ6021F Trends in the Governance of Security)

<i>Thesis, dissertation and research paper codes</i>		<i>NQF credits</i>
PBL6000W	Masters in Public Law	240
PBL6001W	Masters in Public Law Dissertation Part	120
PBL6002W	Masters in Constitutional and Administrative Law Dissertation Part	120
PBL6003W	Masters in Marine Law Dissertation Part	120
PBL6005W	Postgraduate Diploma in Law (Human Rights Law) Research Paper	60
PBL6007W	Postgraduate Diploma in Law (Marine Law) Research Paper	60
PBL6011W	Postgraduate Diploma in Law (Public Law) Research Paper	60
PBL6024W	Masters in Marine and Environmental Law Dissertation Part	120
PBL6025W	Masters in Constitutional Law Dissertation Part	120
PBL6026W	Masters in Human Rights Law Dissertation Part	120
PBL6027W	Masters in International Public Law Dissertation Part	120
PBL6032W	Postgraduate Diploma in Law (Environmental Law) Research Paper	60
PBL6045W	Postgraduate Diploma in Law (Biotechnology, Ethics and Law) Research Paper	60
PBL6046W	Masters in Biotechnology, Ethics and Law Dissertation Part	120
PBL6800W	Masters in Criminology	240
PBL6802W	Masters in Criminal Justice Dissertation Part	120
PBL6804W	Postgraduate Diploma in Law (Criminal Justice) Research Paper	60
PBL6809W	Masters in Criminal Justice	240
PBL6817W	Masters in International Criminal Justice Dissertation Part	120
PBL7000W	PhD in Public Law	360
PBL7001W	LLD in Public Law (Thesis)	360
PBL7002W	LLD in Public Law (Published Work)	360
PBL7800W	PhD in Criminology	360
PBL7803W	PhD in Criminal Justice	360

## 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.*

### Postgraduate LLB Main Stream

Preliminary Level	Intermediate Level	Final Level
Foundations of SA Law: RDL1003W	Law of Contract: RDL3005W	Administrative Law: PBL4001W
Law of Persons and Marriage: RDL1002H	Law of Succession: RDL3001H	African Customary Law: RDL4005H
Comparative Legal History: RDL1004H	Law of Delict: RDL3003H	Commercial Transactions Law: CML4006W
Constitutional Law: PBL2000W	Criminal Law: PBL3801W	Evidence: PBL4801H
International Law: PBL2001H	Criminal Procedure: PBL3802H	Jurisprudence: RDL4006H
Law of Property: RDL2002H	Civil Procedure: RDL3008H	Research Component
Law That Counts: MAM1013F/S	Corporation Law: CML3001W	Options (22.5 credits)
	Interpretation of Statutes: PBL3000F	Integrative Assessment Project: DOL4000H
	Community Service DOL3001X	

### Postgraduate LLB Extended Stream / Academic Development Programme (ADP)

Preliminary Level A	Preliminary Level B	Intermediate Level	Final Level
Foundations of South African Law (ADP): RDL1006W	Criminal Law: PBL3801W	Civil Procedure: RDL3008H	Administrative Law: PBL4001W
Law of Persons and Marriage (ADP): RDL1005H	Criminal Procedure: PBL3802H	Law of Contract: RDL3005W	African Customary Law: RDL4005H
Comparative Legal History (ADP): RDL1007H	International Law: PBL2001H	Corporation Law: CML3001W	Commercial Transactions Law: CML4006W
Constitutional Law (ADP): PBL2002W	Law of Property: RDL2002H	Law of Delict: RDL3003H	Evidence: PBL4801H
Law That Counts: MAM1013F	Interpretation of Statutes: PBL3000F	Options (13.5 credits)	Jurisprudence: RDL4006H
	Law of Succession: RDL3001H	Community Service DOL3001X	Options (9 credits)
			Research Component
			Integrative Assessment Project: DOL4000H

**Combined Undergraduate / Postgraduate LLB Main Stream**

<b>Preliminary completed in BA, BCom, etc.</b>	<b>Intermediate Level</b>	<b>Final Level</b>
Foundations of SA Law: RDL1003W	Law of Contract: RDL3005W	Administrative Law: PBL4001W
Law of Persons and Marriage: RDL1002H	Law of Succession: RDL3001H	African Customary Law: RDL4005H
Comparative Legal History: RDL1004H	Law of Delict: RDL3003H	Commercial Transactions Law: CML4006W
Constitutional Law: PBL2000W	Criminal Law: PBL3801W	Evidence: PBL4801H
International Law: PBL2001H	Criminal Procedure: PBL3802H	Jurisprudence: RDL4006H
Law of Property: RDL2002H	Civil Procedure: RDL3008H	Research Component
	Corporation Law: CML3001W	Options (22.5 credits)
	Interpretation of Statutes: PBL3000F	Integrative Assessment Project: DOL4000H
	Community Service DOL3001X	

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

**Combined Undergraduate / Postgraduate LLB Extended Stream**

<b>Preliminary completed in BA, BCom, etc.</b>	<b>Intermediate Level A</b>	<b>Intermediate Level B</b>	<b>Final Level</b>
Foundations of SA Law: RDL1003W	Law of Contract: RDL3005W	Corporation Law: CML3001W	Administrative Law: PBL4001W
Law of Persons and Marriage: RDL1002H	Criminal Law: PBL3801W	Civil Procedure: RDL3008H	African Customary Law: RDL4005H
Comparative Legal History: RDL1004H	Interpretation of Statutes: PBL3000F	Criminal Procedure: PBL3802H	Evidence: PBL4801H
Constitutional Law: PBL2000W	Law of Succession: RDL3001H	Law of Delict: RDL3003	Jurisprudence: RDL4006H
International Law: PBL2001H		Options (13.5 credits)	Commercial Transactions Law: CML4006W
Law of Property: RDL2002H		Community Service DOL3001X	Options (9 credits)
			Research Component
			Integrative Assessment Project: DOL4000H

**Four Year Undergraduate LLB Main Stream**

<b>Preliminary Level A</b>	<b>Preliminary Level B</b>	<b>Intermediate Level</b>	<b>Final Level</b>
Foundations of SA Law: RDL1003W	Constitutional Law: PBL2000W	Criminal Law: PBL3801W	Administrative Law: PBL4001W
Law of Persons and Marriage: RDL1002H	International Law: PBL2001H	Criminal Procedure: PBL3802H	African Customary Law: RDL4005H
Comparative Legal History: RDL1004H	Law of Property: RDL2002H	Civil Procedure: RDL3008H	Commercial Transactions Law: CML4006W
ELL course(s) * or Word Power	2000-level Non-law option (F&S)	Corporation Law: CML3001W	Evidence: PBL4801H
Non-law Option (F&S) **	Language option (F&S)	Interpretation of Statutes: PBL3000F	Jurisprudence: RDL4006H
Law That Counts: Quantitative Literacy for Lawyers: MAM1013F/S		Law of Contract: RDL3005W	Research Component
		Law of Succession: RDL3001H	Options (22.5 credits)
		Law of Delict: RDL3003H	Integrative Assessment Project: DOL4000H
		Community Service DOL3001X	

**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.

**Undergraduate LLB Academic Development Programme (ADP)**

Year 1	Year 2	Year 3	Year 4	Year 5
Foundations of South African Law (ADP): RDL1006W	Comparative Legal History (ADP): RDL1007H	Criminal Law: PBL3801W	Corporation Law: CML3001W	Administrative Law: PBL4001W
Law of Persons & Marriage (ADP): RDL1005H	Constitutional Law (ADP): PBL2002W	Law of Property: RDL2002H	Law of Succession: RDL3001H	Commercial transactions Law: CML4006W
Word Power (Second semester)	Non-law (First and second semester) *	International Law: PBL2001H	Civil Procedure: RDL3008H	Evidence: PBL4801H
Law That Counts: MAM1013F		2000-level non-law option (1st and 2nd semester) *	Criminal Procedure: PBL3802H	Jurisprudence: RDL4006H
		Language option (1st and 2nd semester)	Law of Contract: RDL3005W	African Customary Law: RDL4005H
			Law of Delict: RDL3003H	Options (22.5 credits)
			Interpretation of Statutes: PBL3000F	Research Component
			Community Service DOL3001X	Integrative Assessment Project: DOL4000H

*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 prerequisites for the second year course should be checked with the appropriate Faculty.



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# COURSE OUTLINES

## 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** ENGLISH LITERARY STUDIES

*(NOTE: This course may also be offered in Summer/Winter Term - please consult the Centre for Open Learning.)*

NQF credits: 18

First-year, first-semester course, 3 lectures and 2 tutorials per week.

**Convener:** Dr P Anderson.

**Entrance requirements:** None.

**Course outline:**

This course aims to introduce 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 writing skills.

**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** ENGLISH LITERARY STUDIES II

NQF credits: 18

First-year, second-semester course, 3 lectures and 2 tutorials per week.

**Convener:** Dr P Anderson.

**Entrance requirements:** None.

**Course outline:**

This course aims to extend the skills of ELL1013F. However, the study of language in literary studies will have, as its special focus, issues that arise in the South African context. The study of literature will include texts from southern Africa and other parts of the world.

**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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#### **MAM1013F/S** LAW THAT COUNTS: QUANTITATIVE LITERACY FOR LAWYERS

NQF credits: 18

First year, first- or second-semester course: 3 lectures, 1 tutorial and 1 computer tutorial per week.

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**Course co-ordinator:** Ms P Lloyd.

**Course outline:**

The course is intended to provide Law students with the necessary quantitative literacy to be able to understand and express 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. Course material will use real-life and legal situations, generally with a social justice focus, to extract general concepts and principles using a problem-solving approach. Content to be covered will include percentages, ratios; interest and finance concepts; interpretation of graphs; manipulation of data; interpretation of statistics; computer skills in the form of spreadsheets. The lectures will be conducted in the form of workshop/lectures: the aim is to create a learning environment based on group-work and problem-solving.

**DP requirements:**

Achieve a class record of 40% and 75% attendance at workshop/lectures and tutorials.

**Assessment:**

Three written assessments, two assignments and assessment of computer tutorials will contribute to the class record, counting 50%. The final examination will consist of a written assessment and a computer assessment and will count 50%.

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### SLL1002F/S WORD POWER

*(NOTE: This course may also be offered in Summer/Winter Term - please consult the Centre for Open Learning.)*

NQF credits: 18

Offered in the first and second semesters, 3 lectures and 1 tutorial per week.

**Convener:** Mrs G Solomons.

**Entrance requirements:** None.

**Course outline:**

The course consists of three components:

- (1) words and ideas: focus on concepts deriving from ancient words and key words associated with them;
- (2) word-building skills;
- (3) style: focus on the use of English grammar.

**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%.

## Law courses

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### PBL2000W CONSTITUTIONAL LAW

NQF credits: 36

Preliminary Level, whole year course, three lectures per week, tutorials.

**Course co-ordinator:** Professor P de Vos.

**Prerequisites:** Undergraduate LLB students: concurrent registration with PBL2001H and RDL2002H.

Postgraduate LLB students: concurrent registration with RDL1003W, RDL1004H, RDL1002H, PBL2001H, RDL2002H.

**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.

**Assessment:**

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

**PBL2001H INTERNATIONAL LAW**

NQF credits: 18

Preliminary Level, half course, whole year, two lectures per week, tutorials.

**Course co-ordinator:** Mr SA Nakhjavani and Ms C Powell.

**Prerequisites:** Undergraduate LLB students: concurrent registration with PBL2000W and RDL2002H.

Postgraduate LLB students: concurrent registration with RDL1003W, RDL1004H, RDL1002H, PBL2000W, RDL2002H.

**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.

**Assessment:**

Tutorial work and test(s)	40%
November examination	60%

**PBL2002W CONSTITUTIONAL LAW (ADP)**

NQF credits: 36

Preliminary Level, whole year course, three lectures per week, tutorials.

**Course co-ordinator:** Associate Professor R Calland.

**Prerequisites:** Undergraduate LLB ADP students: concurrent registration with RDL1007H.

Postgraduate LLB students: concurrent registration with RDL1005W, 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.

**Assessment:**

November examination (3 hour)	60%
ADP assignments	5%

The year mark contributes the remaining 35% of the mark.

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### **RDL1002H** LAW OF PERSONS AND MARRIAGE

NQF credits: 18

Preliminary Level, half course, whole year, 60 lectures, 4 tutorials.

**Course co-ordinators:** Professor C Himonga and Dr A Barratt.

**Prerequisites:** Undergraduate LLB students: concurrent registration with RDL1004H and RDL1003W.

Postgraduate LLB students: concurrent registration with RDL1004H, RDL1003W, PBL2000W, PBL2001H, RDL2002H.

**Course outline:**

The course deals with the legal personality of human beings and the law of persons as follows:

- A The law of persons:
  - 1. The definition of entities that are considered to have legal personality
  - 2. The beginning and end of legal personality
  - 3. The legal status and capacities of different groups of persons
  - 4. The relationship of parent and child.
- B The law governing family relations in a civil marriage:
  - 1. Introduction to Family Law and the impact of the Bill of Rights
  - 2. The rules governing the contracts of engagement and marriage
  - 3. The invariable consequences of marriage
  - 4. The rules governing divorce
  - 5. Outline of the property consequences of divorce

**Assessment:**

April test	10%
June test	20%
Two essays	5% each
One two-hour examination in November	60%

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### **RDL1003W** FOUNDATIONS OF SOUTH AFRICAN LAW

NQF credits: 36

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

**Course co-ordinator:** Mr J Jonker.

**Prerequisites:** Undergraduate LLB students: concurrent registration with RDL1004H and RDL1002H.

Undergraduate LLB (ADP Programme) students: concurrent registration with RDL1002H.

Postgraduate LLB students: concurrent registration with RDL1004H, RDL1002H, PBL2000W, PBL2001H, RDL2002H.

**Course outline:**

- 1. General introduction to the study of South African Law
- 2. The sources of South African Law
- 3. Legal reasoning, with special attention to the doctrine of precedent
- 4. Classification of the law and fundamental legal concepts
- 5. Introduction to legal history in South Africa
- 6. Introduction to legal theory and critical thinking
- 7. The relationship between law, justice and responsibility

**Assessment:**

Integrated Assessment written component (1st sem)	5%
Integrated Assessment oral component (2nd sem)	5%
June test	20%
4 Tutorial assignments (2.5% each)	10%

One essay (2nd semester) 10%

November examination 50%

10% will be deducted from the year mark of a student who fails to attend every tutorial. Students are required to complete two practical exercises. 5% will be deducted from the year mark of a student who fails to produce satisfactory work for any one of the practicals.

### **RDL1004H** COMPARATIVE LEGAL HISTORY

NQF credits: 18

Preliminary Level, half course, whole year, 60 lectures, 4 tutorials.

**Course co-ordinator:** Associate Professor H Scott.

**Prerequisites:** Undergraduate LLB students: concurrent registration with RDL1003W and RDL1002H.

Postgraduate LLB students: concurrent registration with RDL1003W, RDL1002H, PBL2000W, PBL2001H, RDL2002H.

#### **Course outline:**

This course is aimed at giving students a solid background to the development of Private Law, especially in the areas of obligations and the law of property. To this end the following is taught:

- (a) The first semester begins with an overview of the development of the law since the classical period of Roman law, through the Middle Ages until today.
- (b) The bulk of the first semester is devoted to a consideration of the rules of Roman law in key areas of contract, delict, enrichment, unauthorized administration and property. The focus is on learning how a legal system fits together in a substantive way and in the process students will be familiarized with the basic building blocks of South African Private Law.
- (c) In the second semester certain themes, institutions and rules encountered in the first semester and which are particularly important in modern South African law are singled out and their development from Roman law to modern law is traced. The main focus in this part of the course is to demonstrate the temporal contingency of legal rules as well as the importance of understanding the background of a modern legal rule. As far as possible the development of the relevant legal rules are compared with those in related legal systems.

#### **Assessment:**

April test 5%

June test 35%

Essays and/or assignments 10%

One two-hour examination in November 50%

### **RDL1005H** LAW OF PERSONS AND MARRIAGE (ADP)

NQF credits: 18

Preliminary Level ADP, half course, whole year, 60 lectures, 4 tutorials, ADP tutorials.

**Course co-ordinators:** Professor C Himonga and Dr A Barratt.

**Prerequisites:** Undergraduate LLB students: concurrent registration with RDL1004H and RDL1003W.

Postgraduate LLB students: concurrent registration with RDL1004H, RDL1003W, PBL2000W, PBL2001H, RDL2002H.

#### **Course outline:**

The course deals with the legal personality of human beings and the law of persons as follows:

- A The law of persons:
  1. The definition of entities that are considered to have legal personality
  2. The beginning and end of legal personality
  3. The legal status and capacities of different groups of persons
  4. The relationship of parent and child.

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- B The law governing family relations in a civil marriage:
1. Introduction to Family Law and the impact of the Bill of Rights
  2. The rules governing the contracts of engagement and marriage
  3. The invariable consequences of marriage
  4. The rules governing divorce
  5. Outline of the property consequences of divorce

**Assessment:**

April test	5%
June test	20%
ADP assignments	5%
Two essays	5% each
One two-hour examination in November	60%

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### **RDL1006W FOUNDATIONS OF SOUTH AFRICAN LAW (ADP)**

NQF credits: 36

Preliminary Level ADP, whole year course, four lectures per week, tutorials, ADP tutorials.

**Course co-ordinator:** Mr J Jonker.

**Prerequisites:** Undergraduate LLB students: concurrent registration with RDL1004H and RDL1002H.

Undergraduate LLB (ADP Programme) students: concurrent registration with RDL1002H.

Postgraduate LLB students: concurrent registration with RDL1004H, RDL1002H, PBL2000W, PBL2001H, RDL2002H.

**Course outline:**

1. General introduction to the study of South African Law
2. The sources of South African Law
3. Legal reasoning, with special attention to the doctrine of precedent
4. Classification of the law and fundamental legal concepts
5. Introduction to legal history in South Africa
6. Introduction to legal theory and critical thinking
7. The relationship between law, justice and responsibility

**Assessment:**

Integrated Assessment written component (1st sem)	5%
Integrated Assessment oral component (2nd sem)	5%
June test	15%
4 Tutorial assignments (2.5% each)	10%
ADP assignments	5%
One essay (2nd semester)	10%
November examination	50%

10% will be deducted from the year mark of a student who fails to attend every tutorial. Students are required to complete two practical exercises. 5% will be deducted from the year mark of a student who fails to produce satisfactory work for any one of the practicals.

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### **RDL1007H COMPARATIVE LEGAL HISTORY (ADP)**

**Course co-ordinator:** Associate Professor H Scott.

**Course outline:** This course is aimed at giving students a solid background to the development of Private Law, especially in the areas of obligations and the law of property. To this end the following is taught:

1. The first semester begins with an overview of the development of the law since the classical period of Roman Law, through the Middle Ages until today
2. The bulk of the first semester is devoted to a consideration of the rules of Roman law in key

areas of contract, delict, enrichment, unauthorized administration and property. The focus is on learning how a legal system fits together in a substantive way and in the process students will be familiarized with the basic building blocks of South African Private Law

3. In the second semester certain themes, institutions and rules encountered in the first semester and which are particularly important in modern South African law are singled out and their development from Roman law to modern law is traced. The main focus in this part of the course is to demonstrate the temporal contingency of legal rules as well as the importance of understanding the background of a modern legal rule. As far as possible the development of the relevant legal rules are compared with those in related legal systems.

**Assessment:**

April test	5%
June test	30%
ADP assignments	5%
Essays and/or assignments	10%
One 2 hour examination in October/November	50%

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**RDL2002H LAW OF PROPERTY**

NQF credits: 18

Preliminary Level, half course, whole year, two lectures per week, tutorials.

**Course co-ordinator:** Professor H Mostert.

**Prerequisites:** Undergraduate LLB students: concurrent registration with PBL2000W and PBL2001H.

Postgraduate LLB students: concurrent registration with RDL1003W, RDL1004H, RDL1002H, PBL2000W, PBL2001H.

**Course outline:**

1. Introduction to the principles of South African Law of Property
2. Property rights: real rights and personal rights
3. Limited real rights and other rights in property
4. Possession
5. Ownership
6. Constitutional issues

**Assessment:**

Tests/assignments	40%
One two-hour examination in October/November	60%

## Intermediate Level LLB

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### **CML3001W CORPORATION LAW**

NQF credits: 36

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

**Course co-ordinator:** Associate Professor T Mongalo.

**Prerequisites:** 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, issues of insider trading under the Securities Services Act 36 of 2004, corporate law reform and corporate governance.

**Assessment:**

Optional Essay/Moot/Opinion	20%
June test (2 hour)	30%
November examination (3 hour)	50% (if essay/moot/opinion) 70% (if no essay/moot/opinion)

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### **DOL3000X MOOT COMPETITION**

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.

**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%.

The credit obtained will not count towards the fulfilment of the requirements of the degree, nor will the mark obtained be considered for purposes of calculating the Intermediate Level average. The mark will be taken into account, however, for purposes of calculating the overall degree average, in accordance with the normal principles governing this calculation.

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### **DOL3001X COMMUNITY SERVICE**

It is a compulsory requirement for the LLB degree that, during the course of their degree, all law students (other than first year law students on the 4 year LLB programme) voluntarily complete a total of 60 hours unremunerated community service. The service need not be legally orientated but must provide a direct service or benefit to an underprivileged/disadvantaged/vulnerable group or person or social/economic upliftment organisation. This excludes services rendered to a UCT tribunal, research or teaching institute, student organisation, or any other UCT affiliate body, unless such tribunal, research or teaching institute, student organisation or affiliate body is actively engaging in a community outreach programme and there is evidence that the student is directly participating in such community outreach programme.

Students failing to comply with this requirement will not be permitted to graduate.

The course does not attract a fee. Details of Faculty Designated Service Providers are available from the Community Service Administrator, Ms Dorothy Lucejko, Room 6.10 Kramer Law School. Tel: 021 650 5603; Fax: 021 650 5660; Email: Dorothy.Lucejko@uct.ac.za or the Community Service Vula Worksite.

Students who successfully complete RDL5030H – Legal Practice are not required to do Community Service.



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**PBL3000F INTERPRETATION OF STATUTES**

NQF credits: 18

Intermediate Level, half course, first semester. Three tutorials and 24 lectures.

**Course co-ordinator:** Mr A Hutchison.**Prerequisites:** All Preliminary Level courses to have been completed.**Course outline:**

Students will be given a detailed course outline. There is no prescribed textbook for the course, but the course outline will refer to the following books: George Devenish *Interpretation of Statutes* (1992), Lourens du Plessis *Reinterpretation of Statutes* (2002) and Christo Botha *Statutory Interpretation* 4th Edition (2005).

