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## Faculty of **Law**

Dean:

**Prof CS Human**

BMil, LLB (Stell), LLM (Unisa), LLD (Stell)



CALENDAR 2016  
PART 8



# Calendar

## 1. Amendments, liability and accuracy

- 1.1. In this publication any expression signifying one of the genders includes the other gender equally, unless inconsistent with the context.
- 1.2. The University reserves the right to amend the Calendar parts at any time.
- 1.3. The Council and Senate of the University accept no liability for any inaccuracies there may be in the Calendar parts.
- 1.4. Every reasonable care has been taken, however, to ensure that the relevant information to hand as at the time of going to press is given fully and accurately in the Calendar parts.

## 2. Where do I find the printed versions of the Calendar parts?

- 2.1. The printed versions of the Calendar parts can be obtained at the Help Desk in the Admin A Building.
- 2.2. Afrikaans (Part 1 to 12) and English copies of the individual parts are available.

## 3. Where do I find the electronic versions of the Calendar parts?

- 3.1. The electronic versions of the Calendar parts can be obtained at [www.sun.ac.za/Calendar](http://www.sun.ac.za/Calendar).

## 4. The division of the Calendar

- 4.1. The Calendar is divided into 13 parts.
- 4.2. Part 1, 2 and 3 of the Calendar contains general information applicable to all students. Students are urged to take note especially of the content of the provisions in Part 1 of the Calendar applicable to them.
- 4.3. Part 4 to 13 of the Calendar are the faculty Calendar parts.

Part	Calendar
Part 1	General
Part 2	Bursaries and Loans
Part 3	Student Fees
Part 4	Arts and Social Sciences
Part 5	Science
Part 6	Education
Part 7	AgriSciences
Part 8	Law
Part 9	Theology
Part 10	Economic and Management Sciences
Part 11	Engineering
Part 12	Medicine and Health Sciences
Part 13	Military Science

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# How to use this Calendar Part

## Readers of the Calendar Part

The information in this Calendar Part is intended for the following groups of readers:

- **Prospective** undergraduate and postgraduate students who are looking for information about the programmes of study offered by the Faculty
- **Registered** undergraduate and postgraduate students of Stellenbosch University who are looking for more information about the curriculums (combinations of subjects and modules) of specific programmes of study, as well as for other information related to their studies
- **Teaching, administrative and management staff of Stellenbosch University** who are required to keep abreast of the information contained herein to be able to fulfil their various functions.

Any person who are not in one of the abovementioned groups, but who wish to use this Calendar Part as a source of information for any reason, is of course also more than welcome to do so.

## How to locate information

Following are guidelines for finding information in the different chapters in this Calendar Part. Consult the table of contents for the page numbers of the chapters referred to below.

### Prospective undergraduate students

- Undergraduate Programmes chapter
  - information on undergraduate programmes of study that are offered;
  - the minimum admission requirements for the different programmes of study; and
  - the subjects and modules that must be taken for the different programmes of study each year, with choices where applicable.
- Subjects, Modules and Module Contents chapter
  - an explanation of subjects as distinct from modules;
  - definitions of the language specifications of modules;
  - definitions of prerequisite pass, prerequisite and corequisite modules; and
  - an explanation of the different digits used for the numbering of modules in the Undergraduate Programmes chapter.
- General Information chapter
  - information about the Language Policy of the University and the Faculty;
  - information about the process of enrolment management, which entails selection for admission to programmes of study; and
  - information about communication with the University, which includes an explanation of the concept “student number” and indicates applicable options for enquiries along with their contact details.

- Index
  - an index of undergraduate subjects that can be taken in programmes of study of the Faculty (as these subjects appears in the Subjects, Modules and Module Contents chapter), appears in the back of this Calendar Part.

### **Prospective postgraduate students**

- Postgraduate Programmes chapter
  - information on postgraduate programmes of study that are offered;
  - the minimum admission requirements for the different programmes of study;
  - information about specific closing dates for applications, and other relevant information, for example selection; and
  - the subjects and modules that must be taken for the different programmes of study each year, with choices where applicable.
- Subjects, Modules and Module Contents chapter
  - an explanation of subjects as distinct from modules; and
  - an explanation of the different digits used for the numbering of modules in the Postgraduate Programmes chapter.
- General Information chapter
  - information about the Language Policy of the University and the Faculty; and
  - information about communication with the University, which includes an explanation of the concept “student number” and indicates applicable options for enquiries along with their contact details.