The course will deal with the following topics:

1. Introduction
2. Anglo-American trends in statutory interpretation
3. Theories of interpretation in South Africa
4. The impact of the Constitution
5. Types of legislation
6. Conventions of interpretation
7. Aids to construction of meaning
8. Presumptions of interpretation
9. Peremptory and directory provisions.

**DP requirements:** Students must attend and participate in two tutorials. Students who do not attend and participate must submit a discussion of the tutorial topic in writing (1 500 words).

**Assessment:**

Optional essay/Moot/Opinion	20%
Optional class test	20%
June examination (2 hours 15 minutes)	60% (if essay/moot/opinion and test) 80% (if essay/moot/opinion or test) 100% (if neither essay/moot/opinion nor test)

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**PBL3801W CRIMINAL LAW (was CRJ3001W)**

NQF credits: 36

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

**Course co-ordinator:** Professor J Burchell.**Prerequisites:** 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 punishment, the principle of legality and the operation of the Bill of Rights on the rules of criminal law. A brief overview of the general principles places each of the elements of criminal liability in context and demonstrates its role in deciding criminal liability.

**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) and

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- (v) fault in the forms of intention and negligence.
- (vi) common purpose, accomplice and accessory-after the-fact liability
- (vii) attempt, incitement and conspiracy

**DP requirements:** 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.

**Assessment:**

Optional Essay/Moot/Opinion	20%
June test	20%
Assignment	10%
November examination (2 hour)	50% (if essay/moot/opinion) 70% (if no essay/moot/opinion)

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### **PBL3802H CRIMINAL PROCEDURE (was CRJ3002H)**

NQF credits: 18

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

**Course co-ordinator:** Associate Professor W de Vos.

**Prerequisites:** All Preliminary Level courses to have been completed.

**Course outline:**

The general principles of criminal procedure both in Magistrates' Courts and in the High Court. Particular attention will be paid to the impact of constitutional rights on criminal procedure. The course deals with the following topics: criminal procedure models and systems, assessors and criminal justice, the prosecuting authority; arrests; bail searches and seizure and other trial related procedures.

**Assessment:**

Optional Essay/Moot/Opinion	20%
June test	15%
Assignment	10%
November examination (2 hour)	55% (if essay/moot/opinion) 75% (if no essay/moot/opinion)

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### **RDL3001H LAW OF SUCCESSION**

NQF credits: 18

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

**Course co-ordinators:** Mr M Paleker and Ms L-A Tong.

**Prerequisites:** All Preliminary Level courses to have been completed.

**Course outline:**

- A. General Introduction: Broad overview of the law of succession; constitutional issues; death and survivorship; the legal position of heir, legatee and executor; the deceased estate.
- B. Intestate Succession: Introduction; general rules of intestate succession; order of intestate succession under the Intestate Succession Act 81 of 1987.
- C. Testamentary Succession: Introduction; execution of wills; alterations to a will by the testator/testatrix; capacity to make, witness and benefit under a will; invalidity of wills generally; revocation and revival of wills; bequests and beneficiaries; joint wills, massing and the doctrine of election; vesting of interests under a will; specific interests created by will; interpretation of wills: the basic rules; rectification of wills; variation of wills by the court; powers of appointment.

**Assessment:**

Optional Essay/Moot/Opinion	20%
June test	20%
November examination (2 hour)	60% (if essay/moot/opinion) 80% (if no essay/moot/opinion)

**RDL3003H LAW OF DELICT**

NQF credits: 18

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

**Course co-ordinators:** Professor AG Fagan and Associate Professor H Scott.**Prerequisites:** 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.**Assessment:**

Optional Moot/Essay/Opinion	20%
June test	30%
November examination (2 hour)	50% (if essay/moot/opinion) 70% (if no essay/moot/opinion)

**RDL3005W LAW OF CONTRACT**

NQF credits: 36

Intermediate Level, whole course, whole year. Four tutorials and 96 lectures.

**Course co-ordinators:** Professors DB Hutchison and T Naudé.**Prerequisites:** All Preliminary Level courses to have been completed.**Course outline:**

1. Introduction to the law of obligations
2. General principles of the law of contract:
  - Nature and basis of contractual liability
  - Formation of contracts
  - Mistake
  - Voidable Contracts
  - Requirements for validity
  - Contents and operation of contracts
  - Parties to a contract
  - Breach of contract and remedies for breach
3. A more detailed examination of damages for breach of contract; penalty clauses and related matters
4. Extinction of obligations

**Assessment:**

Optional Essay/Moot/Opinion	20%
June test	30%
November examination (2 hour)	50% (if no essay/moot/opinion) 70% (if no essay/moot/opinion)

**RDL3008H CIVIL PROCEDURE**

NQF credits: 18

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

**Course co-ordinator:** Mr M Paleker.**Prerequisites:** All Preliminary Level courses to have been completed.

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### **Course outline:**

Jurisdiction of the Courts; Locus Standi; Parties to Proceedings; Service of process; Applications; Actions; Provisional Sentence; Matrimonial Proceedings in the Family Courts; Legal Drafting.

The course covers the civil procedure of both the High Court and the Magistrates' Court.

### **Assessment:**

Assignments	15%
June test	20%
November examination (2 hour)	65%

## Final Level LLB

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### **CML4006W COMMERCIAL TRANSACTIONS LAW**

NQF credits: 36

Final Level, whole year course, six small group teaching sessions and 72 lectures. Refer to the Final Level Year Plan distributed at registration for details regarding the small group teaching dates.

**Course co-ordinator:** Mr A Hutchison.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

### **Course outline:**

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

### **Assessment:**

One compulsory class test in June (1 hour)	20%
One optional oral presentation	10%
One optional written assignment	20%
One November examination (3 hour)	50% or 60% or 70% or 80%

### **General Notes:**

- 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 co-ordinator. 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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### **PBL4001W ADMINISTRATIVE LAW**

NQF credits: 36

Final Level, whole year course, six tutorials and 72 lectures.

**Course co-ordinator:** Professor H Corder.

**Prerequisites:** 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.

**Assessment:**

Assessment during the year counts	40%
One November examination (3 hour)	60%

**PBL4801H EVIDENCE (was CRJ4001H)**

NQF credits: 18

Final Level, whole year course, three tutorials and 36 lectures.

**Course co-ordinator:** Associate Professor W de Vos.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

History and sources of the law of evidence; conducting the trial; types of evidence - documentary and real; relevance, admissibility and the exclusionary rules - including character evidence, opinion evidence, similar fact evidence, previous consistent statements, hearsay, admissions and confessions and privilege; witnesses - competence and compellability, the cautionary rules and corroboration; proof - including standard of proof, burden of proof, presumptions and matters not requiring proof.

**Assessment:**

Coursework	40%
November examination (2 hour)	60%

**RDL4005H AFRICAN CUSTOMARY LAW**

NQF credits: 18

Final Level, half course, whole year, three tutorials and 36 lectures.

**Course co-ordinator:** Professor C Himonga.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

1. The nature and definition of Customary Law and its development in African colonial contexts
2. The place of African Customary Law in the South African legal system (recognition, application and proof of Customary Law and the Bill of Rights)
3. Courts and dispute settlement
4. Customary Family Law in historical perspective
5. The Recognition of Customary Marriages Act
6. Law reform: succession and other aspects of customary law.

**Assessment:**

One essay	10%
June test (1 hour)	30%
November examination (2 hour)	60%

**RDL4006H JURISPRUDENCE**

NQF credits: 18

Final Level, half course, whole year, 36 lectures and three tutorials.

**Course co-ordinator:** Professor AG Fagan.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course deals with central issues in analytical, normative, and critical jurisprudence.

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### Assessment:

June test	20%
One essay	20%
November examination (2 hour)	60%

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### **DOL4000H** INTEGRATIVE ASSESSMENT PROJECT

NQF credits: 9

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

**Course co-ordinator:** Ms J Yeats.

**Prerequisites:** 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.

## Optional courses: Final Level

### DEPARTMENT OF COMMERCIAL LAW

#### 9 CREDIT OPTIONAL COURSES

ACC1014S	Understanding Financial Statements
CML5009H	Revenue Law
CML5013H	Labour Law LLB

#### 4.5 CREDIT OPTIONAL COURSES

CML5012F	Insurance Law ( <i>Not on offer in 2010</i> )
CML5016S	Trusts & Estate Planning
CML5022S	Electronic Law (Examination)
CML5023S	Competition Law
CML5028F	Global Economic Law (Examination) ( <i>Not on offer in 2010</i> )
CML5030F	Conflict Resolution (was PBL5811F)
CML5421H	Moot
CML5422H	Electronic Law (Paper)

CML5428H Global Economic Law (Paper) (*Not on offer in 2010*)

## DEPARTMENT OF PRIVATE LAW

### 9 CREDIT OPTIONAL COURSES

RDL5000F Conflict of Laws  
 RDL5026H Unjustified Enrichment and Cession  
 RDL5030H Legal Practice (previously Legal Aid and Legal Practice)  
 RDL5032H Intellectual Property Law

### 4.5 CREDIT OPTIONAL COURSES

RDL5031S Current Issues in Private Law (*Not on offer in 2010*)  
 RDL5034Z Introduction to American Law  
 RDL5035S Dignity, Equality and Freedom – Fundamental Rights and Fundamental Values (*Not on offer in 2010*)  
 RDL5036F Selected Studies in Roman Law  
 RDL5071F HIV/AIDS, Bioethics and the Law (*Not on offer in 2010*)  
 RDL5418H Moot

## DEPARTMENT OF PUBLIC LAW

### 4.5 CREDIT OPTIONAL COURSES

LAB5000S Medicina Forensis  
 PBL5014F Environmental Law (Examination)  
 PBL5028F European Union Law  
 PBL5030F Refugee & Immigration Law  
 PBL5034S Constitutional Litigation  
 PBL5042F Current Issues in Constitutional Law  
 PBL5043S International Human Rights Law and the Constitution  
 PBL5414H Environmental Law (Paper) (*Not on offer in 2010*)  
 PBL5418H Moot (was CRJ5018H)  
 PBL5432H Moot  
 PBL5822F Criminology: Selected Issues (was CRJ5022F)

## Course outlines:

### 9 CREDIT OPTIONAL COURSES

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#### ACC1014S UNDERSTANDING FINANCIAL STATEMENTS

NQF credits: 9

*(Subject to sufficient demand. Status of course to be confirmed by contacting the course convener)*

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

**Course co-ordinator:** Associate Professor M Graham.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed. *Students who have completed any course in Accounting (eg. Accounting I, Introduction to Management Accounting, Accounting for Lawyers) are not permitted to register for this course.*

**Course outline:**

**Selected topics from:** The objective of this course is to provide students with an ability to read, understand and interpret financial statements. Topics include: *basic accounting, the income*

## 54 LLB COURSE OUTLINES

*statement, the balance sheet, the cash flow statement and financial analysis.*

**DP requirements:** A minimum of 75% attendance at tutorials and 40% for the test.

**Assessment:**

Tests	40%
Examination (2 hour)	60%

The supplementary examination for students who fail to pass in the final examination may be written in January.

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### **CML5009H REVENUE LAW**

NQF credits: 9

Final Level, half course, whole year, three lectures per week.

**Course co-ordinator:** Professor R Jooste.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

1. Principles of South African Normal Tax:
  - determination of taxable income
  - capital gains
  - individuals, trusts, estates, companies, close corporations and partnerships
  - tax avoidance and evasion
  - collection of tax – employees' tax and provisional tax
  - objections, appeals, re-opening of assessments
2. Value Added Tax
3. An overview of Donations Tax and Estate Duty

**Assessment:**

One written examination in June (1½ hour)	50%
One written examination in November (1½ hour)	50%

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### **CML5013H LABOUR LAW LLB**

NQF credits: 9

Final Level, half course, whole year, two lectures per week.

**Course co-ordinator:** Associate Professor R le Roux.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The purpose and function of labour law; an examination of basic conditions of employment; unfair dismissal; the framework of industrial legislation; the institutions of collective bargaining and participative decision-making; statutory and non-statutory dispute resolution; discrimination and equity in employment. In addition to the final examination, students will be required to submit one assignment.

**DP requirements:** Completion of all work required of the class. Two compulsory tutorials will be held.

**Assessment:**

Students must complete and submit an assignment and one compulsory test	20% each
Final examination in November	60%

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### **RDL5000F CONFLICT OF LAWS**

NQF credits: 9

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

**Course co-ordinator:** Professor TW Bennett.



**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

Principles governing application of foreign law; characterisation of cause of action; domicile; choice of law rules for: marriage and divorce, status, contract, delict, property, succession and procedure; exclusion of foreign law, renvoi; recognition and enforcement of foreign judgements.

**Assessment:**

One three-hour written examination in June	100%
An optional written assignment may count	30%

**RDL5026H UNJUSTIFIED ENRICHMENT AND CESSION**

NQF credits: 9

Final Level, half course, whole year, two lectures per week.

**Course co-ordinators:** Professor DB Hutchison and Associate Professor H Scott.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This is an advanced course on unjustified enrichment and cession.

**Assessment:**

June test (2 hour)	50%
November examination (2 hour)	50%

**RDL5030H LEGAL PRACTICE**

NQF credits: 9

Final Level, half course, whole year, two lectures per week.

**Course co-ordinator:** Ms BA Bird.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed; except that Intermediate Level students may register for this course if they achieve an average of 65% in the Preliminary Level law courses and the Director of the Law Clinic admits them into the course.

**Course outline:**

This course offers students their first opportunity of working with real clients and conducting actual litigation, under guidance of the attorneys at the UCT Law Clinic.

Students attend two lectures per week on practical subjects and also conduct ongoing cases on behalf of their clients. In addition, each student participates in a Mock Trial which is based on an actual Law Clinic case and is argued before an actual Magistrate.

During the course of the year students attend approximately six evening clinics where they consult with clients and take on new cases.

At the end of this course students will be able to

- Conduct a proper consultation with a client;
- Draft letters and communicate effectively with clients, attorneys and other parties;
- Draft civil pleadings in actions and applications;
- Manage a typical attorney's file;
- Examine and cross-examine witnesses and present oral argument; and
- Conduct most cases undertaken by the UCT Law Clinic.

**Assessment:**

Clinic work and oral examination	40%
Assignments, mock trial and mid-year oral	30%
Examination in October/November	30%

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**RDL5032H INTELLECTUAL PROPERTY LAW**

NQF credits: 9

Final Level, half course, whole year, two lectures per week.

**Course co-ordinator:** Ms L-A Tong.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The course aims to familiarize students with the nature of intellectual property rights in South Africa. It includes an examination of national law as well as the international treaties and conventions on intellectual property law.

1. Justifications for IP protection
2. The role of international organizations; sources and principles of intellectual property rights
3. Copyright and related rights
4. Trademarks and geographical indications
5. Unlawful competition
6. Patents and Designs
7. Issues in IP e.g. traditional knowledge, digital technology, biotechnology and pharmaceutical patents.

**Assessment:**

One written test in June (1 hour)	40%
One written examination in November (2 hour)	60%

**4.5 CREDIT OPTIONAL COURSES**

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**CML5012F INSURANCE LAW** (*Not on offer in 2010*)

NQF credits: 4.5

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

**Course co-ordinator:** Professor JE Hare.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

An introduction to the law of insurance in South Africa, concentrating on general principles, but relating those principles, where possible, to practical applications. Both short term and long term insurances are dealt with. The course covers a brief history of the origins of insurance law and practice before visiting the basic requirements for a valid insurance contract. These include the notion of an insurable interest, good faith in insurance contracts, and warranties and exceptions. Claims procedures are touched upon. Where time permits, a brief introduction is given to motor and marine insurance.

**DP requirements:** Satisfactory attendance at and participation in lectures. Test: a voluntary test will be offered in the first week of the second term.

**Assessment:**

June examination	40%
Course work	60%

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**CML5016S TRUSTS AND ESTATE PLANNING**

NQF credits: 4.5

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

**Course co-ordinator:** Professor RJ Jooste.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed. Concurrent registration with CML5009H Revenue Law is recommended.

**Course outline:**

The 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.

**Assessment:**

One written examination in November (1½ hour)            100%

**CML5022S ELECTRONIC LAW (EXAMINATION)**

NQF credits: 4.5

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

**Course co-ordinator:** Ms C Ncube.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed. Students are expected to be familiar with at least elementary computer techniques.

**Objective:** The object of the course is to equip students with an understanding of the terminology of the information and communication technology industry and an ability to apply the law to this growing industry. For example, students will be able to analyse and comment on the law of contract as it relates to electronic messages; on the right to privacy in cyberspace; and on intellectual property law applicable to digital resources.

**Course outline:**

The Electronic Law course has both a theoretical component and a practical component. The theoretical component will consider the following topics in the light of South African, international and comparative law:

1. An Introduction to Cyberspace
2. Governance (Internet and Telecommunications)
3. Security
4. Data Privacy
5. Privacy and Monitoring
6. ISPs, web design and hosting
7. Consumer Protection
8. Intellectual Property
9. Cybercrime

The practical component includes computer skills instructions with emphasis on determining what technology tools are available to lawyers, making appropriate choices of technology tools for particular purposes and learning how to use the tools.

Practical instruction consists of the following:

1. Building blocks of the digital world
2. Digital lawyering
3. Web site design

**Assessment:**

Web site project (concentrating on content)            50%  
One written examination (1½ hour)                    50%

**CML5023S COMPETITION LAW**

NQF credits: 4.5

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

**Course co-ordinator:** Judge DM Davis.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**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:** 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.

**Assessment:**

Coursework	40%
One written examination in November (2 hour)	60%

**CML5028F GLOBAL ECONOMIC LAW (EXAMINATION) (*Not on offer in 2010*)**

NQF credits: 4.5

Final Level, first semester, one seminar of one and a half hours per week.

**Course co-ordinator:** Ms K Lehmann

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Objective:** To introduce students to the meaning of, the current debates in, and the legal framework governing, economic globalisation.

**Course outline:**

Weeks One - Two: Introduction to the actors and current debates in international economic law

Weeks Three - Six: The WTO - its structure, the basic principles of the main WTO agreements, regional integration, trade in agriculture, trade in textiles, trade and the environment, TRIPS, GATS etc.

Week Seven - Eight: The World Bank's role in facilitating globalisation

Weeks Nine - Ten: The IMF

**Assessment:**

One written examination in June	100%
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**CML5030F CONFLICT RESOLUTION (was PBL5811F)**

NQF credits: 4.5

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

**Course co-ordinator:** Professor A Rycroft.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The course aims to achieve three goals:

1. To acquaint students with the different approaches to, and styles of negotiation and mediation. To achieve this, students will be expected to analyse conflicts, identify the interests of the disputing parties, design intervention strategies and separate out the issues that can be dealt with through different processes.
2. To equip students with elementary negotiation and mediation skills. Students will be expected to be mediators, disputants and negotiators during these simulated exercises.
3. The different contexts in which negotiation, conciliation, mediation and arbitration occur will be dealt with in seminars, some of which will be presented by guest experts. These contexts include labour matters, international mediation and peace-building, family disputes, community courts, arbitration tribunals (international and domestic), human rights issues, youth justice and restorative justice.

**Assessment:**

Student performance in the simulated exercises during the term will be evaluated by the facilitator/s.

Essays / tests	40%
One 1½ hour written examination in June	60%

**CML5422H ELECTRONIC LAW (PAPER)**

NQF credits: 4.5

Students attend the lectures offered in the CML5022S Electronic Law course. Instead of writing the final examination students are required to submit a research paper based on some aspect of Electronic Law. A student may not register for CML5022S and CML5422H concurrently.

**Assessment:**

Participation in lectures	20%
Research paper	80%

**LAB5000S MEDICINA FORENSIS**

NQF credits: 4.5

Final Level, half course, second semester, three lectures per week.

**Course co-ordinator:** Professor LJ Martin.

**Lecturers:** Professor LJ Martin, Drs Y van der Heyde, I Brouwer, L Liebenberg and G Kirk.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The SA legal system and statutory obligations of doctors and health care workers; introduction to human anatomy and physiology; Introduction to medico-legal concepts of life and death; The changes which take place in the body after death; The mechanisms of injury and death causation; Identity and disputed parenthood; sexual offences and violence against women; choice of termination of pregnancy; child abuse and other forensic aspects of paediatric medicine; Iatrogenic disorders; alcoholic intoxication and drunken driving, drug addiction and poisoning as cause of death; pathology of head injury; anoxic mechanisms as cause of death.

**Assessment:**

One written examination in November (1½ hour)	100%
Oral examinations of twenty minutes for pass/fail and borderline candidates will be held.	

**PBL5014F ENVIRONMENTAL LAW (EXAMINATION)**

NQF credits: 4.5

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

Numbers may be limited at the lecturer's discretion.

**Course co-ordinator:** Ms P Gumede.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The course examines the various branches of law applicable to selected environmental problems. The terrestrial and marine environments are considered from an international and national perspective. The following are covered:

1. An introduction to environmental problems
2. The nature of environmental law
3. Land-use management (environmental impact assessment, protected areas)
4. Resource conservation (water, marine living resources, biodiversity)
5. Pollution law (water, land, air)

**Assessment:**

June examination (1½ hour)	100%
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**PBL5028F EUROPEAN UNION LAW**

NQF credits: 4.5

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

**Course co-ordinator:** Emeritus Professor DJ Devine.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

1. Organisation of the European Communities and their Institutions
2. Union Law and National Law
3. The foundations of the European Union (Competition Policy and the Internal Market).

**Assessment:**

June examination (1½ hour) 100%

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**PBL5030F REFUGEE AND IMMIGRATION LAW**

NQF credits: 4.5

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

**Course co-ordinator:** Ms F Khan.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The object of the course is to assess the evolution of the international legal framework for refugee and asylum law. Students will acquire a thorough understanding of the UN Convention relating to the status of refugees (1951), as well as certain regional conventions, in particular the OAU Convention.

The work focuses primarily on the basic criteria for the attainment, denial, and withdrawal of refugee status and the rights and treatment of refugees. A review of the case-law of international, regional, and national courts will provide an understanding of how refugee law is interpreted and implemented.

In addition the course will consider on South Africa's international obligations towards refugees. The course also includes a brief history of immigration to South Africa and a study of the constitution in regard to the rights of non-citizens.

**Assessment:**

One 2 hour written examination in June 100%

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**PBL5034S CONSTITUTIONAL LITIGATION**

NQF credits: 4.5

Final Level, half course, second semester.

**Course co-ordinator:** Judge DM Davis.

**Prerequisites:** 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.

**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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**PBL5042F** CURRENT ISSUES IN CONSTITUTIONAL LAW

NQF credits: 4.5

Final Level, half course, first semester, two lectures per week (one double lecture).

**Course co-ordinator:** Professor P de Vos and Ms M du Plessis.**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.**Course outline:**

The course builds on foundations laid by Constitutional Law. It examines a range of historical and theoretical perspectives of constitutionalism and constitutional interpretation and provides jurisprudential framework for the examination of specific areas. These are chosen from time to time taking into account the issues that are most current. They usually include both the constitutional regulation of the structures of government and the entrenchment of fundamental rights. The course has a strong comparative and international perspective. The course is run on a seminar basis.