### **Registered undergraduate students**

- Undergraduate Programmes chapter
  - information on undergraduate programmes of study that are offered; and
  - the subjects and modules that must be taken for the different programmes of study each year, with choices where applicable.
- Subjects, Modules and Module Contents chapter
  - an explanation of subjects as distinct from modules;
  - an explanation of the different digits used for the numbering of modules in the Undergraduate Programmes chapter;
  - the abbreviations and definitions used for the teaching loads of individual modules;
  - an indication at each module of what its teaching load is;
  - definitions of the language specifications of modules, as well as an indication at each module of what its language specification is;
  - the definitions of prerequisite pass, prerequisite and corequisite modules, as well as an indication at each module of which of the requisites apply to it, if any; and
  - the way in which individual modules are assessed, especially where a module is subject to continuous or flexible assessment.

- General Information chapter
  - the Faculty's policy on the granting of Dean's Concession Examinations to final-year students;
  - information about the Language Policy of the University and the Faculty; and
  - information about communication with the University, as well as applicable options for enquiries along with their contact details.
- Index
  - an index of undergraduate subjects that can be taken in programmes of study of the Faculty (as these subjects appears in the Subjects, Modules and Module Contents chapter), appears in the back of this Calendar Part.

### **Registered postgraduate students**

- Postgraduate Programmes chapter
  - information on postgraduate programmes of study that are offered; and
  - the subjects and modules that must be taken for the different programmes of study each year, with choices where applicable.
- Subjects, Modules and Module Contents chapter
  - an explanation of subjects as distinct from modules; and
  - an explanation of the different digits used for the numbering of modules in the Postgraduate Programmes chapter.

### **Teaching, administrative and management staff**

Most of the information in this Calendar Part may be of value in the execution of your various duties. The table of contents is the best place to begin looking for information, but frequent use of the book will naturally lead to familiarity with all the information in the book and with where it is located.

# General Information

## Faculty of Law

The Law Faculty of Stellenbosch University (SU) was established in 1921 and is situated in the historical “Ou Hoofgebou” (Old Main Building). The Faculty comprises the following three Departments: The Department of Mercantile Law, the Department of Private Law and the Department of Public Law. The extended law library comprises a large section of the upper floor of the JS Gericke Library.

### 1. Degrees awarded in the Faculty of Law

Legum Baccalaureus (LLB)

Legum Magister (LLM)

Legum Doctor (LLD)

Postgraduate Diploma in Tax Law (PDTL)

Postgraduate Diploma in Intellectual Property Law (PDIPL)

#### 1.1. Undergraduate programmes

Since 1998 a four-year LLB degree programme has been offered and the curricula of the existing BA (Law) and BCom (Law) programmes have been adapted accordingly.

This LLB is offered as the basic law degree programme by the Faculty and may be followed over a minimum period of four years. The BA (Law) and BCom (Law) degree programmes require three years of study and are integrated with the curriculum of the four-year LLB programme. On completion of a BA (Law) or BCom (Law), a student may enrol for the LLB and complete the final two years of this programme, hereafter he obtains the LLB degree. Such a student will accordingly, after five years of successful study, obtain both a BA (Law) or BCom (Law) and a LLB degree.

A BAccLLB programme has also been offered since 2001. This programme enables students to complete both the BAcc and LLB degrees within a minimum period of five years.

#### 1.2. Postgraduate programmes

Since 1999 a three-year postgraduate LLB programme has been offered, based on the curriculum of the four-year LLB programme.

The Postgraduate Diploma in Tax Law has been offered since 1999 and the Postgraduate Diploma in Intellectual Property Law since 2013.

The Faculty has offered a structured LLM programme since 1995.

## **2. Selection policy (undergraduate programmes)**

Since 2004 a selection policy has been implemented for all undergraduate law programmes. This policy provides for the limitation of the number of new first-year law students accepted for the following programmes: the four-year LLB, BA (Law), BCom (Law) and BAccLLB. In terms of the policy, all applicants are required to undergo the National Benchmark Test. The results of the National Benchmark Test will be considered, in conjunction with school results, in the relation 20:80 to place students on a list of academic merit. In line with the University's policy on diversity, the selection process will provide for the admission of students from underrepresented groups. Applicants have to meet the admission requirements as set out further on in "5. Admission Requirements".

*Note:*

Applications close on 30 June of the relevant year. Prospective students must complete the National Benchmark Test before the aforesaid closing date.