**Assessment:**

An essay submitted in the last week of teaching in the first semester	100%
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**PBL5043S** INTERNATIONAL HUMAN RIGHTS LAW AND THE CONSTITUTION

NQF credits: 4.5

Final Level, half course, second semester, two lectures per week (one double lecture).

**Course co-ordinator:** Mr A Tshivhase.**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.**Course outline:**

This course examines the relationship between International Human Rights Law and the South African Constitution. The focus is on the reception and enforcement of international human rights norms under our Constitution. We also consider the extent to which the South African Bill of Rights can and does give effect to international human rights norms, which seek to be universal. Areas covered include: the relationship between international and municipal law; the development of international human rights norms and standards; the tension between universal norms and cultural specificity; content and interpretation of the South African Bill of Rights; and the suitability of domestic Bills of Rights for receiving and implementing international human rights law.

**Assessment:**

One written examination in November (2 hour)	60%
Written assignments and class participation	40%

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**PBL5414H** ENVIRONMENTAL LAW (PAPER) (*Not on offer in 2010*)

NQF credits: 4.5

Students attend the lectures offered in PBL5014F Environmental Law but instead of writing the final examination in June, they are required to submit a research paper based on some aspect of the course, by mid-September. A student may NOT register for PBL5014F and PBL5414H concurrently.

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**PBL5822F** CRIMINOLOGY: SELECTED ISSUES

NQF credits: 4.5

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

**Course co-ordinator:** Associate Professor E van der Spuy.**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.**Course outline:**

The aims of this course are to critically engage with a select number of issues of criminological relevance to the South African society as one particular case study of a developing society in which the intractability of the problem of crime and its containment is widely recognised. For each of the substantive areas to be discussed we will organize our discussion around a number of key questions:

## 62 LLB COURSE OUTLINES

What are the key features of criminological discourse on issue 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?

If possible field visits to criminal justice institutions will be arranged.

**Assessment:**

Essays / tests	50%
June examination (2 hour)	50%

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### **RDL5031S** CURRENT ISSUES IN PRIVATE LAW (*Not on offer in 2010*)

NQF credits: 4.5

Final Level, second semester, two lectures per week.

**Course co-ordinator:** Associate Professor AJ Barnard-Naudé.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

The course deals with current issues in private law from a theoretical perspective. Topics include:

1. The public/private dichotomy in a constitutional democracy.
2. Theories of application of the South African Constitution to traditional “private” law.
3. Transformation of, and transformative issues in relation to, the following institutions of private law:
  - (a) Delict
  - (b) marriage and family
  - (c) contract.
4. The potential of private law, as infused by the Constitution, to resolve the dilemmas of social democracy with specific reference to the apartheid reparations debate.

**Assessment:**

Seminar presentation	20%
An essay of 4000–5000 words	80%

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### **RDL5034Z** INTRODUCTION TO AMERICAN LAW

NQF credits: 4.5

Final Level, Winter Term, 3 double lectures per week.

**Course co-ordinator:** Mr M Paleker.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

Sources of American Law (historical and contemporary), the structure of the courts, doctrine of precedent, levels of government, legislative process, state and federal spheres of authority and responsibility, the application of the constitutional law in a federalist state, principles of statutory interpretations, and the mechanics of the civil and criminal justice system.

**Assessment:**

One 2 hour examination	100%
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### **RDL5035S** DIGNITY, EQUALITY AND FREEDOM – FUNDAMENTAL RIGHTS AND FUNDAMENTAL VALUES (*Not on offer in 2010*)

NQF credits: 4.5

Final Level, second semester, two lectures per week.

**Course co-ordinator:** To be advised.



**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course looks firstly at the meaning and content of the references to dignity, equality and freedom and fundamental values in the Constitution, as well as what role these values should play in the constitutional enterprise.

Secondly, the course provides an historical and comparative overview of the fundamental rights identified above.

Thirdly, there is a focus on current issues (mostly derived from recent cases) involving these fundamental rights.

**Assessment:**

Satisfactory attendance and the completion of course-work that consists of seminars and short papers (1000-1500 words)	60%
An essay (3000 words)	40%

**RDL5036F** SELECTED STUDIES IN ROMAN LAW

NQF credits: 4.5

Final Level, first semester, two lectures per week.

**Course co-ordinators:** Associate Professor H Scott and Professor R Evans Jones.

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

This course centres on the close reading and analysis of selected titles from Justinian's *Digest* (in translation) in the areas of sale and damage to property, with the assistance of selected literature (in English). We will also consider the afterlife of these Roman sources in the civilian and common-law traditions. The course will appeal to students with an interest in legal history and comparative law, and to those seeking to deepen their understanding of key doctrinal issues in South African private law. \*Please note that a knowledge of Latin is not required.

**Assessment:**

June examination (2 hour)	100%
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**RDL5071F** HIV/AIDS, BIOETHICS AND THE LAW (*Not on offer in 2010*)

NQF credits: 4.5

Final Level course, first semester, one point.

**Course co-ordinators:** Ms A Pope and Mr T Fleischer (Bioethics Centre, Dept of Medicine).

**Prerequisites:** All Preliminary and Intermediate Level courses to have been completed.

**Course outline:**

1. Theoretical background on human responses to illness and suffering; theories of responsibility; reflections on the relationship between ethics, politics and law.
2. Introduction to bioethics and the way medical and scientific ethics intersect with the law; overview on the broad-ranging impacts in HIV on South African society and the implications of these impacts, especially as they relate to responsibility, autonomy and paternalism from a South African human rights perspective.
3. Engagement with current law, including cases and applicable statutes and policy documents to develop an analytical approach to developing the law and policy to improve health care services and deliver (with special focus on HIV treatment and prevention), and society's responses to crises like the HIV pandemic.

**Assessment:**

Satisfactory attendance and completion of course-work that consists of seminars and short papers	30%
June examination assignment	70%

## Moot options (4.5 Credits)

CML5421H	Moot	Department of Commercial Law
PBL5418H	Moot	Department of Public Law (was CRJ5018X)
DOL3000X	Moot	Moot Competition
RDL5418H	Moot	Department of Private Law
PBL5432H	Moot	Department of Public Law

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%.

## Research component: Final Level

- Each student must complete a research paper. Students can prepare their papers in two ways -
  - by working individually under the supervision of a member of the Faculty; or
  - by participating in one of the research focus groups listed below. The purpose of these groups is to draw together students with similar research interests and to provide them with an opportunity to discuss their work in the group under the guidance of a member of the Faculty while preparing their independent research papers.
- Independent research papers should be between 5 000-8 000 words in length.
- The final title of research to be done under individual supervision of a member of staff must be approved by registration day.
- 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).
- Students may be expected to attend a number of general lectures on writing and structuring research papers at the start of the academic year.
- Research focus groups are limited to 15 students each.
- 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.

## Codes for Independent Research Papers

CML5401H	Commercial Law
PBL5401H	Public Law
PBL5406H	Criminal Justice (was CRJ5006X)
RDL5406H	Private Law

## Codes for Research Focus Groups

CML5402H	Law Development, Labour and Social Policy
CML5425H	Commercial Law
CML5426H	Social Security ( <i>Not on offer in 2010</i> )
CML5428H	Global Economic Law ( <i>Not on offer in 2010</i> )

CML5429H	Law and Regional Integration in Africa
PBL5416H	Punishment and the Constitution (was CRJ5016X)
PBL5421H	International Criminal Law (was CRJ5021X)
PBL5439H	Public Law
PBL5440H	Women and the Legal System
PBL5444H	Environmental Law ( <i>Not on offer in 2010</i> )
RDL5423H	Private Law
RDL5433H	Intellectual Property

### Course outlines:

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#### **CML5402H** RESEARCH FOCUS GROUP: LAW DEVELOPMENT, LABOUR AND SOCIAL POLICY

NQF credits: 9

Final Level research focus group, one seminar of one and a half hours per week, first semester.

**Course co-ordinator:** Ms D Collier.

##### **Course outline:**

The aim of the course is to provide a discussion group for students who wish to examine some critical aspects of law and development, labour market regulation and social policy in South Africa and the SADC region in the context of comparative and international developments.

The course will be conducted on the basis of seminars led by the convener and guest lecturers, with students taking turns to make presentations on areas chosen (in consultation with the convener) for their independent research. Students will be required to read certain prescribed texts and participate in discussion.

The seminars will focus initially on selected major areas of debate around the role of law in development, labour market regulation in the era of globalisation, developments in case law, social security principles and implementation, statutory and extra-legal social dialogue arrangements such as NEDLAC and the “millennium” initiatives, and prospects for common approaches to development, the harmonisation of labour standards and social policy in Southern Africa. More specific areas of focus will include, among others, law and development, freedom of association, equity and discrimination in employment, workers’ participation dispute prevention and resolution, employee benefits, pensions, HIV/AIDS in the workplace, health and safety and so forth. The choice of topics will take account of both critical trends and student interests.

After the seminars, students will have the opportunity to develop their presentations or chosen areas into research papers under personal supervision in keeping with the course requirements.

**Assessment:** A supervised research paper, which may be presented initially to a particular seminar, or submitted independently before the end of September.

##### **Assessment:**

Attendance at and satisfactory participation in seminars	20%
Final research paper	80%

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#### **CML5425H** RESEARCH FOCUS GROUP: COMMERCIAL LAW

NQF credits: 9

Final Level research focus group, one seminar of one and a half hours per week, first semester.

**Course co-ordinators:** Associate Professor T Mongalo (Company Law) and Professor A Rycroft (Workplace Discrimination).

**Objective:** The object of this course is to provide a discussion group for students who wish to examine particular aspects of commercial law. In 2010 Department of Commercial Law will offer two focus groups under this code; one focusing on Company Law and one focusing on Workplace Discrimination.

**Course outline:**

No more than 15 students will be admitted across the specific focus groups. Every student is required to complete a single paper on the topic dealt with in the seminar group of which he or she is a member.

All groups will start with a series of general seminars intended to provide students with a background to research skills and methodology.

Students will thereafter be supplied with reading material that is relevant to the subject matter of the seminar group to which they belong. Students are expected to be familiar with this material for the purposes of group discussion. During this time students will discuss their research proposals and prepare a draft paper.

In the remaining seminars students will present their papers to the group. One member of the group will be tasked with reading a particular paper and responding to its author. All papers will be discussed generally by the group. The convener will also assess and comment on all these papers. Students will then be expected to revise their papers for final submission in September.

**Assessment:**

Attendance at and satisfactory participation in seminars	20%
Final research paper	80%

**CML5426H RESEARCH FOCUS GROUP: SOCIAL SECURITY** (*Not on offer in 2010*)

NQF credits: 9

Final Level research focus group, one seminar of one and a half hour per week, first semester.

**Course co-ordinator:** Professor ER Kalula.

**Course outline:**

The aim of the course is to introduce the student to the basics of social security, legal and related issues, at an advanced level. It is conceived as supplementary to 'social law' topics in labour law. It is also intended to enhance the students' ability to conduct research on social aspects of the law.

It seeks to ensure that the student has an understanding of the legal aspects of social security and implications for social policy. The basic principles of social security will be canvassed. It is hoped that the student will come to appreciate and better understand the 'law-in-context' approach to the study of labour law.

The first part of the course consists of introductory seminars focusing on the concept of social security, sources of social security law, the administration of social security, scope and application of the solidarity principles, and social risks and social benefits. Specific benefits such as old age pensions, retirement funds, compensation for occupational injuries and diseases, disability, unemployment, maternity, and family benefits will also be dealt with briefly. In addition, poverty alleviation and financing issues will also be considered.

The second part will be in a series of seminars during which the student will present his/her independent research proposal to the class for discussion.

The third part will give the student the opportunity to write up the research paper, taking into account any feedback from peer discussions. The draft paper should then be handed in for comment. The revision paper will be submitted in September.

**Assessment:**

Attendance at and satisfactory participation in seminars	30%
Final research paper	70%

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**CML5428H RESEARCH FOCUS GROUP: GLOBAL ECONOMIC LAW (PAPER)***(Not on offer in 2010)*

NQF credits: 4.5

**Course outline:**

Students attend the lectures offered in CML5028F Global Economic Law but instead of writing the final examination in June, they are required to submit a research paper based on some aspect of the course, to be submitted by mid-September annually. A student may NOT register for CML5028F and CML5428H concurrently.

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**CML5429H RESEARCH FOCUS GROUP: LAW AND REGIONAL INTEGRATION IN AFRICA**

NQF credits: 9

Final Level research focus group, half course, first semester, one lecture per week.

**Course co-ordinators:** Professor ER Kalula and Ms M du Plessis.**Course outline:**

The aim of the course is to provide a discussion group for students who wish to examine some critical aspects of law and regional integration in Africa. It also aims to introduce students to research in this growing and crucial area of law.

This course will combine aspects of both commercial and public law in relation to regional integration in Africa. It will therefore examine legal aspects of economic and political integration in Africa. The course will be conducted on the basis of seminars led by the course conveners and guest lecturers. The seminars will mainly focus on historical development of regionalism in Africa, theories of regional integration, the primary legal framework of the African Union (including the debate on the United States of Africa), 'soft' mechanisms of the African Union such as NEPAD and the African Peer Review Mechanism both of which are aimed at facilitating economic development, democratisation and regional integration in Africa, the role of African sub-regional organisations and their relationship with the African Union e.g SADC, Harmonisation of African laws and implementation of African economic agreements into domestic law in Africa and finally selected challenges facing regional integration in Africa.

After the seminars, students will be expected to make presentations on their chosen area related to law and regional integration in Africa with the view of developing the presentations into research papers under supervision of the course conveners.

**Assessment:**

Attendance and satisfactory participation in seminars. 20%

Final research paper. 80%

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**PBL5416H RESEARCH FOCUS GROUP: PUNISHMENT AND THE CONSTITUTION (was CRJ5016X)**

NQF credits: 9

Final Level research focus group, thirteen seminars of one and a half hours each over two semesters.

**Course co-ordinator:** Ms K Phelps.**Course outline:**

The object of the course is to provide a discussion group for students who wish to consider the way in which the Constitution influences the imposition and implementation of punishment. Introductory seminars consider the traditional justifications for punishment and the impact of the Constitution on them. Students present their research papers, from a constitutional perspective, on specific punishments that have been imposed or on aspects of the treatment of prisoners, such as medical care or the right to vote.

**Assessment:**

Attendance at and satisfactory participation in seminars 10%

Final research paper 90%

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**PBL5421H RESEARCH FOCUS GROUP: INTERNATIONAL CRIMINAL LAW**

NQF credits: 9

Final level research group, one seminar of one and a half hours per week, first semester.

**Course co-ordinators:** Mr SA Nakhjavani and Ms C Powell.**Course outline:**

The object of the course is to provide a discussion group for students who wish to do independent research papers on international criminal law. Students wishing to research in any area that broadly falls under the rubric of international criminal law may join this group. The course is divided into three parts. The first part consists of five introductory seminars covering the historical development of international criminal law; the substantive core crimes of genocide, crimes against humanity and war crimes; the legal requirements of modes of liability; the structure and procedure of the International Criminal Court and internationalised criminal tribunals and selected theoretical critiques. For these seminars students are required to read certain prescribed texts and participate in discussion. Attention is also paid to research skills and research methodology. During this period students also write their research proposals independently or in consultation with the co-ordinator.

During the third part of the course, no seminars are conducted but students have an opportunity to write their papers, taking into account any feedback from the group discussions. By the start of the third quarter, a draft paper must be handed in for comment, after which students are expected to revise it for final submission in September.

**Assessment:**

Attendance at and satisfactory participation in seminars	10%
Final research paper	90%

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**PBL5439H RESEARCH FOCUS GROUP: PUBLIC LAW**

NQF credits: 9

Final Level research focus group, one seminar of one and a half hours per week, first semester.

**Course co-ordinator:** Mr SA Nakhjavani.**Course outline:**

The object of the course is to provide a discussion group for students who wish to do independent research papers in public law subjects. Students wishing to do research in any area that broadly falls under the rubric of public law may join this group. Subjects covered will usually include international law, constitutional law, human rights and administrative law, but students are encouraged to choose research in other, more specialised areas. The group starts with a series of seminars that provide a background to research in public law. During this period students also write and discuss their research proposals. In the remaining seminars students will present their papers to the group for discussion. The convener or another member of the Faculty supervises these papers and students are then expected to revise them for final submission in September.

**Assessment:**

Attendance at and satisfactory participation in seminars	20%
Final research paper	80%

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**PBL5440H RESEARCH FOCUS GROUP: WOMEN AND THE LEGAL SYSTEM**

NQF credits: 9

Final Level research focus group, one seminar of one and a half hours per week, first semester.

**Course co-ordinator:** Dr S Mnisi.**Course outline:**

The object of the course is to provide a discussion group for students who wish to examine aspects of South African law in the light of feminist theory for their independent research paper. The course is divided into three parts. In the first four seminars, to provide background, we consider feminist

theories of law and the position of women in South Africa. For these seminars students are required to read certain prescribed texts and participate in discussion. During these seminars attention is also paid to research skills and research methodology.

During the second part of the series of seminars, students present their independent research papers to the group. With the guidance of the convener, students can select 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 battery; employment law, including sex discrimination, equal pay, maternity benefits, sexual harassment and domestic workers; and the law governing censorship and pornography. During the third part of the course no seminars are conducted but students have an opportunity to rewrite their papers, taking into account the group discussion.

**Assessment:**

Attendance at and satisfactory participation in seminars	20%
Final research paper	80%

**PBL5444H RESEARCH FOCUS GROUP: ENVIRONMENTAL LAW**

*(Not on offer in 2010)*

NQF credits: 9

Final Level research focus group, one seminar of one and a half hours per week, first semester.

**Course co-ordinator:** Associate Professor A Paterson.

**Prerequisites:** Students must take, or have previously undertaken PBL5014F (Environmental Law).

**Course outline:**

Environmental law is arguably one of the fastest growing areas of law internationally and domestically. This is not surprising given growing human concern over the current state of the environment and the numerous threats it faces as a result of increased human activity. The object of the course is to introduce students who wish to undertake independent research papers on the area.

The course is divided into three parts. The first part consists of a series of introductory seminars focussing on key environmental challenges, international and domestic approaches to regulate these challenges, key regulatory tools inherent in these approaches, a critique of their effectiveness and future challenges facing the development of an effective environmental legal regime. The aim of this part of the course, within which a number of contemporary environmental documentaries will be screened, is to enable students to identify relevant areas to undertake research in and to develop their research proposal. The second part of the course will take the form of a series of research seminars in which students will present their draft research papers to the group for discussion. The aim of this part of the course is to provide a supportive environment within which to receive and provide constructive commentary on your own research paper and that of your fellow course participants. The third part will provide an opportunity for students to revise their draft research papers, under the supervision of the course co-ordinator, for final submission in September.

**Assessment:**

Attendance at and satisfactory participation in seminars	20%
Final research paper	80%

**RDL5423H RESEARCH FOCUS GROUP: PRIVATE LAW**

NQF credits: 9

Final Level research focus group, one seminar of one and a half hours per week, first semester.

**Course co-ordinator:** Professor H Mostert.

**Course outline:**

The object of the research focus group is to provide a discussion forum for students who wish to do research papers in private law subjects. Each year one or more areas of law (or topics) will be identified (depending on the availability of the staff). This year the focus is on the law of property.

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The research focus group presupposes a knowledge of property law. It encourages specialisation in topics related to, but not necessarily covered in the core course on property law. Topics may vary according to the interests and preferences of the group members, but may for instance include the following: (1) reform of expropriation law; (2) policies on foreign landownership; (3) methods employed to fast-track land reform; (4) developments in mineral and petroleum law; (5) reform of the land registration system; (6) new developments in share blocks, sectional title and time-sharing; (7) communal tenure; (8) land regimes in transition; (9) delivery on housing and access to land; (10) influence of the constitution on the development of Land Law; (11) evictions.

Upon completion of this course, students should have acquired specialist knowledge in a theme of their choice, within the general parameters of land law. They should also have refined their research and writing skills, and have gained further experience in critical thinking and the oral and written presentation of a researched thesis/ argument.

**Assessment:**

Attendance at and satisfactory participation in seminars	20%
Final research paper	80%

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### **RDL5433H RESEARCH FOCUS GROUP: INTELLECTUAL PROPERTY LAW**

NQF credits: 9

Final Level research focus group, one seminar of one and a half hours per week, first semester.

**Course co-ordinator:** Ms L-A Tong.

**Course outline:**

The object of the course is to provide a forum for students who wish to conduct research in intellectual property law-related areas. There will be three phases.

During Phase I there will be a series of introductory seminars to introduce students to the range of topical issues in intellectual property law, such as geographical indications, protection of indigenous knowledge, international trade, pharmaceutical patents, human rights aspects of intellectual property, the effects of digitization and the internet, biotechnology patents and the challenges faced by developing countries to implement intellectual property protection. During this period, students will refine their research proposals in consultation with an appropriate supervisor.

Phase II will provide the opportunity for students to present their papers to the group for discussion and feedback. Phase III will require students to finalise their papers, taking into account the feedback received during Phase II.

**Assessment:**

Attendance and participation in seminars	20%
The research paper in final form counts	80%



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# EXCHANGE, INTERNATIONAL AND SEMESTER STUDY ABROAD STUDENTS

Exchange adviser: Mr C Chokuda

## Academic information

### Definitions:

- **Semester Study Abroad Student (SSA):**  
A student from an overseas tertiary institution who registers at UCT for one or more semesters, paying full tuition fees. See website <http://www.uct.ac.za/about/iapo/overview/welcome/> or email [int-iapo@uct.ac.za](mailto:int-iapo@uct.ac.za) for more information on application and other procedures for studying at UCT. See further information below on the courses for which semester study abroad students are eligible.
- **Semester:**  
This refers to the study periods at UCT, which comprise a first term (usually from mid to late February to mid June) and a second term (usually from end July to mid December). UCT also has Summer and Winter Terms respectively which fall over the university student vacation. Each term (or semester) can be divided into two quarters. For more information visit the website <http://www.uct.ac.za> - select Calendars and Events and then Terms.
- **Exchange Student:**  
A student from an overseas tertiary institution with which UCT has entered into an Exchange Agreement (either a university wide agreement which may be administered by the International Academic Programmes Office (IAPO) or a Faculty wide agreement concluded with the Faculty of Law and which is administered by the Faculty Office) in terms of which one or more students from the overseas institution register at UCT for one or more semesters (depending on the terms of the Exchange Agreement) usually tuition free. 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 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. Also see the website <http://www.uct.ac.za/about/iapo/overview/welcome/> or email [int-iapo@uct.ac.za](mailto:int-iapo@uct.ac.za) for more information on the orientation programme offered by IAPO, for information on accommodation and for general information pertaining to study at UCT. See further information below on the courses for which exchange students are eligible.
- **IAPO:**  
The International Academic Programmes Office through whom semester study abroad students must apply for admission to UCT. IAPO arranges an orientation programme for semester study abroad and exchange students and also provides further information on accommodation and general information pertaining to study at UCT. See the website <http://world.uct.ac.za> or email [iapo@world.uct.ac.za](mailto:iapo@world.uct.ac.za) for more information.
- **Undergraduate Student:**  
Any student who does not yet hold a law degree (or a non-law general degree) from a tertiary institution. Students who are already in possession of a degree from a tertiary institution, and who are attending law school, but yet have to be awarded a law degree are still undergraduate students for the purpose of study at UCT.
- **Postgraduate Student:**  
A student who is already in possession of a law (or non-law) degree from a tertiary institution.

- **Faculty of Law:**

The Faculty of Law is one of 6 faculties into which UCT is divided and these 6 faculties in turn consist of approximately 60 departments in total. The Faculty of Law offers a Bachelor of Laws (postgraduate stream or undergraduate stream), Master of Laws (by coursework and dissertation or by research dissertation only), the Postgraduate Diploma in Law as well the PhD (Doctor of Philosophy or Doctor of Laws). The Dean is the Head of the Faculty and is assisted by the Faculty Office which is headed by the Faculty Manager for Academic Administration. For more information see the website <http://www.uct.ac.za> and select the Law Faculty. The Faculty of Law is physically situated in the Wilfred and Jules Kramer Building, Middle Campus.

- **Faculty Office:**

The office for the academic administration of the Faculty of Law. This office may be contacted on +27 21 650 3086.

### General information:

1. Both undergraduate and postgraduate exchange and semester study abroad students may do no more than 12 lectures per week. In other words you may register for between two and six courses, provided the total number of contact lectures does NOT exceed 12 lectures per week. In this regard, please note that we do not use a credit point system per course, so we cannot advise you on how many credits you will receive from your home institution. All we can advise is that a full semester load for our students is the equivalent of 12 lectures per week.
2. One LLM lecture 'counts' 6 contact lectures (even though students do not actually meet for 6 lectures per week). Students registered for a full LLM degree are permitted to do no more than two LLM courses per semester, and therefore exchange and semester study abroad students are only permitted to do a maximum of two LLM courses per semester also.
3. The number of contact lectures for each LLB course is contained in the Law Faculty Handbook, available from the Law Faculty Office or on the UCT website ([www.uct.ac.za](http://www.uct.ac.za)) (email requests for a handbook should be addressed to the Administrative Assistant at [law-studies@uct.ac.za](mailto:law-studies@uct.ac.za)). Much of the information regarding courses is available online also, under the Law Faculty's website (<http://www.uct.ac.za> select Law Faculty). Information relating specifically to postgraduate courses can also be found on the Law Faculty website by selecting Other Entities, School for Advanced Legal Studies.
4. Undergraduate exchange and semester study abroad students may do no more than one LLM course, and any number of LLB courses, provided the combined contact lectures do not exceed 12. Naturally, undergraduate exchange and semester study abroad students do not need to do an LLM course, but may limit their course selections to LLB subjects only.
5. Should an undergraduate student wish to do an LLM course, s/he must obtain the permission of the individual convener of that course, and provide the Administrative Assistant of the Law Faculty Office with the convener's permission, which must be given in writing. A signature by the 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.
6. Postgraduate exchange and semester study abroad students may do up to two LLM courses per semester. No additional LLM or LLB courses may be taken.
7. Postgraduate students do not need to obtain the permission of the LLM course convener in order to do any LLM course.
8. Exchange students who have 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, and may not register for courses offered by other faculties. If they do wish to do courses offered by other faculties, they need to register as occasional students in respect of those additional courses with IAPO, for which they will need to pay the appropriate fees.

9. 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 regularly.

*Note: Information regarding the contact hours per course is contained in the course outlines in this Handbook.*

## Course outlines:

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### **PBL3801F CRIMINAL LAW (PART A) (was CRJ3001F)**

First semester, four lectures per week, two tutorials during the semester.

**Course co-ordinator:** Professor J Burchell.

**Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.**

**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 and punishment, the principle of legality and the operation of the Bill of Rights on the rules of criminal law. A brief overview of the general principles places each of the elements of criminal liability in context and demonstrates its role in deciding criminal liability.

**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) and
- (v) fault in the forms of intention and negligence;
- (vi) common purpose, accomplice and accessory-after-the-fact liability;
- (vii) 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.

**Assessment:**

Optional essay	50%
Compulsory test	50%

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### **PBL2000F CONSTITUTIONAL LAW (PART A)**

First semester course, four lectures per week, tutorials.

**Course co-ordinator:** Professor P de Vos.

**Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.**

**Course outline:**

The first part of 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. 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 aspects of the

## 74 EXCHANGE STUDENTS: INFORMATION AND COURSE OUTLINES

Bill of Rights such as freedom of speech and equality, and affirmative action.

**Assessment:**

Two assignments	20%
One written examination (2 hours)	80%

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### **PBL2001F INTERNATIONAL LAW (PART A)**

First semester, two or three lectures per week, tutorials.

**Course co-ordinator:** Mr SA Nakhjavani.

**Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.**

**Course outline:**

History and sources; sovereignty/jurisdiction; relationship between international and municipal law; international legal personality; objects; treaties.

**Assessment:**

One assignment	20%
One written examination (1 hour)	80%

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### **PBL4001F ADMINISTRATIVE LAW (PART A)**

First semester, three lectures per week. Three tutorials per semester.

**Course co-ordinator:** Professor H Corder.

**Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.**

**Prerequisites:** You must have completed a constitutional law course (in any country) to register for this course.

**Course outline:**

The course aims to give students a basic knowledge of the law governing the exercise of public power in South Africa. It builds on a course in Constitutional Law. It starts off by familiarising students with the subject as a whole in the context of the theoretical issues and debates in this area. It then moves on to look at the basic common-law principles which have been developed by the courts over the years, the content of the constitutional right to administrative justice and access to information, and the legislation which governs these areas. Both empowerment and accountability of the executive are dealt with in the first semester.

**Assessment:**

One written examination (2 hours)	100%
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### **RDL1003F FOUNDATIONS OF SA LAW (PART A)**

First semester, five lectures per week. Occasional tutorials, at the convener's discretion, will be held as well.

**Course co-ordinator:** Mr J Jonker.

**Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.**

**Course outline:**

This course will introduce students to the following topics. The structure and sources of South African law and legal reasoning. If time permits, we will in addition consider the history of South African law, as well as contemporary developments in South African law.

**Assessment:**

One written examination (3 hours)	100%
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### **RDL1003S FOUNDATIONS OF SA LAW (PART B)**

Second semester, five lectures per week. Occasional tutorials, at the convener's discretion, may be

held.

**Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.**

**Course co-ordinator:** Mr J Jonker.

**Course outline:**

This course will provide an introduction to the following aspects of South African law:

- a) The history of law in South Africa
- b) The court structure
- c) The legal profession

**Assessment:**

One written examination (3 hours) 100%

**RDL5032S INTELLECTUAL PROPERTY (PART B) *(Not on offer in 2010)***

Second semester, five lectures per week. Occasional tutorials, at the convener's discretion, may be held.

**Only exchange and semester study abroad students may register. The course cannot be considered as credit towards a degree at UCT.**

**Course co-ordinator:** Ms L-A Tong.

**Course outline:**

The course aims to familiarize students with the nature of intellectual property rights in South Africa. It includes an examination of national law as well as the international treaties and conventions on intellectual property law.

1. Justifications for IP protection
2. The role of international organizations; sources and principles of intellectual property rights
3. Copyright and related rights
4. Trademarks and geographical indications
5. Unlawful competition
6. Patents and Designs
7. Issues in IP eg. traditional knowledge, digital technology, biotechnology and pharmaceutical patents.

**Assessment:**

One written examination in November (2 hours) 100%

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## SCHOOL FOR ADVANCED LEGAL STUDIES

The Faculty of Law at the University of Cape Town has been offering approved courses for Master of Laws 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 units associated with the Faculty.

The growth in the number of courses in recent years has emphasised the need to produce a more integrated programme. 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.

In the years that lie ahead, the School expects to augment its existing complement of mainly part-time students with a growing body of full-time students drawn not only nationally, but also from the rest of Africa and abroad. It has also taken steps to enrich its teaching staff through the contributions of distinguished visiting lecturers, both South African and foreign.

The School has initiated collaboration with two other universities in the Western Cape, namely the University of the Western Cape and the University of Stellenbosch, and it is expected that these relations will be deepened over time. Formal links with foreign universities provide further opportunities for student exchanges at postgraduate level.

### 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 15 February 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.

For Postgraduate Diploma purposes, students must select and complete two courses or their equivalent and submit a research paper of not more than 12 500 words by 15 February of the year following first registration 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. 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 was recently established 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 Masters 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).

## Rules for the Degree of 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 for Students.

FMC1 The Faculty offers a Masters 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 or in any of the following specialist areas:

Biotechnology, Ethics and Law  
 Commercial Law  
 Constitutional and Administrative Law  
 Criminal Justice  
 Environmental Law  
 Human Rights Law  
 Information Communication Technology Law  
 Intellectual Property Law  
 International Law  
 Labour Law  
 Marine and Environmental Law  
 Marine Law  
 Private Law  
 Public Law  
 Shipping Law  
 Social Justice  
 Tax Law

The field of law in which the dissertation and three of 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 -

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. 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.

### 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 The examination will consist of written papers, in the approved courses and 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.
- FMC5.2 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 The minor dissertation must be submitted at the latest by 15 February of the year following the Final Level of registration for approved courses (see Rule FMC11) 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. Should a longer period be required to complete a dissertation, a formal application for extension must be submitted. This will have fee implications. Candidates have to re-register in February each year while completing the degree.

**Written or oral examinations:**

- FMC8 A candidate may be required to undergo a written or oral examination on the subject matter of any approved course taken by him/her, or any minor dissertation submitted by him/her for examination.

**Exclusion from a course**

**Minimum requirements for readmission to the degree:**

- FMC9.1 A candidate must pass three of the four courses in order to qualify for readmission.
- FMC9.2 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.
- FMC9.3 A candidate who fails the minor dissertation may only revise if recommended by the supervisor, with the permission of Senate.

**Exclusion from the degree:**

- FMC10.1 A candidate who fails two courses or the same course twice will not be allowed to re-register 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.
- FMC10.2 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:**

- FMC11 Except with the permission of Senate:
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
  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:**

FMC12 The minor dissertation must be satisfactory in arrangement and expression and must be typed and printed. A candidate must submit three copies (temporary bindings) and an electronic version directly to the Faculty Office.

*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 approved courses and a minor dissertation. The other part of the requirement for this qualification was 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.

**Note:** One unbound copy is lodged with Special Collections, Chancellor Oppenheimer Library.

The electronic version should be in Adobe (.pdf) or Word (.doc) format. Free software for the pdf format is on the Law fileserver and is also available from the School for Advanced Legal Studies.

**Publication of minor dissertation:**

FMC13 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:**

FMC14.1 The degree may be awarded with distinction.

FMC14.2 For the degree to be awarded with distinction a candidate must:

1. complete the coursework in one year if full-time or in two years if part-time;
2. submit the minor dissertation no later than 15 February next 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;
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
4. obtain an average mark of at least 75%, the minor dissertation counting for 50% of the examination.

**Exemption from or modification of rules:**

FMC15 Any exemption from or modification of the Rules for the LLM must be approved by Senate.

**NOTES:**

- (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: a good LLB (average mark in the 60% to 70% range) is the minimum qualification. 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.*

## Rules for the Master of Philosophy (MPhil) Degree 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 for Students.

- 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 Masters 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 Masters 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.

### Further rules:

Rules FMC4 to FMC15 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.

## Rules for the Postgraduate Diplomas in Law

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 and research paper, subject to these rules.

### Specialist areas:

- FG2 The Postgraduate Diploma in Law may be conferred without specialisation or in the following specialist areas:
- Biotechnology, Ethics and Law
  - Commercial Law
  - Company Law
  - Compliance Management
  - Conciliation and Arbitration
  - Constitutional Law
  - Criminal Justice
  - Dispute Resolution (*Not on offer in 2010*)
  - Employment Law
  - Environmental Law

Human Rights Law  
 Information Communication Technology Law  
 Intellectual Property Law  
 International Law  
 Labour Law  
 Marine and Environmental Law  
 Marine Law  
 Private Law  
 Public Law  
 Shipping Law  
 Social Justice  
 Tax Law

The area of general specialisation will be determined by the field of law in which the research paper and one course for the Postgraduate Diploma have been fulfilled. Rules regarding areas of specialisation, in addition to those below, appear in the “Programmes and Course Outlines” 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 taxation;
5. he or she holds any other academic or professional qualification which Senate has approved as a ground for admission to the Diploma; or
6. 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, 3.2, 3.3, 3.4 and 3.5 above.

### NOTES:

1. *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.*
2. *The following general policy exists currently with regard to applicants: a good LLB (average mark in the 60% to 70% range) is the minimum qualification. 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.*

### Obtaining the diploma:

FG4 A candidate must undertake advanced study in two approved courses (or the equivalent) and complete a research paper on an approved topic 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 research paper.

**Examination:**

- FG5.1 The examination will consist of written papers in the approved courses and a research paper of not more than 12 500 words on a subject approved by Senate which must be of legal interest and related to one of the approved courses.
- FG5.2 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 FG5; 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 one course and the research paper at this University.

**Date for submission of research paper:**

- FG7.1 The proposal for the research paper must be submitted to the supervisor no later than the time at which half the coursework requirements of the degree have been fulfilled.
- FG7.2 The research paper must be submitted at the latest by 15 February of the year following the year of registration for the Postgraduate Diploma in Law 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.

**Written or oral examinations:**

- FG8 A candidate may be required to undergo a written or oral examination on the subject matter of any approved course taken by him/her, or any research paper submitted by him/her for examination.

**Exclusion from a course**

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

- FG9.1 A candidate must pass one of the two courses in order to qualify for readmission.
- FG9.2 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.
- FG9.3 A candidate who fails the research paper may only revise it if recommended by the supervisor, with the permission of Senate.

**Exclusion from the diploma:**

- FG10.1 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.
- FG10.2 A candidate who fails the research paper twice or does not submit the research paper timeously, having been given an extension of time, see FG7, will not be allowed to re-register for either the Diploma nor any further postgraduate study, except with the permission of Senate.

**Duration:**

- FG11 Except with the permission of Senate:  
The coursework component of Postgraduate Diploma in Law must be completed within one academic year and the research paper in accordance with Rule FG7.

**Research paper:**

FG12 The research paper must be satisfactory in arrangement and expression and must be printed. A candidate must submit three copies (temporary bindings) and an electronic version directly to the Faculty Office.

*The following statement must appear on the title page:*

Research paper presented for the approval of Senate in fulfilment of part of the requirements for the (*qualification for which a student is registered*) in approved courses and a research paper. The other part of the requirement for this qualification was 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*) research papers, including those relating to length and plagiarism, as contained in the rules of this University, and that this research paper conforms to those regulations.

**Note:** *One unbound copy is lodged with Special Collections, Chancellor Oppenheimer Library.*

The electronic version should be in Adobe (.pdf) or Word (.doc) format. Free software for the pdf format is on the Law fileserver and is also available from the School for Advanced Legal Studies.

**Publication of research paper:**

FG13 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 Diploma.

**Distinction:**

FG14.1 The Diploma may be awarded with distinction.

FG14.2 For the Diploma to be awarded with distinction, a candidate must:

- (a) submit the research paper no later than 15 February next 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; and
- (b) obtain an average mark of at least 75%, the research paper counting for 50% of the examination.

**Exemption from or modification of rules:**

FG15 Any exemption from or modification of these rules must be approved specifically by Senate.

**NOTE: 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. Such candidates should apply in writing to change their registration by no later than 31 AUGUST. They will be informed whether their application has been accepted or not. 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 in equal measure.*

*Note:* It is not possible to downgrade from LLM to Postgraduate Diploma.

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## STUDY PROGRAMMES

Teaching contact periods vary from course to course: details must be obtained from the course convener in each instance. In principle, each double course carries the weight of 50 contact periods per semester, while each course carries the weight of 50 contact periods. Because of the wide range of courses on offer, a draft timetable has been 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 Postgraduate Diplomas in Law for further information.

### The following ‘programmes’ are described:

- Biotechnology, Ethics and Law
- Commercial Law
- Company Law
- Compliance Management
- Conciliation and Arbitration
- Constitutional and Administrative Law
- Criminal Justice
- Dispute Resolution (*Not on offer in 2010*)
- Employment Law
- Environmental Law
- Human Rights Law
- Information Communication Technology Law
- Intellectual Property Law
- International Law
- Labour Law
- Marine and Environmental Law
- Marine Law
- Private Law
- Public Law
- Shipping Law
- Social Justice
- 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’.

### A. MARINE AND SHIPPING LAW PROGRAMMES

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 Law). (Refer to the Rules for LLM and MPhil Degrees, and Postgraduate Diplomas in Law.)

## A.1 Marine Law, Marine & Environmental Law and Environmental Law

**Programme convener:** Professor JN Gibson.

FMC2.2 The degree may be conferred with specialisation in either Marine Law, Marine and Environmental Law or Environmental Law, if there is compliance with the following requirements:

### Masters degree in Marine Law

- (a) To qualify for the speciality Marine Law a candidate must complete four courses including either:
- (i) International Law of the Sea (PBL6002F)  
Marine Pollution Law (PBL6030S)  
Marine Resources Law (PBL6008S)
  - or
  - (ii) Admiralty Jurisdiction and Practice (CML6024F) (*Not on offer in 2010*)  
International Law of the Sea (PBL6002F)  
Marine Pollution Law (PBL6030S)  
Marine Resources Law (PBL6008S)
- A candidate must complete a minor dissertation of not more than 25 000 words on an approved topic in the field of Marine Law.

### Masters degree in Marine and Environmental Law

- (b) To qualify for the speciality Marine and Environmental Law a candidate must complete four courses including:
- (i) two of the following courses:  
Principles of Environmental Law (PBL6040F)  
International Environmental Law (PBL6019F)  
Land Use Planning Law (PBL6041F) (*Not on offer in 2010*)  
Natural Resources Law (PBL6042S)  
Pollution Law (PBL6043S)
  - and
  - (ii) two of the following courses:  
International Law of the Sea (PBL6002F)  
Marine Pollution Law (PBL6030S)  
Marine Resources Law (PBL6008S)
- A candidate must complete a minor dissertation of not more than 25 000 words on an approved topic in the field of Marine Law and/or Environmental Law.

### Masters degree in Environmental Law

- (c) To qualify for the speciality Environmental Law a candidate must complete four courses including:
- (i) Principles of Environmental Law (PBL6040F)  
and
  - (ii) at least two of the following courses:  
International Environmental Law (PBL6019F)  
Land Use Planning Law (PBL6041F) (*Not on offer in 2010*)  
Natural Resources Law (PBL6042S)  
Pollution Law (PBL6043S)
- A candidate must complete a minor dissertation of not more than 25 000 words on an approved topic in the field of Environmental Law.

**Postgraduate Diploma in Law in Marine Law**

FGD1.1 A candidate may be required to complete an introductory course to law in general and/or public international law if he or she has not previously completed courses in these disciplines.

FGD1.2 A candidate must complete the following courses:

- (i) International Law of the Sea (PBL6002F)  
and
- (ii) one of the following courses:  
Marine Pollution Law (PBL6030S)  
Marine Resources Law (PBL6008S)

FGD1.3 A candidate must complete a research paper of not more than 12 500 words on an approved topic in the field of Marine Law.

**Postgraduate Diploma in Law in Marine and Environmental Law**

FGD8.1 A candidate may be required to complete an introductory course to law in general and/or public international law if he or she has not previously completed courses in these disciplines.

FGD8.2 A candidate must complete:

- (i) one of the following courses:  
Principles of Environmental Law (PBL6040F)  
International Environmental Law (PBL6019F)  
Land Use Planning Law (PBL6041F) (*Not on offer in 2010*)  
Natural Resources Law (PBL6042S)  
Pollution Law (PBL6043S)  
and
- (ii) one of the following courses:  
International Law of the Sea (PBL6002F)  
Marine Pollution Law (PBL6030S)  
Marine Resources Law (PBL6008S)

FGD8.3 A candidate must complete a research paper of not more than 12 500 words on an approved topic in the field of Marine and/or Environmental Law.

**Postgraduate Diploma in Law in Environmental Law**

FGD9.1 A candidate may be required to complete an introductory course to law in general and/or public international law if he or she has not previously completed courses in these disciplines.

FGD9.2 A candidate must complete the following courses:

- (i) Principles of Environmental Law (PBL6040F)  
and
- (ii) one of the following courses:  
International Environmental Law (PBL6019F)  
Land Use Planning Law (PBL6041F) (*Not on offer in 2010*)  
Natural Resources Law (PBL6042S)  
Pollution Law (PBL6043S)

FGD9.3 A candidate must complete a research paper of not more than 12 500 words on an approved topic in the field of Environmental Law.



## A.2 Shipping Law Programme

**Programme convener:** Professor JE Hare.

A Masters degree in Shipping Law may be obtained by successful completion of at least three of the following courses:

Admiralty Jurisdiction and Practice (CML6024F) (*Not on offer in 2010*)

Carriage of Goods by Sea (CML6026S)

Maritime Law (CML6025F)

Advanced Insurance Law (CML6070F)

A minor dissertation of not more than 25 000 words related directly to one of the courses in this section.

A Postgraduate Diploma in Law in Shipping Law can be obtained by successful completion of two of the above courses and a research paper of 12 500 words related directly to one of the courses in this section.

## B. PUBLIC LAW PROGRAMMES

A student may obtain a Masters degree in Public Law, or a Postgraduate Diploma in Public Law, by taking the required number of courses from this section and a dissertation/research paper in the same area, or a combination of some of these courses together with other courses offered by the Institute of Marine and Environmental Law.

### B.1 Constitutional and Administrative Law Programmes

**Programme convener:** Professor H Corder.

Students can achieve a diploma/degree in this area of law by taking the required number of courses from the following:

Administrative Justice (PBL6035F)

Governing Under the Constitution: Law and Practice (PBL6023S)

To qualify for the speciality Constitutional and Administrative Law, a candidate must complete at least one of the following courses:

Human Rights Law (PBL6034F)

International Environmental Law (PBL6019F)

Legal Writing (PBL6022S)

Litigating the Bill of Rights (PBL6033S)

Principles of Environmental Law (PBL6040F)

Refugee and Immigration Law and Policy in South Africa (PBL6020F)

A student must also complete a minor dissertation/research paper of not more than 25 000 words (12 500 words for the diploma) on a related topic approved by the programme convener.