## **3. Standing rules for Dean's Concession examinations (DCEs)**

- 3.1. A final-year student who, when he has taken all the examinations and when all final marks are available, is one module with a credit value of no more than 32 credits in arrears for his degree may – subject to the provisions of paragraph 2 below – be admitted to a Dean's Concession Examination (DCE) as a concession by the Dean, in consultation with the academic department(s) concerned.
- 3.2. Where a student qualifies for a DCE in an examination module subsequent to the first round of examination (May/June or October/ November), such DCE must be taken during the second round of examination, (June or November/December). The Faculty Secretary must inform the relevant department(s) accordingly, but it remains the responsibility of the student concerned to identify himself as a DCE candidate and to gain the necessary clearance to present himself for the second round of examination. If the student again fails the module, no further DCE will be granted.
- 3.3. Where a student qualifies for a DCE subsequent to the second examination opportunity (June or November/December), the DCE must be taken at a specified time before the commencement of lectures in February the next year.
- 3.4. The students referred to paragraph 3 above must be identified by the Faculty Secretary, who must send their names to the departments concerned via the Dean's office. The onus, however, will be on the students concerned to apply to the Faculty Secretary in good time about possible admission to the DCE. Students who are granted a DCE must present themselves for the examination, which will be conducted departmentally.
- 3.5. DCEs in modules subject to continuous assessment must be taken at the same time as referred to in paragraph 3 above, subject to the procedures laid down in paragraph 4 above.
- 3.6. Students who have been granted a DCE must ascertain when and where the DCE in question is to be written and present themselves at such time and place.



- 3.7. DCEs are granted only with the approval of the Dean. Under no circumstances may any department grant a DCE without the Dean's approval. No lecturer may give an undertaking to a student in this matter.

*Note:*

Also take note of the general arrangement regarding DCEs in the *Calendar*, Part 1.

## **4. Readmission of students**

Students who are registered for the four-year LLB, three-year LLB, two-year LLB, BAccLLB, BCom (Law) or BA (Law) programme (irrespective of their year of study) must obtain 0,5 HEMIS credits to automatically qualify for readmission to the following academic year.

A student who has interrupted his studies can, on the basis of a motivated application, with the consent of the Faculty Board be allowed to continue his studies. Factors that may play a role at readmission include the following: the student's study record, other relevant factors regarding the student's general record as a student, and/or the period of interruption of studies. Applications close on 30 August of the relevant year.

## **5. Admission requirements**

### **5.1. LLB (four years)**

This is a selection programme and only a limited number of students will be admitted. Applications close 30 June.

#### **Admission Requirements**

- The National Senior Certificate (NSC) with at least six NSC subjects (excluding Life Orientation)
- National Senior Certificate (NSC) with at least a 4 (50% - 59%) in four NSC university admission subjects
- An overall average mark of at least a 5 (60% - 69%) (excluding Life Orientation)
- Afrikaans (Home Language) at least a 5 (60% - 69%); or English (Home Language) at least a 5 (60% - 69%); or Afrikaans (First Additional Language) at least a 6 (70% - 79%); or English (First Additional Language) at least a 6 (70% - 79%)

*Notes:*

- Students selecting Economics as a subject must pass Mathematics with an average mark of at least 5 (60% - 69%)
- If a student selects a module from the Faculty of Arts and Social Sciences (e.g. a language), the onus lies on the student to determine the prerequisites set for the module

### **5.2. LLB (three-year postgraduate programme)**

This is a selection programme and only a limited number of students will be admitted. Applications close 30 June.

## **Admission Requirements**

- Normally only a degree from a South African university in which an average of 60% was obtained in the final year of the degree

### **5.3. LLB (two-year postgraduate programme)**

#### **Admission Requirements**

- A prior BCom (Law) or BA (Law) degree from Stellenbosch University

### **5.4. BAccLLB**

This is a selection programme and only a limited number of students will be admitted. Applications close 30 June.

#### **Admission Requirements**

- National Senior Certificate (NSC) with at least a 4 (50% - 59%) in four NSC university admission subjects (excluding Life Orientation)
- An NSC average of at least 70% (excluding Life Orientation)
- Afrikaans (Home Language) at least a 5 (60% - 69%); or English (Home Language) at least a 5 (60% - 69%); or Afrikaans (First Additional Language) at least a 6 (70% - 79%); or English (First Additional Language) at least a 6 (70% - 79%)
- Mathematics at least a 6 (70% - 79%) OR
- Mathematics at least a 5 (60% - 69%) and Accounting at least a 6 (70% - 79%)

### **5.5. BCom (Law)**

This is a selection programme and only a limited number of students will be admitted. Applications close 30 June.