### B.2 International Law Programme

**Programme convener:** Professor TW Bennett.

Students of law can achieve a diploma/degree in this area by taking the required number of courses from the following:

International Criminal Law (PBL6807F)

International Economic Law (CML6040S)

International Environmental Law (PBL6019F)

International Law of the Sea (PBL6002F)

International Law on Disputes and the Use of Force (PBL6018S)

International Protection of Human Rights (PBL6031S)

International Rights of the Child (PBL6028F)

Law of International Trade (CML6019F)

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Marine Pollution Law (PBL6030S)  
Marine Resources Law (PBL6008S)  
Principles of Public International Law (PBL6015F)

A student must also complete a minor dissertation/research paper of not more than 25 000 words (12 500 words for the diploma) on a related topic approved by the programme convener.

### B.3 Biotechnology, Ethics and Law Programme

#### Masters Degree in Biotechnology, Ethics and Law

**Programme convener:** Professor J Kinderlerer.

In order to qualify for a Masters degree in Biotechnology, Ethics and Law, a student must complete four courses, including at least three of the following:

Biosafety Law (PBL6037S)  
Biotechnology and Intellectual Property Law (RDL6015F)  
Electronic Intellectual Property Law (CML6057S)  
Intellectual Property and Development (CML6056F)  
Law, Science and Ethics (PBL6038S)  
Medicine, Law and Governance (PBL6039F)  
Telecommunications Law (CML6056F)

*Note: Masters students may not take three courses in the same semester, except with the permission of Senate.*

A student must also complete a minor dissertation of not more than 25 000 words on a related topic approved by the programme convener.

#### Postgraduate Diploma in Law in Biotechnology, Ethics and Law

In order to qualify for a Postgraduate Diploma in Law in Biotechnology, Ethics and Law, a student must complete two of the following courses:

Biosafety Law (PBL6037S)  
Biotechnology and Intellectual Property Law (RDL6015F)  
Law, Science and Ethics (PBL6038S)  
Medicine, Law and Governance (PBL6039F)

*Note: Postgraduate Diploma students may not take two courses in the same semester, except with the permission of Senate.*

A student must also complete a research paper of not more than 12 500 words on a related topic approved by the programme convener.

### B.4 Criminal Justice Programme

**Programme convener:** Professor J Burchell.

A student will be able to obtain an LLM or a Postgraduate Diploma in Criminal Justice by taking the required number of courses from this section and a minor dissertation/research paper in the same area. The courses offered are:

Advanced Criminal Procedure and Evidence (PBL6816S)  
International Criminal Law (PBL6807F)  
Police and Policing: Explorations in Security Governance (PBL6844F)  
Punishment and Human Rights (PBL6815F)  
Sexual Offences and the Law (PBL6044S)  
Theories of Crime and Social Order (PBL6820F)  
Victims and Victimology (PBL6822S)

A student must also complete a minor dissertation/research paper of not more than 25 000 words (12 500 words for the diploma) on a related topic approved by the programme convener.

Unless otherwise specified, a candidate for the MPhil programme must achieve an average of not less than 60% in an Honours degree to be accepted into the MPhil in Criminology and Criminal Justice.

A candidate for this degree must complete:

One compulsory course: Theories of Crime and Social Order (PBL6820F)

Three optional courses chosen from the following list:

- Comparative Transitional Justice (POL4032F) \*
- Police and Policing: Explorations in Security Governance (PBL6844F)
- Punishment and Human Rights (PBL6815F)
- Sexual Offences and the Law (PBL6044S)
- Victims and Victimology (PBL6822S)

A student must also complete a minor dissertation of not more than 25 000 words on a related topic approved by the programme convener.

\* This course, offered by the Humanities Faculty, is available as an option to students participating in the MPhil in Criminal Justice and Criminology programme only.

## B.5 Human Rights Law Programme

**Programme convener:** Associate Professor D Chirwa.

Students can achieve a diploma/degree in this area of law by taking the required number of courses from the following:

- Administrative Justice (PBL6035F)
- Developmental Issues in Intellectual Property Law (RDL6013S)
- Human Rights Law (PBL6034F)
- International Criminal Law (PBL6807F)
- International Environmental Law (PBL6019F)
- International Protection of Human Rights (PBL6031S)
- International Rights of the Child (PBL6028F)
- Law, Science and Ethics (PBL6038S)
- Litigating the Bill of Rights (PBL6033S)
- Medicine, Law and Governance (PBL6039F)
- Police and Policing: Explorations in Security Governance (PBL6844F)
- Principles of Environmental Law (PBL6040F)
- Punishment and Human Rights (PBL6815F)
- Refugee and Immigration Law and Policy in South Africa (PBL6020F)
- Victims and Victimology (PBL6822S)

A student must also complete a minor dissertation/research paper of not more than 25 000 words (12 500 words for the diploma) on a related topic approved by the programme convener.

## B.6 Social Justice

**The convener of the programme may, at his/her discretion limit the size of the programme intake to 15 students. Registration for the compulsory courses in this programme, Social Justice, Law and Poverty (PBL6047F) and Social Justice in Practice (PBL6048S) may therefore also be limited to 15 students.**

**Programme convener:** Ms M von Broembsen.

A student will be able to obtain an LLM/MPhil or a Postgraduate Diploma in Social Justice by taking the required number of courses from this section and a dissertation in the same area. The courses offered are:

### **Masters degree in Social Justice**

To qualify for an LLM/MPhil in Social Justice, a candidate must complete four courses:

- (i) Social Justice, Law and Poverty (PBL6047F)  
Social Justice in Practice (PBL6048S)  
and
- (ii) any two of the following courses:
  - Administrative Justice (PBL6035S) (only candidates who have completed an LLB may take this course)
  - Development Issues in Intellectual Property Law (RDL6013S)
  - Governing under the Constitution: Law and Practice (PBL6023S)
  - Human Rights Law (PBL6034F)
  - International Environmental Law (PBL6019F)
  - International Protection of Human Rights (PBL6031S)
  - International Rights of the Child (PBL6028F)
  - Litigating the Bill of Rights (PBL6033S)
  - Pensions and Social Security (CML6022S)
  - Police and Policing: Explorations in Governance of Security (PBL6844F)
  - Principles of Environmental Law (PBL6040F)
  - Punishment and Human Rights (PBL6815F)
  - Refugee and Immigration Law and Policy in South Africa (PBL6020F)
  - Theories of Crime and Social Order (PBL6820F)
  - Victims and Victimology: Theory, Policy and Practice (PBL6822S)
  - Any equivalent course from another Faculty (subject to SALS approval)

A student must also complete a minor dissertation of not more than 25 000 on a related topic approved by the programme convener.

### **Postgraduate Diploma in Social Justice**

To qualify for a Postgraduate Diploma in Social Justice, a candidate must complete the following two courses:

- Social Justice, Law and Poverty (PBL6047F) - compulsory
- Social Justice in Practice (PBL6048S) - compulsory

A student must also complete a research paper of not more than 12 500 words on a related topic approved by the programme convener.

## **C. LABOUR LAW PROGRAMME**

**Programme convener:** Ms D Collier.

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, five 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.

### **University of Cape Town courses:**

- Collective Labour Law (CML6013S)
- Conciliation and Arbitration (CML6031S)
- Individual Employment Law (CML6051F)
- International and Comparative Labour Law (CML6016F)
- Negotiation (CML6071F)
- Pensions and Social Security Law (CML6022S)

**University of Stellenbosch courses:**

Equality in the Workplace  
Labour Law under the Constitution

**University of the Western Cape courses:**

Labour Law in the New Global Market  
Unfair Dismissal Law

Presenters include Professors ER Kalula and P Benjamin, A/Professor R le Roux, Mr R van Voore, Ms D Collier (UCT), Professor O Dupper and Mr C Garbers (Stellenbosch), Professor D du Toit, Mr C Bosch (Western Cape) and visiting lecturers. The University of Stellenbosch and the University of the Western Cape courses are recognised by UCT as approved courses for the purposes of LLM Rule FMC6.1, 6.2 and 6.3 and Postgraduate Diploma in Law Rule FG6.1 and 6.2.

Students registering at Stellenbosch or UWC will be required to pay the standard fee for the courses offered there. *The onus is on the students to register with the other university and supply the University with their results from Stellenbosch/Western Cape if they wish to be granted credit for and exemption from courses prescribed for the degree or diploma.*

**C.1 Postgraduate Diploma in Law in Conciliation and Arbitration**

Refer to the Rules for Postgraduate Diplomas in Law, and the following:

- FGD5
- (a) A candidate for this diploma must complete the courses Conciliation and Arbitration (CML6071F), and Negotiation (CML6071F)
  - (b) the 12 500-word research paper, or the equivalent at the discretion of Senate in accordance with the *Rules for the Postgraduate Diplomas in Law*.

**C.2 Postgraduate Diploma in Law in Employment Law**

Refer to the Rules for Postgraduate Diplomas in Law, and the following:

- FGD4.1 A candidate for this Diploma must complete the following approved courses:  
Collective Labour Law (CML6013S), and  
Individual Employment Law (CML6051F)
- FGD4.2 A candidate for this Diploma must fulfil all the following requirements:
- (a) attend all prescribed classes
  - (b) written assignments prescribed throughout the year
  - (c) a research paper comprising not more than 12 500 words on an approved topic to be submitted in accordance with rule FG7

**C.3 Postgraduate Diploma in Law in Dispute Resolution**

*(Not on offer in 2010)*

- FGD10.1 A person may be considered for admission as a candidate for the Postgraduate Diploma in Law in Dispute Resolution 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 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;

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3. he or she holds any other academic or professional qualification which Senate has approved as a ground for admission to the Diploma;
4. he or she is a person who has satisfied Senate, by means of such test as may be prescribed, that his/her qualifications are equivalent to any of those enumerated above; and/or
5. he/she, in the absence of a degree, is in possession of sufficient appropriate experience and work accomplishments, approved by the relevant faculty/department/centre, in the proposed field of study on such condition as it may specify;
6. All of the above rules are subject to the proviso that every programme in the Law Faculty, its departments, centres and or any other faculty or school in the University is autonomous for the purpose of admission. Admission to one programme therefore does not automatically entitle one to admission in another programme.

### FGD10.2 **Obtaining the Diploma**

1. A candidate must undertake advanced study in five core courses and 3 minor approved courses (or the equivalent) and complete an Arbitration Award in lieu of a research paper.
2. A candidate must obtain at least 50% for each course and at least 50% for the research paper in order to pass the programme and obtain the diploma.
3. The Arbitration Award in lieu of a research paper shall not be more than 4 000 words in length.

### FGD10.3 **Core Courses and Minor Courses**

1. The following shall be the core courses of the Postgraduate Diploma in Law in Dispute Resolution, namely: National and Generic Labour Law (CML6043F), the Law of Evidence (CML6044F), Arbitration (CML6045F), Conciliation (CML6046F), and the Award (CML6050F).
2. The following are considered as the minor courses of the Postgraduate Diploma in Law in Dispute Resolution namely: Labour Economics (CML6047F), Human Resource Management (CML6048F) and Labour Relations (CML6049F) and are subject to change from time to time.

### FGD10.4 **Duration**

The minimum duration of the course shall be the equivalent of one academic year for full-time candidates and two years for part-time students.

### FGD10.5 **Examination Regulations**

1. The final examinations shall consist of written assignments, moots and an award.
2. In Arbitration the moots shall count for 40% of the final mark in the course/subject to which they relate.
3. A candidate who has passed all of the other courses but has failed to attain a mark of at least 50% in the Arbitration Award shall be deemed to have failed the programme.

### FGD10.6 **Minimum requirements for Readmission to the Postgraduate Diploma Programme**

1. A candidate must pass at least 3 of the 5 core courses and 2 of the 3 minor courses in order to qualify for readmission.
2. Should a student fail a course he or she may only repeat the course once, unless Senate gives permission for a longer period of study.

**FGD10.7 Supplementary Examinations**

1. A candidate must obtain a mark between 45% and 49% in any subject, course or the award in order to qualify for a supplementary examination in any such subject, course or award.
2. A candidate who fails the minor dissertation (Award) or does not submit the research paper timeously, will not be allowed to re-register for either the Diploma or any further postgraduate study, except with the permission of Senate.

**FGD10.8 Credit and Exemption**

1. Senate may accept examination results in an appropriate course of equivalent weight obtained at this or another university recognised for the purpose of exempting a candidate from one course of the work prescribed as requirements for this programme.
2. Senate may, in advance, approve an individual course or courses offered by another university, as a course or courses which, if completed, will allow credit for and exemption from a course or courses 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.
3. Course exemption will not be granted for a major course or the practical components of the course, such as moots, passed at another institution.

**FGD10.9 Exclusion from the Diploma**

A candidate who fails to satisfy the 80% class attendance record will be excluded from sitting for examinations in the affected course or courses and will be deemed to have failed the course.

**FGD10.10 The Award**

1. The Award must be satisfactory in arrangement and expression and must be typewritten or printed.
2. The following statement must appear on the title page: Research dissertation presented for the approval of Senate in partial fulfilment of the requirements for the (*qualification for which a student is registered*) in approved courses and minor dissertation. The other part of the requirement for this qualification was the completion of a programme of courses.
3. As a standard practice, every thesis/dissertation/award shall be accompanied by declaration that reads as follows: "I hereby declare that I have read and understood the regulations governing the submission of postgraduate dissertations, including those relating to length and plagiarism, as contained in the rules of this University, and that this award conforms to those regulations. I further declare that this award has not been submitted for a similar degree/diploma in any other university or institution".

**FGD10.11 Class Attendance**

1. A candidate will be expected to maintain an 80% class attendance record in all of the taught courses that comprise the Diploma.
2. A failure by a candidate to attend all scheduled role-plays in the moot component of the programme may also lead to the deduction of marks and/or the failure of that candidate in his or her own particular moot.

**FGD10.12 Classification**

1. The Diploma may be awarded with distinction if an average mark of 75% is achieved.
2. The award shall count for 30% of the overall mark.

## D. TAX LAW PROGRAMME

**Programme convener:** Ms T Gutuza.

The following forms of higher postgraduate study in Tax Law will be available:

1. A Postgraduate Diploma in Law in Tax Law comprising Tax Law (CML6061W) and a research paper of not more than 12 500 words.
2. An LLM/MPhil Degree in Tax Law comprising Tax Law (CML6061W), Advanced Tax Law (CML6063W) and a dissertation of not more than 25 000 words. This is a two-year programme.

Postgraduate Diploma students who are eligible may, within the constraints of the rules, elect to upgrade their registration to an MPhil or LLM Degree in Commercial Law or Tax Law should they decide to continue their studies. However, students may not use CML6061W toward an MPhil or LLM Degree after having had a Postgraduate Diploma conferred on them. Tax Law (CML6061W) or Advanced Tax Law (CML6063W) may also be taken as a double-course, in combination with other courses, toward an MPhil or LLM Degree. The required dissertation of not more than 25 000 words may be in either field of study.

## E. INFORMATION COMMUNICATION TECHNOLOGY LAW PROGRAMME

**Programme convener:** Mr A Rens.

FGD6 A student will be able to obtain a Postgraduate Diploma in Law in Information Communication Technology Law by completing:  
Electronic Transactions Law (CML6058S) and  
Either Telecommunications Law (CML6056F) or Electronic Intellectual Property Law (CML6057S) or Issues in Information Communication Technology Law (CML6059F)  
(*Not on offer in 2010*)

A research paper of not more than 12 500 words on an approved topic in Information Communication Technology Law in accordance with the *Rules for the Postgraduate Diplomas in Law*.

A student will be able to obtain a Masters degree in Information Communication Technology Law by completing four courses which must include any three of the following:

Electronic Intellectual Property Law (CML6057S)  
Electronic Transactions Law (CML6058S)  
Issues in Information Communication Technology Law (CML6059F) (*Not on offer in 2010*)  
Telecommunications Law (CML6056F)

A student must also complete a minor dissertation of not more than 25 000 words on a related topic approved by the programme convener.

## F. COMMERCIAL LAW PROGRAMME

**Programme convener:** Associate Professor T Mongalo.

A student will be able to obtain a Masters degree or a Postgraduate Diploma in Commercial Law by taking the required number of courses from this section and a dissertation in the same area. The courses offered are:

Advanced Company Law: Corporate Governance (CML6055S)  
Advanced Company Law: Securities (CML6001F)  
Commercial Arbitration (CML6041S)  
Competition Law (CML6054S)  
International Economic Law (CML6040S)  
Law and Regional Integration in Africa: Comparative Perspective (CML6064F)  
Law of International Trade (CML6019F)  
Legal Compliance Management (CML6060F) (*Not on offer in 2010*)



Legal Writing (PBL6022S)

Negotiation (CML6071F)

or

courses under the International Communication Technology Law, Labour Law or Shipping Law programmes.

A student must also complete a minor dissertation of not more than 25 000 words on a related topic approved by the programme convener.

## F.1 Postgraduate Diploma in Law in Company Law

A student will be able to obtain a Postgraduate Diploma in Law in Company Law by taking:

Advanced Company Law: Securities (CML6001F)

Advanced Company Law: Corporate Governance (CML6055S)

A student must also complete a research paper of not more than 12 500 words on a related topic approved by the programme convener.

## F.2 Postgraduate Diploma in Compliance Management *(Not on offer in 2010)*

A student will be able to obtain a Postgraduate Diploma in Law in Compliance Management by taking:

Legal Compliance Management (CML6060F) *(Not on offer in 2010)*

Advanced Company Law: Corporate Governance (CML6055S)

A student must also complete a research paper of not more than 12 500 words on a related topic approved by the programme convener.

## G. INTELLECTUAL PROPERTY LAW PROGRAMME

**Programme convener:** Ms L-A Tong.

### Masters degree in Intellectual Property Law

In order to qualify for a Masters degree in Intellectual Property Law, a student must complete four courses, including at least three of the following:

Advanced Intellectual Property Law (RDL6014F)

Biotechnology and Intellectual Property Law (RDL6015F)

Developmental Issues in Intellectual Property Law (RDL6013S)

Electronic Intellectual Property Law (CML6057S)

A student must also complete a minor dissertation of not more than 25 000 words on a related topic approved by the programme convener.

### Postgraduate Diploma in Law in Intellectual Property Law

In order to qualify for a Postgraduate Diploma in Law in Intellectual Property Law, a student must complete two of the following courses:

Advanced Intellectual Property Law (RDL6014F)

Biotechnology and Intellectual Property Law (RDL6015F)

Developmental Issues in Intellectual Property Law (RDL6013S)

Electronic Intellectual Property Law (CML6057S)

**NOTE:** *Postgraduate Diploma students may not take two courses in the same semester, except with the permission of Senate.*

A student must also complete a research paper of not more than 12 500 words on a related topic approved by the programme convener.

## H. GENERAL COURSES

The courses in this section are:

- Advanced Company Law: Securities (CML6001F)
- Advanced Contract Law (RDL6020S)
- Advanced Intellectual Property Law (RDL6014F)
- Biotechnology and Intellectual Property Law (RDL6015F)
- Commercial Arbitration (CML6041S)
- Comparative Land Law (RDL6017F) (*Not on offer in 2010*)
- Comparative Private Law (RDL6009S)
- Development Issues in Intellectual Property Law (RDL6013S)
- International Economic Law (CML6040S)
- Law of International Trade (CML6019F)

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## COURSE OUTLINES

*Note: The course titles are listed in alphabetical sequence according to the **title** of the course.*

PBL6035F	Administrative Justice (was Advanced Administrative Law PBL6010S)
CML6024F	Admiralty Jurisdiction and Practice ( <i>Not on offer in 2010</i> )
CML6055S	Advanced Company Law: Corporate Governance
CML6001F	Advanced Company Law: Securities
RDL6020S	Advanced Contract Law
PBL6816S	Advanced Criminal Procedure and Evidence)
CML6070F	Advanced Insurance Law
RDL6014F	Advanced Intellectual Property Law
CML6063W	Advanced Tax Law
PBL6037S	Biosafety Law
RDL6015F	Biotechnology and Intellectual Property Law
CML6026S	Carriage of Goods by Sea
CML6013S	Collective Labour Law
CML6041S	Commercial Arbitration
RDL6017F	Comparative Land Law ( <i>Not on offer in 2010</i> )
RDL6009S	Comparative Private Law
CML6054S	Competition Law
CML6031S	Conciliation and Arbitration
RDL6013S	Developmental Issues in Intellectual Property Law
CML6057S	Electronic Intellectual Property Law
CML6058S	Electronic Transactions Law
PBL6023S	Governing under the Constitution: Law and Practice
PBL6034F	Human Rights Law
CML6051F	Individual Employment Law
CML6016F	International and Comparative Labour Law
PBL6807F	International Criminal Law
CML6040S	International Economic Law
PBL6019F	International Environmental Law
PBL6002F	International Law of the Sea
PBL6018S	International Law on Disputes and the Use of Force
PBL6031S	International Protection of Human Rights
PBL6028F	International Rights of the Child
CML6059F	Issues in Information Communication Technology Law ( <i>Not on offer in 2010</i> )
PBL6041F	Land Use Planning Law ( <i>Not on offer in 2010</i> )
CML6064F	Law and Regional Integration in Africa: Comparative Perspective
CML6019F	Law of International Trade
PBL6038S	Law, Science and Ethics
CML6060F	Legal Compliance Management ( <i>Not on offer in 2010</i> )
RDL6016S	Legal Pluralism: with Special Reference to Africa ( <i>Not on offer in 2010</i> )
DOL6000F/S/Z	Legal Practice
PBL6022S	Legal Writing
PBL6033S	Litigating the Bill of Rights
PBL6030S	Marine Pollution Law
PBL6008S	Marine Resources Law
CML6025F	Maritime Law
PBL6039F	Medicine, Law and Governance
PBL6042S	Natural Resources Law
CML6071F	Negotiation
CML6022S	Pensions and Social Security Law
PBL6844F	Police and Policing: Explorations in Security Governance

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PBL6043S	Pollution Law
PBL6040F	Principles of Environmental Law
PBL6015F	Principles of Public International Law
PBL6819S	Prisoners' Rights and Comparative Prison Systems ( <i>Not on offer in 2010</i> )
PBL6815F	Punishment and Human Rights
PBL6020F	Refugee and Immigration Law and Policy in South Africa
PBL6044S	Sexual Offences and the Law
PBL6048S	Social Justice in Practice (was CML6066S)
PBL6047F	Social Justice, Law and Poverty (was CML6065F)
CML6061W	Tax Law
CML6056F	Telecommunications Law
PBL6820F	Theories of Crime and Social Order
PBL6822S	Victims and Victimology

*Note: The course descriptions below are arranged in alphabetical and numerical sequence according to the **course code**.*

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### **CML6001F** ADVANCED COMPANY LAW: SECURITIES

NQF credits: 30

Higher postgraduate course, first semester.

**Course co-ordinator:** Ms J Yeats.

**Prerequisites:** 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.

**Lectures:** Two double lectures per week, at times to be arranged.

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

**Assessment:** One examination in November counts for 60% and the year mark counts 40% of the final grade. Year mark based on test(s) and assignment(s).

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### **CML6013S** COLLECTIVE LABOUR LAW

NQF credits: 30

Higher postgraduate course, second semester, one seminar per week.

**Course co-ordinator:** Professor P Benjamin.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. Candidates must have a sufficient level of competence in the field of labour law.

**Course outline:**

An examination of the statutory and extra-statutory forms of collective bargaining and worker participation in South Africa and the legal regulation of industrial action.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:** Essays and an examination.

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**CML6016F** INTERNATIONAL AND COMPARATIVE LABOUR LAW

NQF credits: 30

Higher postgraduate course; first semester, one triple-period seminar per week, provisionally Mondays, 17h00 - 20h00

**Course co-ordinator:** Professor ER Kalula.**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. Candidates must have a sufficient level of competence in the field of labour law.**Course outline:**

This is an advanced course which focuses on selected topics in relation to other national and international jurisdictions as points of reflection for developments in South African labour law. Topics to be covered will be prescribed from year to year and will be chosen from the following, among others:

Comparative method and labour law;

International Labour Standards and other sources of international labour law;

Prospects for regional integration and labour law harmonisation in Southern Africa Discrimination and equity in employment;

Freedom of Association;

Workers' participation;

The public sector;

Social Security.

**DP requirements:** Satisfactory attendance and presentation at seminars, and completion of written assignments.**Assessment:** Seminar presentations, written assignments and long paper (externalised) count for 100%.

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**CML6019F** THE LAW OF INTERNATIONAL TRADE

NQF credits: 30

Higher postgraduate course, first semester course. Two weeks full-time lectures at the start of the second term.

**Course co-ordinators:** Dr T Kruger and Associate Professor R le Roux.**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.**Course outline:**

The contractual aspects of international commercial transactions, but not the regulatory and policy aspects that are covered in International Economic Law (CML6040S) in the second semester.

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 Sale of Goods (CISG);
5. Incoterms 2000;
6. Carriage of goods;
7. Insurance;
8. Documentary credits;
9. Demand Guarantees;
10. Cross-border insolvency;

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of written assignments.**Assessment:** Two compulsory written assignments counting 25% each and a three hour written examination in June counting 50% of the final mark.

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**CML6022S PENSIONS AND SOCIAL SECURITY LAW**

NQF credits: 30

Higher postgraduate course, second semester.

**Course co-ordinator:** Professor ER Kalula.

**Guest Lecturers:** Mr N Jeram, Associate Professor V Taylor and Ms K Malherbe (UWC).

**Prerequisites:** See Rules for LLM and MPhil Degrees and 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 at an advanced level an introduction to the theory and practice of social security in South Africa and selected jurisdictions. The course focuses on a number of topics, including, among others, the following:

1. Historical development;
2. Definition and scope;
3. Social security in South Africa: current situation and prospects;
4. International and comparative dimensions (with emphasis on ILO and World Bank approaches and trends in developing countries);
5. Issues of rationalisation in South Africa and Southern Africa.

**DP requirements:** Satisfactory attendance, presentation and completion of written assignments.

**Assessment:** By way of seminar presentations, written assignments and a long paper.

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**CML6024F ADMIRALTY JURISDICTION & PRACTICE** (*Not on offer in 2010*)

NQF credits: 30

Higher postgraduate course, first semester, two double lectures per week. Part of the specialised Masters or Postgraduate Diploma in Shipping Law.

**Course co-ordinator:** Professor JE Hare.

**Course outline:**

Part I: Admiralty Jurisdiction:

A full introduction to the jurisprudence of admiralty in South Africa traces the history of the development of Admiralty in the civilian and common law systems; the development and prohibition of Admiralty causes in England, the reception of 19th century English Admiralty law into the Cape and Natal; The maritime lien as the cornerstone of English Admiralty law, and the statutory right in rem; The changes brought about by the Admiralty Jurisdiction Regulation Act, 1983; the law presently applicable to Admiralty disputes in SA; and the SA court structure.

Part II: Admiralty Practice:

A full examination of statutory Admiralty practice in SA today; the 'maritime claim' of the Admiralty Jurisdiction Regulation Act, and the manner in which it may be enforced; Arrest and attachment law and procedure; associated ship arrests, and the arrest and attachment of property other than a ship; security for claims and for costs; declining jurisdiction, stays and joinders; pre-trial evidence, inspection and discovery procedures; judicial sale ranking against funds in court; and an analysis of the Admiralty Court Rules.

A brief overview of the English and American systems is undertaken. Depending on the nationalities of participating students, other countries are compared.

**DP requirements:** Satisfactory attendance at and participation in lectures and seminar sessions. Satisfactory completion of two written assignments during the semester.

**Assessment:** One four-hour examination or two written research assignments. Assignment marks collectively count 50% towards the year-end course evaluation.

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**CML6025F MARITIME LAW**

NQF credits: 30

Higher postgraduate course, second semester, single module course, part of the specialised Masters or Postgraduate Diploma in Shipping Law.

**Course co-ordinator:** Professor JE Hare.

**Course outline:**

Although the course focuses on South African law, comparisons are made with the laws of other jurisdictions.

**Part I: Maritime Law:**

This, the larger part of the course, covers acquisition, ownership and registration of ships; ship's mortgages; historical and modern wreck; master and crew; the operation of ships, including statutory requirements, SOLAS and the ISM Code, Port State Control and the sub-standard ship; Navigation & collisions; Salvage; Towage; Pilotage; Oil pollution liability; and The limitation of a ship owner's liability.

**Part II: Marine Insurance:**

An introduction to the law and practice of marine insurance, including: the origins of marine insurance and its law; general principles of insurance law applicable to marine insurance; international marine insurance practice; hull & marine insurance, and standard 'Institute' cover; P&I insurance.

**Lectures:** Evening classes twice weekly 17h30 - 19h00 for the duration of the semester, provisionally on Tuesdays and Thursdays. Classes include regular seminar sessions at which students are required to participate in discussion and presentation.

**DP requirements:** Satisfactory attendance at and participation in lectures and seminar sessions. Satisfactory completion of two written assignments during the semester.

**Assessment:** One four-hour examination, conducted during the morning or afternoon, at the end of the semester.

Two written research assignments will be set during the semester. Assignment marks collectively count 25% towards the year-end course evaluation.

## **CML6026S CARRIAGE OF GOODS BY SEA**

NQF credits: 30

Higher postgraduate course, second semester single module course, part of the specialised Masters or Postgraduate Diploma in Shipping Law.

**Course co-ordinators:** Professor JE Hare and Mr RJ Knutzen.

**Course outline:**

Although the course focuses on South African law, comparisons are made with the laws of other jurisdictions, particularly those represented by foreign students on the course. The focus is on:

- (i) The business of carriage of goods by sea, including: shipping and international trade; carriage documents and their interaction; INCO Terms; other international attempts at standardisation in carriage; electronic commerce in shipping;
- (ii) General principles of carriage of goods by sea, including: applicable law; the common carrier; international carriage regimes: the Hague, Hague-Visby and Hamburg Rules; the SA Carriage of Goods by Sea Act; Title to Sue and the [draft] Sea Transport Documents & Title to Sue Act; limitation of liability for cargo claims; Bills of lading; Charterparties Cargo claims and charter party seminars will be conducted, where possible in the presence of practising attorneys specialising in the field. These may take the form of moots.

**Lectures:** One four-day full-time session during the second week of the second semester, followed by evening classes, Wednesdays 17h30 - 19h00, until the end of the semester when a second three-day full-time session will be held.

**DP requirements:** Satisfactory attendance at and participation in lectures and seminar sessions. Satisfactory completion of two written assignments during the semester. Attendance at both full-time (day) sessions is compulsory.

**Assessment:** One four-hour examination, conducted during the morning or afternoon, at the end of the semester. Two written research assignments, or one assignment and a moot, will be set during the semester. Assignment and moot marks collectively count 50% towards the year-end course evaluation.

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**CML6031S** CONCILIATION AND ARBITRATION

NQF credits: 30

Higher postgraduate course, second semester.

**Course co-ordinator:** Professor A Rycroft.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Objective:** 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.

**Course outline:**

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 count for 100%.

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**CML6040S** INTERNATIONAL ECONOMIC LAW

NQF credits: 30

Higher postgraduate course, second semester.

**Course co-ordinator:** Ms K Lehmann.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

International Economic Law complements the first semester Law of International Trade course. International Economic Law examines the public law aspects of international trade, the international regulatory framework within which private traders operate. In the course we will examine the principles and practices of the 'big three' international economic organisations, the World Bank, the International Monetary Fund and the World Trade Organisation, and the link between each of the three and the promotion of international trade. We will consider the World Bank's role in facilitating



development, the IMF's role in maintaining global economic stability, and the WTO's role as a forum for trade negotiations. We will consider, specifically, why it is that these organisations have become the target of considerable criticism amongst so-called "anti-globalisers". The perspective from which we will look at these issues is that of a sub-Saharan developing country.

**Assessment:** The examination counts 100% of the year's mark.

### **CML6041S** COMMERCIAL ARBITRATION

NQF credits: 30

Higher postgraduate course, second semester. Three hours of lectures or tutorials per week.

**Course co-ordinator:** Professor A Rycroft.

**Prerequisites:** See Rules for LLM and MPhil Degrees and 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:** Assignments counting 30% of the final mark, a three-hour written examination paper counting 70% of the final mark.

### **CML6051F** INDIVIDUAL EMPLOYMENT LAW

NQF credits: 30

Higher postgraduate course, first semester.

**Course co-ordinator:** Associate Professor R le Roux.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. 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; Employment Equity; 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:** By way of written assignments and an examination.

### **CML6054S** COMPETITION LAW

NQF credits: 30

Higher postgraduate course, second semester, two double lectures per week.

**Course co-ordinator:** Judge DM Davis.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Objective:** 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.

**Course outline:**

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;

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- 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%

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### CML6055S ADVANCED COMPANY LAW: CORPORATE GOVERNANCE

NQF credits: 30

Higher postgraduate course, second semester.

**Course co-ordinator:** Associate Professor T Mongalo.

**Prerequisites:** Competent academic and/or practical knowledge of the general principles of South African company law.

**Lectures:** Two double lectures per week, one week in July or August and October (to be confirmed at registration).

**Objective:** To promote academic and practical expertise in the area of company law generally and to stimulate academic debate, critical thinking and possible advocacy around certain of the more complex and controversial areas, as well as areas which may be affected by the corporate law reform initiative currently underway.

**Course outline:** This course will be presented through a series of lectures. The areas which will be addressed are corporate governance and selected topical aspects of company law which may include corporate law reform, the corporate purpose and corporate stakeholders, auditors' liability, voting rights, shareholders' remedies, piercing the corporate veil, directors' duties and liability, statutory restrictions on directors and BEE.

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

**Assessment:** One examination in November counts for 60% and the year mark counts 40% of final grade. Year mark based on test(s) and assignment(s).

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### CML6056F TELECOMMUNICATIONS LAW

NQF credits: 30

Higher postgraduate course, fifty contact hours, first semester, two double lectures per week or two intense weeks teaching, 30 lectures in one week and the remainder in a second week.

**Course co-ordinator:** Mr A Rens.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Electronic Transactions Law or equivalent is strongly recommended.

**Objective:** The course is intended to give law graduates and non-law graduates with experience in telecommunications and postgraduate students in other disciplines an understanding of the domestic and international law that regulates the telecommunications networks in South Africa.

**Course outline:**

1. Introduction: Technology and underlying economic and political concerns
2. Evolution of global telecommunications regulation
3. Telecommunications regulation in South Africa; detailed analysis of telecommunications legislation and regulations
4. International developments and their impact on present day telecommunications in South Africa
5. Emerging national and international regulation of the Internet
6. Competition and Convergence
7. Future developments

**Assessment:**

One or two projects

50% each

**CML6057S ELECTRONIC INTELLECTUAL PROPERTY LAW**

NQF credits: 30

Higher postgraduate course, fifty contact hours, second semester, two double lectures per week or two intense weeks teaching, 30 lectures in one week and the remainder in a second week.

**Course co-ordinators:** Ms C Ncube and Mr A Rens.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Objective:** The course aims at giving law graduates and non-law graduates with experience in telecommunications and postgraduate students in other disciplines an understanding of the domestic and international law that governs the ownership and use of intellectual property that is delivered and used electronically. The course will make extensive use of visiting lecturers, legal practitioners working in the area and technology experts.

**Course outline:**

1. International and regional sources of the law governing electronic intellectual property
2. Domestic sources of the law governing electronic intellectual property
3. Copyright and digital reproduction
4. File sharing
5. Digital rights management
6. Database protection
7. Performers rights
8. Broadcasting rights
9. Linking, framing and hypertext
10. Trade marks and domain names
11. Computer software
12. Integrated circuit layouts
13. Business plans

**Assessment:**

One or two projects

25% or 50%

Examination

75% or 50%

**CML6058S ELECTRONIC TRANSACTIONS LAW**

NQF credits: 30

Higher postgraduate course, fifty contact hours, second semester, two double lectures per week or two intense weeks teaching, 30 lectures in one week and the remainder in a second week.

**Course co-ordinator:** Ms D Collier.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Objective:** The course aims at giving law graduates and non-law graduates with experience in telecommunications and postgraduate students in other disciplines an understanding of the domestic and international law that regulates electronic transactions. The course will make extensive use of visiting lecturers, legal practitioners working in the area and technology experts.

**Course outline:**

1. Electronic transactions, their meaning and importance
2. International and regional sources of the law governing electronic transactions
3. Domestic sources of the law governing electronic transactions
4. Electronic transacting and the doctrine of functional equivalence
5. Electronic signatures
6. Electronic government
7. Electronic contracts including online gaming, online auctions, online dating services, online provisions of adult content, online sale of restricted substances
8. Electronic payment methods

9. Consumer protection
10. Spam
11. Data privacy
12. Communication privacy and workplace privacy
13. Electronic damage
14. Electronic crime
15. Security standards
16. ISPs and their liability
17. Online dispute resolution
18. Taxing electronic commerce

**Assessment:**

One or two projects	25% or 50%
Examination	75% or 50%

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**CML6059F ISSUES IN INFORMATION COMMUNICATION TECHNOLOGY LAW**  
(*Not on offer in 2010*)

NQF credits: 30

Higher postgraduate course, twenty-six contact hours, first semester, one two-hour seminar for 13 weeks.

**Course co-ordinator:** To be advised.

**Prerequisites:** Two of the courses in the Information Communication Technology Law programme or equivalent background. See also Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Objective:** The course aims at giving those following the Information Communication Technology Law programme the opportunity to research selected issues in Information Communication Technology Law and share their research with other members of the course.

**Course outline:** The topics for research will be settled at the first meeting of the class and will take account of the background and research interests of those who register for the course. There may be some special occasional lectures to deal with topics of particular importance.

**Assessment:** An oral examination for 50% at the end of the course and one seminar paper for 50%.

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**CML6060F LEGAL COMPLIANCE MANAGEMENT** (*Not on offer in 2010*)

NQF credits: 30

Higher postgraduate course, first semester. Two one-week sessions (25 lectures per week) during the semester.

**Course co-ordinator:** Mr T Howes.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. Diploma Certificate course in Legal Compliance Management offered by UCT.

**Objectives:**

The main **objectives** of this course are to provide the student with:

- an appreciation of the relationship between good corporate governance, compliance and risk management
- an appreciation of the importance of the compliance function in a financial institution
- a knowledge of the operation of reliable and effective systems to manage and minimise the risk of material compliance failures
- the opportunity to acquaint yourself with the regulatory framework that governs financial institutions in South Africa

**Course outline:**

- Selected aspects of Interpretations of statute
- Selected aspects of corporate governance
- Overview of selected new legislation
- The South African regulatory framework
- Enterprise-wide risk management

- Compliance policy
- Compliance strategy
- Compliance governance structures
- The compliance framework
- Compliance risk management

**DP requirements:** Attendance at and participation in lectures. Completion of written assignment(s).

**Assessment:**

One (or more) written assignments	40%
Examination	60%

### **CML6061W TAX LAW**

NQF credits: 60

Higher postgraduate double course, taught throughout the year.

**Course co-ordinator:** Associate Professor T Emslie.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Objective:** The objective of the course is to nurture tax lawyers and to provide non-lawyers with an insight into tax law and the rights of taxpayers in regard to liability for taxation. The accent is on the practical application of tax legislation as interpreted by the courts. The aim is to produce commercial lawyers who will be able to achieve tax efficiency when drafting agreements, negotiating contracts and advising their clients, and to foster a similar awareness of tax issues in other professionals.

**Course outline:**

The course commences with a brief introduction to interpretation of statutes. This is followed by a study of selected provisions of the Income Tax Act as interpreted by the courts, with the emphasis on gross income, certain exemptions, deductions and allowances. Attention is paid to topical issues of importance to tax practitioners, including the administrative powers of the Commissioner for Inland Revenue and the taxpayer's remedies of objection, appeal and review. In the latter part of the course the emphasis shifts to principles of tax planning based on the material already covered. Using the cases as pointers, tax planning is examined by identifying the various factors giving rise to liability for taxation and possible methods of neutralising one or more of them. This exercise takes place in the context of, *inter alia*, contracts of sale, lease and employment.

**Lectures:** Two lectures per week throughout the year, on Tuesday and Thursday evenings.

**DP requirements:** Candidates are required to pass (a minimum result of 50%) both the following: one two-hour written test in June which counts for 30%, and one three-hour final written examination in November which counts for 70%.

*NOTE: The Convener of the course may, at his/her discretion, limit the size of the class for didactic reasons. CML6061W Tax Law is the approved course for the award of the Postgraduate Diploma in Tax Law: it is also a double-course for the award of the LLM degree in Commercial Law or Tax Law.*

### **CML6063W ADVANCED TAX LAW**

NQF credits: 60

Higher postgraduate double course, taught throughout the year.

**Course co-ordinators:** Judge DM Davis and Ms T Gutuza.

**Prerequisites:** A candidate is not permitted to register for this course unless he or she has either completed Tax Law (CML6061W) or, in the opinion of the course co-ordinators, otherwise has a sufficiently sound academic background.

**Objective:** The objective of this course is to develop academic and professional proficiency in:

- 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.
- 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 Value added Tax, Donations tax and Estate Duty tax as levied in South Africa. The relevant legislation as interpreted by the courts, its practical application, both domestically and internationally will be examined.

Part 2 deals with international taxation. 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 Convention on Income and on Capital, the United Nations Model Convention on Income and on Capital, the allocation of taxing liability of various forms of income, international tax avoidance including transfer pricing and thin capitalisation and exchange control. 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.

**Lectures:** One two hour seminar per week save in the case of lectures (two double lectures per week).

**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.

**NOTE:** *The Convener of the course may, at his/her discretion, limit the size of the class for didactic reasons. CML6063W Advanced Tax Law is also a double-course for the award of the LLM degree in Commercial Law or Tax Law.*

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**CML6064F LAW AND REGIONAL INTEGRATION IN AFRICA: COMPARATIVE PERSPECTIVE**

NQF credits: 30

Higher postgraduate course, first semester.

**Course co-ordinator:** Professor ER Kalula.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**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, focus will be on the normative and institutional framework of the African Union (AU) and debate on the United 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.

**Assessment:** Continuous assessment (written assignments and seminar presentations): 45%  
Externalised long paper: 55%

### **CML6070F** ADVANCED INSURANCE LAW

NQF credits: 30

Higher postgraduate course, first semester.

**Course co-ordinator** Professor JE Hare.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

Advanced Insurance Law commences with an outline of the history of insurance law, from its origins in the marine insurance practices of Italian city states, and its reception through Europe and eastwards to England where much of today's insurance law was distilled. The first part of the course concentrates on general principles of insurance law, including the notion of an insurable interest, good faith in insurance contracts, warranties and exceptions; risk and causation and claims procedures. Both short term and long term insurances are dealt in illustrating these general principles.

The second part of the course focuses on marine insurance and on one of life insurance, accident insurance, pension insurance or professional indemnity insurance. A specialist in the field(s) chosen will be invited to present sessions dealing with that area of insurance law.

Where possible, students will be given a practical insight into the workings of the insurance market, and the demands that the industry places on the law to regulate its business. Areas where insurance law could benefit from reform will be discussed.

While the course will cover the South African law of insurance, a comparative multi-jurisdictional approach will be taken – both because insurance law has international roots and common threads, and because comparison (especially to jurisdictions represented by foreign students attending the course) gives greater insight to where insurance law has come from, and where it is likely to go.

**DP requirements:** Satisfactory attendance at, and participation in lectures and seminar sessions. Satisfactory completion of both assignments during the semester.

The Faculty reserves the right to limit classes to 20 students, with preference given to those who are registered for specialist programmes in which this course is included.

**Assessment:** Two assignments (or one assignment and an examined debate) will be set during the semester together counting 50% of the course mark. Late assignments will be penalised with mark deductions. One three hour examination at the end of the semester.

### **CML6071F** NEGOTIATION

NQF credits: 30

Higher postgraduate course, first semester.

**Course co-ordinator:** Professor A Rycroft.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**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.

**Assessment:** Examination counts 75% and year mark counts 25% of final grade.

### **DOL6000F/S/Z** LEGAL PRACTICE

NQF credits: 30

Higher postgraduate, first OR second semester, full time course extending over five-and-a-half months, or evening classes (course for LLM).

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**Course co-ordinator:** Ms GY Kemp.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

This course is designed to train law graduates in the practice and procedure required for the practice of law and will concentrate on the following areas:

Module 1 (five weeks):

- Structure of the Profession
- Professional Conduct
- Criminal Court Practice
- Constitutional Law Practice

Open book examination for Constitutional Law Practice. One two-and-a-half-hour paper.

Module 2 (ten weeks)

Module 2.1:

- Magistrate's Court Practice
- High Court Practice
- Legal Costs

One two-and-a-half-hour paper.

Module 2.2:

- Personal Injury Claims
- Insolvency Procedures
- Matrimonial Matters and Divorce

One three-hour-forty-five-minutes open book assessment.

Module 3 (five weeks)

Module 3.1

- Commercial Contracts
- Forms of Business Enterprise
- Labour Dispute Resolution
- Commercial Litigation

One two-and-a-half-hour paper.

Module 3.2

- Wills and Estates

One four-hour open book assessment.

Module 4 (three weeks)

- Attorneys' Bookkeeping
- Business Management and Administration

One two-and-a-half-hour paper.

**Lectures:** Each weekday from 08h30 to 15h15 and on occasional Saturdays.

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### **PBL6002F** INTERNATIONAL LAW OF THE SEA

NQF credits: 30

Higher postgraduate course, first semester. Offered in any year at the discretion of the Institute of Marine and Environmental Law.

**Course co-ordinator:** Professor JN Gibson.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

- History and sources of the Law of the Sea.
- Baselines.
- Territorial Water Zones: Internal Waters; Territorial Sea; Archipelagic waters.
- Non-Territorial Water Zones: Contiguous Zone; Continental Shelf; Exclusive Economic Zone; Exclusive Fishing Zone.



- Zones Beyond Particular National Jurisdiction: High Seas; International Sea-Bed Area.
- Settlement of disputes.

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

**Assessment:** One or more written assignments count for 40% and a written examination counts for 60%.

### **PBL6008S MARINE RESOURCES LAW**

NQF credits: 30

Higher postgraduate course, second semester. Offered in any year at the discretion of the Institute of Marine and Environmental Law.

**Course co-ordinator:** Professor JN Gibson.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

1. Conventions and legislation on marine living resources (area regimes, species protection, method control, interstate questions, South African legislation).
2. Offshore oil and gas law (applicable law, licensing, offshore installations and pipelines, decommissioning).
3. Miscellaneous resources (wrecks and archaeological sites, the deep sea bed, marine diamonds).

**DP requirements:** Satisfactory attendance at and participation in lectures and tutorials, and completion of written assignments.

**Assessment:** One or more written assignments count for 40% and a written examination counts for 60%.

### **PBL6015F PRINCIPLES OF PUBLIC INTERNATIONAL LAW**

NQF credits: 30

Higher postgraduate course, first semester.

**Course co-ordinator:** Professor TW Bennett.

**Prerequisites:** This course is especially offered to students who do not already have a suitable undergraduate or LLB qualification in Public International Law.

**Course outline:**

As an introduction to International law and a foundation for other courses in the masters programme, this course covers general principles and institutions in broad outline. The emphasis is on seminars and class discussion. The purpose of the course is to enable students to reflect critically upon legal concepts, their relationship to one another and their applicability in international relations.

1. Sources of International Law.
2. Application of International Law in municipal legal systems.
3. Subjects of International Law: the state, sovereignty and jurisdiction.
4. Objects of International Law: territory, land boundaries, air and maritime spaces, human beings and nationality.
5. Treaties.
6. Limitations on jurisdiction: sovereign and diplomatic immunity, treatment of aliens, self-determination, the protection of minorities and (in outline) human rights.
7. Torts and crimes.
8. State succession.

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

**Assessment:** One three-hour examination in June counting 60% and a written assignment counting 40% of the year mark.

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**PBL6018S** INTERNATIONAL LAW ON DISPUTES AND THE USE OF FORCE

NQF credits: 30

Higher postgraduate course, second semester. Maximum number of 20 students.

**Course co-ordinators:** Professor TW Bennett and Mr SA Nakhjavani.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. Although students will find PBL6015F Principles of Public International Law helpful, this preliminary course is not essential. 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.

**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
4. Application of International Humanitarian Law

**Lectures:** By arrangement.

**Assessment:** Final written examination counts for 60% and written assignment for 40%.

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**PBL6019F** INTERNATIONAL ENVIRONMENTAL LAW

NQF credits: 30

Higher postgraduate course, first semester, two double lectures a week

**Course co-ordinator:** Professor JN Gibson.

**Prerequisites:** 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, the SADC 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.
- Marine conventions relating to the conservation and exploitation of natural and non-natural resources.
- Terrestrial conventions relating to trans-boundary movement and disposal of waste.
- Conventions on HNS and nuclear matters.
- Conventions relating to marine pollution, atmospheric pollution and climate change.
- Conventions relating to the conservation of nature, including biodiversity.
- 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% of the year mark and the final examination 50%.

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**PBL6020F REFUGEE AND IMMIGRATION LAW AND POLICY IN SOUTH AFRICA**

NQF credits: 30

Higher postgraduate course, first semester.

**Course co-ordinator:** Ms F Khan.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**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 2010 will be "environmental" and "refugees and Zimbabwean migrants."

**Lectures:** Three hours weekly on a seminar basis, by arrangement.

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

**Assessment:** 50% by way of written assignment, and 50% by means of a written examination.

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**PBL6022S LEGAL WRITING**

NQF credits: 30

Higher postgraduate course, second semester.

**Course co-ordinator:** Professor MH Cheadle.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Objective:** The object of the course is to improve the writing skills of lawyers. To be effective, law must be understood by its audience. There is always more than one audience – one legal and the other lay. There is a tendency to forget about the lay audience. If you are a private practitioner, that audience is your client. If you are a drafter of laws, that audience is the citizen. If you are a judge or arbitrator, your decision speaks to the litigants. The fundamental assumption underlying this course is that legal documents can be written simply and clearly without loss of certainty. Indeed, the gains in clarity can make the text more legally certain.

**Course outline:**

The course will commence with an introduction to the modern developments in the drafting of laws and other legal documents. It will proceed to examine the basic rules for writing simply, accurately and in a gender-free way. It will examine the manner in which legal documents are organised and how they may be better organised in order to improve clarity and accessibility. The course will then concentrate on the drafting of legislation and the drafting of important legal documents such as contracts, constitutions, wills and trusts. The course will also investigate the use of the computer in developing templates and precedents. The main topics are:

- Modern comparative experience in drafting legal documents.
- Rules of interpretation.
- Organising the whole document – the perspective of the most likely reader.
- Organising the section or the paragraph.
- Basic mistakes made by lawyers and how to avoid them.
- Writing in a gender-neutral way.
- Drafting laws – statutes, regulations, bye laws, constitutions and rules.
- Drafting contracts.

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- Drafting other types of legal documents.
- The use of the computer in drafting.

**Lectures:** Three hours weekly on a seminar basis, by arrangement.

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

**Assessment:** Five drafting exercises counting 10% each, with a drafting exercise and an examination counting 50%.

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### **PBL6023S GOVERNING UNDER THE CONSTITUTION: LAW AND PRACTICE**

NQF credits: 30

Higher postgraduate course, second semester, one seminar per week.

**Course co-ordinator:** Professor P de Vos.

**Prerequisites:** See Rules for LLM and MPhil Degrees and 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 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.

**Lectures:** By arrangement.

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of written assignments.

**Assessment:** Written assignments count 30%, written examination counts 70%

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### **PBL6028F INTERNATIONAL RIGHTS OF THE CHILD**

NQF credits: 30

Higher postgraduate course, first semester, one two-hour seminar per week for 13 weeks.

**Course co-ordinators:** Associate Professor DM Chirwa, Ms T Nhenga-Chakarisa and Ms P Proudlock.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Objective:**

- (a) To examine critically the development, content and implementation of international and regional human rights laws on children with a focus on the African region;
- (b) To examine the effectiveness, equity and cultural sensitivity of the laws on children;
- (c) 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:

- (a) the methods of incorporation of international and regional treaties on children's rights into national law and the effectiveness of these methods;
- (b) the relationship between different cultural traditions and the universal and regional values on children's rights;
- (c) the impact of the international and regional definitions of a child on national laws regulating abortion, criminal responsibility, marriage, the death penalty, labour relations and armed conflict;
- (d) prohibited punishment or acceptable treatment;
- (e) the child's right to participation;
- (f) child poverty;
- (g) child justice;
- (h) the right to education;
- (i) the right to survival and development;
- (j) the right to protection from abuse, neglect, maltreatment and exploitation;
- (k) legal protections for child soldiers and civilians involved in armed conflicts and
- (l) the right to family care or alternative care.

**Lectures:** By arrangement.

**DP requirements:** Attendance at all lectures.

**Assessment:** Written assignments count for 50% and written examination counts for 50%.

**PBL6030S MARINE POLLUTION LAW**

NQF credits: 30

Higher postgraduate course, second semester. Offered in any year at the discretion of the Institute of Marine and Environmental Law.

**Course co-ordinator:** Emeritus Professor D Devine.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

The course examines the principles of international law that seek to protect the marine environment from pollution. It also considers the implementation of those principles in national law, with particular reference to South Africa.

Marine pollution arises from a wide variety of sources, including shipping, waste dumping, offshore development and land-based activities, and different legal mechanisms have been produced in response to these. The course explores the various administrative and regulatory regimes and the principles of civil and criminal liability for marine pollution. It covers the following topics:

- Pollution from ships;
- Dumping at sea;
- Pollution from sea-bed activities;
- Pollution from land-based sources;
- Atmospheric pollution;
- Protection of special areas.

**DP requirements:** Satisfactory attendance at and participation in lectures and tutorials, and completion of written assignments.

**Assessment:** One or more written assignments count for 40% and a written examination counts for 60%.

**PBL6031S INTERNATIONAL PROTECTION OF HUMAN RIGHTS**

NQF credits: 30

Higher postgraduate course, second semester, one three hour seminar a week.

**Course co-ordinator:** Associate Professor DM Chirwa.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

The aim of the course is, on one hand, to provide a solid understanding of the international rules and principles that are aimed at protecting human rights, as well as the structures and methods that have been established to realise this protection. On the other hand, the course aims to encourage inquiry into and discussion of the questions that arise within this context.

The course covers:

- (a) The jurisprudential and philosophical bases of human rights in international law.
- (b) The institutional context of international human rights: this section will cover the various institutions through which human rights are protected in the international community.
- (c) International human rights standards and standard setting.
- (d) The implementation of human rights standards.
- (e) Specific topics in international human rights law.

**Lectures:** To be arranged.

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of written assignment.

**Assessment:** Seminar presentation counts 10%. Written assignment counts 30%. Written examination counts 60%.

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**PBL6033S LITIGATING THE BILL OF RIGHTS**

NQF credits: 30

Higher postgraduate course, second semester.

**Course co-ordinators:** Professor MH Cheadle and Judge DM Davis.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

This course will explore approaches to constitutional litigation by way of disputes based upon the bill of rights (Chapter 2 of the Constitution). In particular the course will examine the way in which the three cornerstones of Chapter 2, the application provision (s8), the limitation clause (s36), and the approach to constitutional interpretation, shape the way in which constitutional cases are pleaded and argued.

The course will be run as a series of seminars in which each student will be expected to present a paper. These seminars will concentrate on three key areas and their implications for litigation. In each of the seminars, the use of comparative authority will be comprehensively examined.

**Lectures:** Three hours weekly, by arrangement.

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

**Assessment:** 50% by way of written assignment, and 50% by means of written examination.

The final examination may be conducted by way of a moot court, in which students will be expected to draft heads of argument and argue the case; or alternatively by way of written seminar paper and an oral examination.

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**PBL6034F HUMAN RIGHTS LAW**

NQF credits: 30

Higher postgraduate course, first semester, two lecture periods per week.

**Course co-ordinator:** Associate Professor R Calland.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

The South African Bill of Rights expressly declares itself to be the 'cornerstone of democracy' and affirms the democratic ideals to which the post-apartheid society is committed. It represents a decisive break with the past and is a manifestly transformative document. The listed rights range from property rights to justifiable socio-economic rights; there are affirmative state duties to

promote and protect rights; class actions and public interest litigation are permitted; and there is provision for 'horizontal' application of some of the rights. The courts have developed a significant body of case-law. The Constitutional Court has, for example, pronounced on issues as varied as the death penalty, housing and the provision of anti-retroviral drugs to HIV-positive pregnant women.

This course will provide students with an understanding of the South African Bill of Rights. It will consider in detail the jurisprudence of the Constitutional Court, and where appropriate, the Supreme Court of Appeal and international and comparative human rights law.

The course will begin with a discussion of judicial review and the success of human rights litigation. A general overview of the operational provisions of the Bill of Rights, including the provisions dealing with application, interpretation and limitation of rights, will follow. The focus here will be the extent to which the courts are developing a theory of deference which balances protection of rights with the principle of separation of powers. This part of the course will also consider the record of the courts in developing the common law in the light of the Bill of Rights.

A critical analysis of the jurisprudence of the courts on selected rights will follow. The focus will depend on the interests of the class, but core rights such as equality, dignity, freedom of expression and religion will be generally be considered. There will also be a discussion of the jurisprudence of the courts on socio-economic rights and the extent to which the inclusion of socio-economic rights in a Bill of Rights has influenced judicial rights discourse.

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

**Assessment:** Participation in seminars and written assignments count for 50% of the mark and the final examination counts for 50%.

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### **PBL6035F** ADMINISTRATIVE JUSTICE

NQF credits: 30

Higher postgraduate course, first semester, one seminar per week.

**Course co-ordinator:** Professor HM Corder.

**Prerequisites:** Competent academic and/or practical knowledge of South African and/or common-law based administrative law.

**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 Europe and the British Commonwealth. The feasibility and form of constitutional protection of the right to administrative review and of alternative forums for achieving administrative justice (such as tribunals, ombuds and ADR) are two aspects which will receive some attention. 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 teaching this subject.

**Lectures:** By arrangement, a three-hour seminar weekly.

**DP requirements:** Satisfactory attendance at and participation in seminars and completion of written assignments.

**Assessment:** An essay and an oral examination count for 40%; long paper or written examination counts for 60%.

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**PBL6037S BIOSAFETY LAW**

NQF credits: 30

Higher postgraduate course, second semester. A combination of weekly lectures and intense training totalling approximately 50 hours.

**Course co-ordinator:** Professor J Kinderlerer.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. 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 (6-8 hours over two Saturdays).

**Objectives:**

The aim of the course is to provide students with expert information about bio- and nano-technology (as employed in agriculture, the medical industry, and industry generally) and the international, regional and national regulation of these technologies, in particular the regulation of risk assessment and safe use of these technologies, and liability for harm caused by these technologies.

**Course outline:**

The course will include a consideration of the law on:

- The need for biosafety regulation
- International law instruments (such as the Cartagena Protocol)
- Regional law arrangements (such as the OAU/AU Model Laws)
- National law (such as the Genetically Modified Organisms Act in South Africa)
- Legal liability for harm caused through the introduction of genetically modified (GM) products into the environment.

**DP requirements:** Attendance at and participation in lectures. Completion of written assignment(s).

**Assessment:**

One (or more) written assignments	50%
Examination	50%

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**PBL6038S LAW, SCIENCE AND ETHICS**

NQF credits: 30

Higher postgraduate course, second semester. A combination of weekly lectures and intense training totalling approximately 50 hours.

**Course co-ordinators:** Professor J Kinderlerer and Ms D Collier.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. 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 (6-8 hours over two Saturdays).

**Objectives:** The course will serve as a basis for ethical and legal analysis of new and unexpected developments in biotechnology and nanotechnology.

**Course outline:**

The course content is likely to include a consideration of:

- Research ethics
- Ethical work on patients
- Ethical standards for the use of biotechnology and nanotechnology in medicine and science
- International and national human rights law

**DP requirements:** Attendance at and participation in lectures. Completion of written assignment(s).

**Assessment:**

One (or more) written assignments	50%
Examination	50%



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**PBL6039F MEDICINE, LAW AND GOVERNANCE**

NQF credits: 30

Higher postgraduate course, first semester. A combination of weekly lectures and intense training totalling approximately 50 hours.

**Course co-ordinator:** Professor J Kinderlerer.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. 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 (6-8 hours over two Saturdays).

**Objectives:**

The application of modern biology and genetics in the medical industry gives rise to new and emerging regulatory issues in the medical discipline, which governments need to address. The aim of this course is to familiarise students with the applicable technologies (for example genetic and genomic medicine) and the complex legal issues, compounded by international law obligations, that such technologies give rise to.

**Course outline:**

The course content will be driven by emerging regulatory issues and may include:

- Human genetics
- Genetic and genomic medicine
- Obstetrics and gynaecology (including stem cells)
- Nanomedicine
- Implants and transplantation

**DP requirements:** Attendance at and participation in lectures. Completion of written assignment(s).

**Assessment:**

One (or more) written assignments	50%
Examination	50%

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**PBL6040F PRINCIPLES OF ENVIRONMENTAL LAW**

NQF credits: 30

Higher postgraduate course, first semester.

**Course co-ordinator:** Associate Professor L Feris.

**Lectures:** 40 hours of lectures and seminars (block teaching over 2 weeks).

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**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.

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:**

One or more written assignments count for 40%; participation in class seminars counts for 10%; written examination counts for 50%.

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**PBL6041F** LAND USE PLANNING LAW (*Not on offer in 2010*)

NQF credits: 30

Higher postgraduate course, first semester.

**Course co-ordinator:** Associate Professor A Paterson.

**Lectures:** 40 hours of lectures and seminars (block teaching over 2 weeks).

**Prerequisites:** 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 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:**

One or more written assignments count for 40%; participation in class seminars counts for 10%; written examination counts for 50%.

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**PBL6042S** NATURAL RESOURCES LAW

NQF credits: 30

Higher postgraduate course, second semester.

**Course co-ordinator:** Associate Professor L Feris.

**Lectures:** 40 hours of lectures and seminars (block teaching over 2 weeks).

**Prerequisites:** The student must have completed Principles of Environmental Law or have the prior written consent of the course convener.

**Course outline:** Planet earth provides society with a vast array of natural resources including: fresh water; air; marine living resources; soil; minerals; and biological resources. Human society is dependent on these natural resources for its very survival. Global consciousness and consensus is growing that we are depleting these natural resources on an inequitable and unsustainable basis. 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. South Africa has one of world's most contemporary legal regimes regulating natural resources and it will be used as a case study through which to critically explore the nature and application of these tools inherent in natural resource legislation. These tools have significant implications for those seeking to use and conserve natural resources 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 natural resource regime, the course is of key 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 assignment.

**Assessment:** One or more written assignments count for 40%; participation in class seminars counts for 10%; written examination counts for 50%.

**PBL6043S POLLUTION LAW**

NQF credits: 30

Higher postgraduate course, second semester.

**Course co-ordinator:** Associate Professor L Feris.

**Lectures:** 40 hours of lectures and seminars (block teaching over 2 weeks).

**Prerequisites:** The student must have completed Principles of Environmental Law or have the prior written consent of the course convener.

**Course outline:** Development and pollution appear to be inherently linked and the rapid economic growth which has taken place in the past few decades has led to an unprecedented increase in the rate of land, air and water pollution. Land fill sites are full to the brim, alternate sites are in short supply and developing nations have an increasing aversion to being the dumping ground for developed nations' waste. Atmospheric emissions are changing global climate conditions and impacting on the health and well being of the human population. Water pollution is compounding the water scarcity realities of many countries. It is therefore not surprising that many countries have recently reformed, or are currently reforming, their legal regimes governing land, air and water pollution.

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. South Africa has one of world's most contemporary legal regimes regulating pollution and it will be used as a case study through which to critically explore the nature and application of these tools inherent in pollution legislation. These tools have significant implications for those seeking to pollute or curb pollution 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 pollution regime, the course is 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 assignment.

**Assessment:**

One or more written assignments count for 40%; participation in class seminars counts for 10%; written examination counts for 50%.

**PBL6044S SEXUAL OFFENCES AND THE LAW**

NQF credits: 30

Higher postgraduate course, second semester.

**Course co-ordinator:** Dr D Smythe.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:** In 2007 a decade-long process of reforming South Africa's sexual offences laws culminated in the passage of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007. At each stage of this process those involved in the law reform effort were forced to make strategic decisions about aspects of the proposed reforms. They asked hard questions about how useful specific reforms would be in achieving envisaged ends. Many of these questions remain:

Why, for example, do we need a gender-neutral definition of rape? What difference does it make if consent is a defence or lack of consent an element of the crime? For answers to these difficult questions those involved in the process drew on experiences in the field, on the empirical data that they and others had generated in relation to victims, service providers, and criminal justice agencies, and on the comparative experiences of other jurisdictions with similar reforms enacted over the past 30 years.

Taking a multi-disciplinary approach, this course will track the process of rape law reform in South Africa, looking critically at what was included in the Act and what was omitted. It will move from broad questions about the utility of law in addressing sexual violence to a focused consideration of the interpretation and potential impact of key provisions. Issues to be covered in seminars include:

- Investigating and prosecuting rape
- Defining rape and issues of consent
- Harmful HIV-related sexual conduct
- Medico-legal and psycho-social issues
- Provision of PEP, treatment and counselling
- Special issues relating to the youthfulness of victims and offenders
- Vulnerable witnesses and protective measures
- Evidence and Procedure: caution, corroboration and delays, previous sexual history, character and disclosure of personal records
- Expert evidence
- Sentencing, treatment and supervision of offenders.

**DP requirements:** Satisfactory attendance at, and participation in, seminars and completion of written work.

**Assessment:** Coursework (30%) and a substantial research paper (70%).

### **PBL6047F** SOCIAL JUSTICE, LAW AND POVERTY (was CML6065F)

NQF credits: 30

Higher postgraduate course, first semester, one seminar per week.

**Course co-ordinator:** Ms M von Broembsen.

**Prerequisites:** An LLB or Honours degree in selected Social Science disciplines.

#### **Course outline:**

The way we conceptualise poverty largely determines our policy responses. This course examines the different approaches to development since the 1970s, situates the current debates in the context of globalization and global institutions, examines the different approaches to understanding poverty and the resultant policy and legislative responses and highlights key areas of policy in any developing country, such as land and agriculture, education, job creation, housing, social security and health. An objective of the course is to equip students with different paradigms for analysis, which includes exposure to cross cutting themes such as gender analysis, household theories and the impact of HIV – AIDS on policy design.

#### **Assessment:**

Assignments 50%

Examination 50%

\* *The course co-ordinator may at his/her discretion limit the size of the class to 15 students.*

### **PBL6048S** SOCIAL JUSTICE IN PRACTICE (was CML6066S)

NQF credits: 30

Higher postgraduate course, second semester. There will be ten weekly seminars that cover aspects detailed below; three two-to-three days fieldwork and approximately four seminars where students present their work and critique each other's works.

**Course co-ordinator:** Ms M von Broembsen.

**Prerequisites:** An LLB or Honours degree in selected Social Science disciplines.

**Course outline:**

The objectives of this course are five-fold:

- (a) For students to learn the theory relevant to practical socio-economic transformation;
- (b) To expose students to the realities of life in socio-economically impoverished communities.
- (c) For students to learn from and critique examples BEST Practice.
- (d) For students to design and implement a small scale development intervention in conjunction with selected Community Based or Not-for-Profit Organisations.
- (e) To teach students report writing, basic qualitative research skills and monitoring and evaluation tools that are used in practice by organisations and required by funder

The course will broadly cover the following:

1. **Research:** ethics of research, qualitative and quantitative research; one-on-one interviews and focus groups (6 sessions presented by or based on Shane Godfrey's material).
2. **Institutions for transformation:** the role of community structures, community based – organisations, not-for profit organisations, funders and the three tiers of government; different paradigms for partnership, including public-private partnerships.
3. **Social Capital:** theoretical perspectives, different forms of social capital.
4. **Different approaches to:** Mapping, community audits; local economic development debates.
5. **Legal empowerment of the poor and the role of advocacy.**

There will be three practical sessions, each comprising two to three days in the field:

1. **Social Research:** interview people to hear their life stories. The project will be designed to achieve specific learning outcomes. Students will be required to demonstrate research techniques. The outputs will include: design of survey instruments, a research report and a journal. Clearance from the ethics committee will be sort.
2. **Case studies of BEST Practice:** Students will be taken to three or four sites to observe Best Practice examples that relate to the theory previously covered e.g. building social capital to achieve development goals; a successful public private partnership; grassroots advocacy, gender sensitive programmes. Output: A report on two of the studies that reflects the relevant theory, documents the case study and a critique. This component will require a demonstration of monitoring and evaluation tools taught during preparation for the practical component.
3. **Design and implement of small-scale development intervention:** students will be required to apply principles covered in the course to design and implement a small scale development intervention, in conjunction with one of our NGO partners. Output: actual intervention and a report that includes the following: (i) theoretical justification for intervention (ii) design of intervention, that includes process followed and (iii) an evaluation of the intervention by implementer and stakeholders.

**Assessment:**

Interviews	5%
Case Studies	45%
Practical Work	50%

\* The course co-ordinator may at his/her discretion limit the size of the class to 15 students.

**PBL6807F INTERNATIONAL CRIMINAL LAW (was CRJ6007F)**

NQF credits: 30

Higher postgraduate course, first semester.

**Course co-ordinator:** Mr SA Nakhjavani.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. Successful completion of courses in public international law, and substantive criminal law from any legal tradition. The course co-ordinator 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.

**Assessment:** Quizzes and essay(s).

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**PBL6815F PUNISHMENT AND HUMAN RIGHTS (was CRJ6015S)**

NQF credits: 30

Higher postgraduate course, first semester.

**Course co-ordinator:** Ms K Phelps.

**Prerequisites:** See Rules for LLM and MPhil Degrees and 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 (prison, community sanctions) and special stakeholders in punishment (minority groups, children) will also be considered.

**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 two research papers. Marks given for the seminars and research papers comprise the entire mark for the course.

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**PBL6816S ADVANCED CRIMINAL PROCEDURE AND EVIDENCE**

(was CRJ6016S)

NQF credits: 30

Higher postgraduate course, second semester with a double lecture/seminar per week.

**Course co-ordinator:** Associate Professor W de Vos.

**Prerequisites:** A candidate is not permitted to register for this course unless he or she has completed LLB courses (or their equivalent) in Criminal Procedure and Evidence.

**Course outline:**

This course assumes that students have a basic knowledge of the rules and principles of Criminal Procedure and Evidence. It is advisable that students should have done these courses in these subjects in an Anglo American System. It will examine the jurisprudential basis of these rules and principles. It will consider Constitutional and other recent developments in the field. Particular attention will be paid to the following: strict versus free systems of evidence, accusatorial versus inquisitorial systems of procedure; lay participation in the adjudication of criminal matters, the presumption of innocence, improperly obtained evidence; a constitutional evaluation of legislative facts, differential treatment on the basis of gender and/or youth.

**Lectures:** To be arranged.

**DP requirements:** The presentation of at least one seminar and 2 research papers of not more than 5 000 words each.

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**PBL6819S PRISONERS' RIGHTS AND COMPARATIVE PRISON SYSTEMS**

(was CRJ6019S) (*Not on offer in 2010*)

NQF credits: 30

Higher postgraduate course, second semester.

**Course co-ordinators:** To be advised.

**Course outline:**

The course will be presented through a series of lectures and/or seminars. The areas to be addressed will be: sentencing and punishment prisoners' rights; oversight of governance and corruption; prison liberalization (including private prisons); transformation; policy development; comparisons with other African correctional systems; prison reforms (civil society involvement).

**DP requirements:** Satisfactory attendance at and participation in seminars and the completion of the research papers and oral presentation.

**Assessment:** The presentation of at least one seminar and two research papers of not more than 5 000 words each. Marks given for the seminars and research papers comprise the entire mark for the course.

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**PBL6820F THEORIES OF CRIME AND SOCIAL ORDER (was CRJ6020F)**

NQF credits: 30

Higher postgraduate course, first semester.

**Course co-ordinators:** Professor C Shearing and Ms J Berg.

**Prerequisites:** See Rules for LLM and MPhil Degrees and 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:**

Assessment will be by two written assignments: 1) Three reading "diaries" in which participants will review and react to the readings (45%) of 2000 words. 2) A final paper of 5000 words in which participants explore and seek to advance selected theoretical ideas (55%).

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**PBL6822S VICTIMS AND VICTIMOLOGY: THEORY, POLICY AND PRACTICE**

(was CRJ6022F)

NQF credits: 30

Higher postgraduate course, second semester.

**Course co-ordinator:** Associate Professor E van der Spuy.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Honours degree in Humanities or LLB.

**Course outline:**

Over the past four decades victims of crime have become a constituency of considerable importance in criminological debates, in the development of crime policies and in criminal justice practices. Why have victims of crime acquired such a political status? What are the key factors which have contributed to the rediscovery of the needs and rights of victims? Are victims rights being pursued at the cost of offender rights? Do so-called victim centred justice systems really contribute to greater justice for victims? Do such systems inevitably lead to more punitive dispensations for offenders?

And is there a neat distinction to be drawn between victims and offenders - or are the identities more fluid than we would like to think?

This course starts off on a biographical note. Students are asked to write about their experiences of victimisation, the harms inflicted, the adoption (or negation) of a victim or survivor identity, to reflect on their coping strategies and to discuss the role of support networks in their recovery. From such personal reflections we move on to:

- Track the development of victimology as an area of criminological enquiry.
- Discuss the theoretical perspectives, the crime policies and criminal justice practices associated with victim studies.
- Engage with the controversies to which victim-centered justice systems have given rise.
- Examine the impact of political processes of truth seeking and reconciliation in the aftermath of conflict on a victim-centred approach to justice.

**DP requirements:** Satisfactory attendance at seminars and completion of written assignments.

**Assessment:**

Written assignments	60%
Take-home examination	40%

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**PBL6844F POLICE AND POLICING: EXPLORATIONS IN SECURITY GOVERNANCE**

NQF credits: 30

Higher postgraduate course, first semester.

**Course co-ordinators:** Professor C Shearing and Ms J Berg.

**Prerequisites:** See Rules for LLM and MPhil Degrees and 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 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. Two key foci of the course are the way in which security has been constructed as an object of regulatory concern and the way in which the domain of security has been and is being expanded via notions such as human security. Theoretical themes include: mentalities, institutional arrangements, technologies and practices of governance as well as various 'faces' of state and plural governance. This course also examines the relationship between security governance in Africa (particularly South Africa) and global trends. The course is presented through a series of digital seminars.

**DP requirements:** Satisfactory attendance at seminars and completion of written 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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**RDL6009S COMPARATIVE PRIVATE LAW**

NQF credits: 30

Higher postgraduate course, second semester.

**Course co-ordinator:** Associate Professor H Scott.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:**

The course will consider the impact of human rights on private law in comparative perspective. It will begin with a general introduction to comparative legal method, and will cover a series of selected topics in the fields of contract, delict/tort and succession.

**DP requirements:** Satisfactory attendance of lectures and participation in seminars.

**Assessment:**

A 10 000 word research paper



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**RDL6013S DEVELOPMENTAL ISSUES IN INTELLECTUAL PROPERTY LAW**

NQF credits: 30

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.

**Course co-ordinators:** Ms D Collier and Professor J Kinderlerer.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. 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 (6-8 hours over two Saturdays).

**Objective:** This course examines the main pillars of intellectual property law, including patents and copyright and analyses its impact on a range of public policy objectives in developing countries. It is of a multi-disciplinary nature and cuts across issues such as health, education, food security and internet governance.

**Course outline:**

Topics that are likely to be addressed in the course include:

1. The historical evolution of intellectual property rights
2. Innovation and technology transfer
3. The impact of intellectual property rights on health, education and food security
4. Genetic resources and traditional knowledge
5. Information technology and freedom of expression
6. Trademarks and geographical indications
7. Emerging trends in international intellectual property policy
8. Legal mechanisms to limit intellectual property protection and political counter movements.

Other issues that may be considered include copyright and related-rights, and the access to knowledge, as well as measures to address access and benefit-sharing, the transfer of technology and biopiracy.

**DP requirements:** Attendance at and participation in lectures. Completion of written assignment(s).

**Assessment:**

Essays and immersion assignment	50%
Examination	50%

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**RDL6014F ADVANCED INTELLECTUAL PROPERTY LAW**

NQF credits: 30

Higher postgraduate course, first semester. One double lecture (3 hours) per week or two intense weeks training, or a combination of weekly lectures and intense training.

**Course co-ordinator:** Ms L-A Tong.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. 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 (6-8 hours over two Saturdays).

**Objectives:** This course provides an overview of intellectual property rights from a South African perspective, taking into account international influences. It examines copyright, patent, trade marks, and design rights in South Africa and includes topics that have been traditionally housed under the intellectual property law regime, like unlawful competition. It aims to be a general course with sufficient depth but which also focuses on key issues.

**Course outline:**

1. Intellectual Property in the Global Economy
  - justifications for intellectual property rights
  - introduction to the economic analysis of Intellectual Property rights (theory of price under monopoly, oligopoly and competition)
2. Sources and Principles of International Intellectual Property Law
  - WTO, WIPO, Regional institutions

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- International IPR conventions and territoriality, reciprocity, national treatment, MFN principles
- 3. Patents
- 4. Trade marks
- 5. Unlawful competition  
Including: Trade secrets and Passing off
- 6. Design rights
- 7. Copyright and related rights
- 8. In addition, students will be required to produce a written assignment on one of a number of specialist topics within the context of the course. The topics will depend on student's interests and the availability of suitable supervisors.

**DP requirements:** Attendance at and participation in lectures. Completion of written assignment(s).

**Assessment:**

Year mark	50%
Examination	50%

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### **RDL6015F BIOTECHNOLOGY AND INTELLECTUAL PROPERTY LAW**

NQF credits: 30

Higher postgraduate course, first semester. One double lecture (3 hours) per week or two intense weeks training, or a combination of weekly lectures and intense training.

**Course co-ordinator:** Professor J Kinderlerer.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. 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 (6-8 hours over two Saturdays).

**Objectives:** The course will trace the development of Intellectual Property Law in relation to biotechnology and nanotechnology, and will explore the impact of international agreements, such as the WTO Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS), on national, regional and comparative law.

**Course outline:**

The course will, broadly, consider the following:

An introduction to biotechnology and nanotechnology techniques

- The use of IP law to protect innovation
- Relevant instruments of international, regional and national IP law
- Issues of concern, such as biodiversity, traditional knowledge and access to medicines
- Transfer of technology
- Access and benefit sharing

**DP requirements:** Attendance at and participation in lectures. Completion of written assignment(s).

**Assessment:**

Essays and immersion assignment	50%
Examination	50%

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### **RDL6016S LEGAL PLURALISM: WITH SPECIAL REFERENCE TO AFRICA**

*(Not on offer in 2010)*

NQF credits 30

Higher postgraduate course, second semester.

**Course co-ordinator:** Professor TW Bennett.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:** The accommodation of legal pluralism, given the imperatives human rights and the rule of law.

**DP requirements:** Satisfactory attendance of lectures, completion of projects and all written assignments.

**Assessment:**

Year mark	40%
Examination	60%

**RDL6017F** COMPARATIVE LAND LAW (*Not on offer in 2010*)

NQF credits: 30

Higher postgraduate course, first semester.

**Course co-ordinator:** Professor H Mostert.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

**Course outline:** The course involves an in-depth legal-comparative study of fundamental principles of land law. South African land law is subject to rapid and extensive change, as are land law systems from many other jurisdictions. This course supplements and builds upon the basic and undergraduate courses in property law, to enable students to specialise in land law. It does so by developing student's abilities to think critically about identified themes within land law, and to do so whilst employing the legal-comparative method. Within a transitional paradigm, such as that of South Africa and many other post-colonial and post-socialist systems, these skills are vital to those wishing to have a meaningful impact on the development of new land law systems, or the revision of existing ones. This course therefore introduces students to the complexities of comparing principles of land law from different jurisdictions and settings; and contextualises the principles of land law within particular historical, constitutional and political settings. It also aims to promote critical study of land law through comparison of principles from different legal contexts. In particular, it focuses on the limitations (constitutional and reform-related) on land law and the publicising and recording of rights to land.

**DP requirements:** Satisfactory attendance of lectures, presentation of seminars, completion of projects and written assignments.

**Assessment:**

Year mark	50%
Examination	50%

**RDL6020S** ADVANCED CONTRACT LAW

NQF credits: 30

Higher postgraduate course, second semester.

**Course co-ordinators:** Professors D Hutchison and T Naudé.

**Prerequisites:** See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. 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 and will be chosen from the following, amongst others:

- Pre-contractual liability
- Standard contract terms: requirements for incorporation, including the treatment of the 'battle of the forms'
- Options and rights of pre-emption, including put options and call options
- Mistake
- Good faith 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
- Restraints of trade
- Impact of the Consumer Protection Act on other aspects of Contract Law, including the residual rights of the buyer of goods and services

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- Remedies for breach of contract, including termination and the assessment of damages
- Supervening impossibility of performance and hardship.

### **Assessment:**

Year mark	50%
Examination	50%

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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 2 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 and with specific reference to the "Bursary for LLB study fund", from the General Manager, The Attorneys Fidelity Fund, P O Box 3062, Cape Town 8000.

#### **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:**

#### **Scholarships awarded without application:**

##### **Ionann Scholarship for Criminal Justice**

In 2005, Dianna Yach and Peter Stephens donated the proceeds from their book to establish a scholarship of R5 000 for the top black female student in Intermediate Level Criminal Justice courses; their hope is that the scholarship will encourage black women from Southern Africa (including the SADC region) to make a career in criminal justice.

##### **Mike Larkin Scholarship**

This scholarship is an initiative of the LSC with contributions from all law students of the Faculty. The initial capital was donated in 2006, and will be supplemented from time to time, from student activities in the future. 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

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line with the goals and mission of the LSC, as stated in its constitution, and as a body representative of all law students, the scholarship will be awarded annually to a final-year LLB student.

Value: R8 000

Tenure: One year

### **Philip Schock Charitable and Education 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: R5 600 (approximately)

Tenure: One year.

### **Philip Schock Charitable and Education 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: R5 600 (approximately)

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.

This scholarship is awarded 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: R940 (approximately)

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 award 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, PBL2001H International Law and RDL2002H Law of Property. Scholarships are awarded in the first semester annually by the Scholarships Sub-Committee of the Faculty of Law.

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.

### **International Bar Association Bursaries**

The International Bar Association has established bursaries to be awarded to black disadvantaged students who come from outside South Africa and who are studying for their first Law degree. Applicants will be considered on the basis of academic merit and financial need.

Closing date: 31 March

Value: Variable

Tenure: One year (possibly renewable).

**Law Diversity Scholarships**

The Law Faculty has raised funds from 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 January

Value: Full tuition

Tenure: One year (renewable subject to conditions)

**Law Endowment Scholarships**

The Law Faculty has funds from alumni and friends of the Faculty for the purpose of attracting talented Black South Africans into the study of law, particularly from the Western Cape.

Closing date: 16 October

Value: R40 000

Tenure: One year (renewable subject to conditions).

**The Law Society Charity Bursary (United Kingdom)**

In 2004, a scholarship was established to be awarded annually to a previously disadvantaged student studying law. The scholar will be chosen on academic merit and financial need.

Closing date: 15 December

Value: Variable

Tenure: One year (possibly renewable).

## Higher Postgraduate Scholarships

### Scholarships awarded without application:

**Ephraim Kluk Scholarship**

In 1988, a scholarship was established in terms of the wishes of the late Ephraim Kluk. The scholarship is awarded 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 (approximately)

Tenure: One year.

**Ilse Lowisohn Grants**

In 1984 a sum of R10 000 was bequeathed to the University by the late Miss Ilse Lowisohn 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.

Value: Variable (approximately R10 000)

Tenure: One year.

### **Law Faculty Masters and Doctoral Scholarships**

To encourage postgraduate research, every year the Law Faculty will make available four awards to suitable candidates for masters 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 masters student or R220 000 per annum for a doctoral student will then be deducted from the scholarship granted by the Faculty.

Closing dates: 15 June and 15 December

Value: R84 000

Tenure: One year (renewable 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.

Closing dates: 15 June and 15 December

Value: Variable

Tenure: 1 year (renewable).

### **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 partake in an approved exchange programme at an overseas university; the students do part of the LLM course work at an approved overseas university and the balance of course work 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 post-graduate studies in law overseas.

Closing dates: 15 June and 15 December

Value: Variable

Tenure: 1 year (renewable).

**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

#### **Bisset Boehmke McBlain 150th Anniversary Award**

A prize of R20 000 for the Final Level LLB student who, in the opinion of the Dean of the Faculty, is most deserving, regard being had to academic achievement, financial need and his or her passion for the law and for the achievement of social justice through the law.

#### **Bowman Gilfillan Prize**

In 1992, Bowman Gilfillan Hayman Godfrey Inc, firm of attorneys, established an annual prize of R5 000. The prize is awarded to the Final Level student, if of sufficient merit, with the highest marks in the course CML5009H Revenue Law.

#### **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.

#### **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 (R1 500) 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 of 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.

#### **Juta Law Prize – Best Final Level**

Juta & Co Limited established a prize of R5 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.

#### **South African Society for Labour Law Prize**

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 CML5013H Labour Law.

#### **Spoor and Fisher Prize for Intellectual Property Law**

Spoor and Fisher, attorneys and patent attorneys, established a prize to be awarded to the best student, if of sufficient merit, in the course Intellectual Property Law (RDL5032H). The value of the award is R500.

### Intermediate Level LLB Students

#### **Adams and Adams Prize**

In 1988 Adams and Adams, patent attorneys, trade mark agents, attorneys, notaries and conveyancers, established an annual prize of R2 000. This prize is awarded to the Intermediate Level student, if of sufficient merit, with the highest marks in CML3001W Corporation Law.

**Blumberg Prize for service to student community**

In 2007 alumnus Henry Blumberg established the Henry & Marcia Blumberg Prize of R2 000 to be awarded annually to an intermediate 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.

**Brink Cohen Le Roux Inc. Prize**

In 2000 the firm Brink Cohen le Roux Incorporated established a prize of R5 000 to be awarded annually to the best Intermediate Level student, if of sufficient merit, in RDL3005W Law of Contract.

**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.

**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 RDL3008H Civil Procedure.

**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 Company 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* authored by the late Mike Blackman together with Richard Jooste and Geoff Everingham, assisted by Michael Larkin, Conrad Rademeyer and Jacqui Yeats, all of UCT.

**Tom W Price Memorial Prize**

A prize of R1 000 in memory of the late Professor TW 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.

**Preliminary LLB Level and Undergraduate Students**

*(Year 1 Postgraduate LLB, Year 3 and 4 Combined Law Stream and Year 1 and 2 Undergraduate LLB)*

**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 Comparative Legal History and RDL1003W Foundations of South African Law. The prize is a set of all available issues of *Acta Juridica*.

**Cliffe Dekker Hofmeyr Prize – Best Preliminary Level**

Cliffe Dekker Hofmeyr have established a prize of R5 000 for the best student at Preliminary Level i.e. Foundations of SA Law, Law of Persons and Marriage, Comparative History, Constitutional Law, International Law and Law of Property.

**Routledge Modise Prize for Property Law**

Established in 2007 by Routledge Modise Attorneys, a prize of R2 000 is awarded to the best student in the Law of Property.

**Sir Franklin Berman Prize for International Law**

In 2006 Sir Franklin Berman, 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.

**Yash Ghai Prize for Constitutional Law**

In 2006, the leading Public Law academic and honorary professor in the Faculty, Professor Yash Ghai, 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.

**Captain Bob Deacon Prize**

The Captain Bob Deacon 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 (CML6024F, CML6025F, CML6026S). The prize 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, and a person who enthusiastically supported the education of maritime lawyers.

**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.

**Edward Nathan Sonnenbergs Essay Prize**

Edward Nathan Sonnenbergs essay prize of R4 000 to be divided annually among all the students whose essays have been accepted for publication in *Responsa Meridiana*.

**Engen Petroleum Prize in Marine Law**

A prize to be awarded to the student whose combined results are the best in any one year in the Marine Law courses, provided that a satisfactory standard is obtained.

**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 won five class medals and obtained his LLB in 1951. He had a particular interest in constitutional law and practised law until he passed away in June 2005; he was awarded the Cape Law Society President's Discretionary Award in 2005 in recognition of "outstanding service to the profession".

**Spoor and Fisher Prize for Student Legal Writing**

In commemoration of their 75th anniversary in 1995, Spoor and Fisher, attorneys, established a prize of R500, to be awarded annually for the best article submitted by a UCT law student and accepted for publication in *Responsa Meridiana*. The prize winner is determined by the Dean in consultation with the Editorial Board of *Responsa Meridiana*.

## Dean's Merit List

**Note:** 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.

For inclusion in a Merit List, a student must:

- (a) obtain an overall percentage of 65% 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'. Marks for the course Understanding Financial Statements (ACC1014S) or its equivalent, Law that Counts (MAM1013F/S) and Moot Competition (DOL3000X) are 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

Add the scores in all the courses of the Preliminary Level, adding the scores for whole courses TWICE. Divide the total number so calculated by 8 to get the average percentage.

**Note:** In respect of years one and two of the four year undergraduate stream this calculation applies to each year. Particular subject choices may, however, alter the formula. This calculation applies also in respect of year 3 of the undergraduate Academic Development stream.

### 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 11 to get the average percentage.

### Final Level

Whole courses	= % x 8
Half courses	= % x 4
Research component	= % x 2
9 credit options	= % x 2
4.5 credit options	= % x 1

Add the weighted percentages calculated according to the above formula. Divide the total by 35 to get the average percentage.

**Note:** The final results for students who write deferred examinations will be calculated only after publication of the deferred examination results.

## 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:

CML3001W	Corporation Law
CML4006W	Commercial Transactions Law
PBL2000W	Constitutional Law
PBL2001H	International Law
PBL3000F	Interpretation of Statutes
PBL3801W	Criminal Law
PBL3802H	Criminal Procedure
PBL4001W	Administrative Law
PBL4801H	Evidence
RDL1002H	Law of Persons and Marriage
RDL1003W	Foundations of South African Law
RDL1004H	Comparative Legal History
RDL2002H	Law of Property
RDL3001H	Law of Succession
RDL3003H	Law of Delict
RDL3005W	Law of Contract
RDL3008H	Civil Procedure
RDL4005H	African Customary Law
RDL4006H	Jurisprudence

### 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, Comparative Legal History is substituted as the equivalent.*

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