#### **Admission Requirements**

- National Senior Certificate (NSC) with at least a 4 (50% - 59%) in four NSC university admission subjects (excluding Life Orientation)
- An NSC average of at least 60% (excluding Life Orientation)
- Afrikaans (Home Language) at least a 5 (60% - 69%); or English (Home Language) at least a 5 (60% - 69%); or Afrikaans (First Additional Language) at least a 6 (70% - 79%); or English (First Additional Language) at least a 6 (70% - 79%)
- Mathematics at least a 5 (60% - 69%)

### **5.6. BA (Law)**

This is a selection programme and only a limited number of students will be admitted. Applications close 30 June.

#### **Admission Requirements**

- National Senior Certificate (NSC) with at least a 4 (50% - 59%) in four NSC university admission subjects (excluding Life Orientation)
- An overall average mark of at least a 5 (60% - 69%) (excluding Life Orientation)

- Afrikaans (Home Language) or English (Home Language) at least a 5 (60% - 69%)
- First Additional Language at least a 3 (40% - 49%)

*Notes:*

- Students selecting Economics as a subject must pass Mathematics with an average mark of at least 5 (60% - 69%)
- The onus lies on the student to determine the prerequisites set for modules from the Faculty of Arts and Social Sciences (e.g. a language)

## **5.7 LLM**

A student with an LLB degree conferred by this University or any other bachelor's degree in Law (excluding the BJuris degree) and who has attained an average of 60% in the final year of this degree or a comparable achievement in another (for example, foreign) qualification, or a student who has attained a level of proficiency or accomplishment in Law which, in the judgement of Senate, is regarded as adequate for this purpose, may apply in writing to read for a Master's degree in Law. Senate will consider every application on merit.

*Note:*

International students applying for admission to the LLM programme (by coursework) are required to submit proof of their current level of proficiency in English (for example, through IELTS or TOEFL scores). Students with English as home language or students who have completed their first degree in English are exempted from this requirement.

## **5.8 LLD**

A student with an LLM degree, or a student with an LLB degree conferred by this University or any other bachelor's degree in Law (excluding the BProc and BJuris degrees) approved for this purpose by the Senate, and with relevant academic or professional experience, or a student who has attained a level of proficiency or accomplishment in Law which, in the judgement of Senate is regarded as adequate for this purpose, may apply in writing to read for a Doctoral degree in Law. Senate will consider every application on merit.

## **5.9 Postgraduate Diploma in Tax Law**

A Postgraduate Diploma in Tax Law has been offered since 1999.

### **Admission requirements**

The following persons will be considered by the Senate as candidates for this diploma:

- an LLB graduate who obtained the degree from this University;
- a BAcc or BCom graduate who obtained the degree from this University;
- a graduate from any other university who has been granted the status of LLB, BProc, BCom or BAcc of the university concerned in terms of section 65B of the Higher Education Act No. 101 of 1997;
- a person who has been admitted to practice as an attorney in any province of South Africa or in Namibia;

- a person who is registered as an accountant with the Public Accountants' and Auditors' Board, or registered as a chartered accountant with the South African Institute for Chartered Accountants; and
- a person with any other academic or professional qualification which the Senate deems to be sufficient for admission.

### **5.10 Postgraduate Diploma in Intellectual Property Law**

A Postgraduate Diploma in Intellectual Property Law will be offered from 2013 onward. Admission to this programme is subject to selection in addition to the prescribed admission requirements. Only a limited number of students will be admitted to this programme.

#### **Admission requirements**

The following persons may apply in writing to be admitted to the Postgraduate Diploma in Intellectual Property Law:

- any person with an LLB, BSc, BCom or BEng qualification, or any other qualification considered by Senate as equivalent; and
- any person who is considered suitably qualified for admission by Senate in terms of the University's RPL policy based on work experience or any other exposure to the field of Intellectual Property Law.

Senate will consider every application on merit.

#### *Note:*

International students applying for admission to the Postgraduate Diploma in Intellectual Property Law are also required to submit proof of their current level of proficiency in English (by means of a written essay or IELTS or TOEFL scores). Students with English as home language or students who have completed a prior degree or qualification in English are exempted from this requirement.

## **6. Completion of modules/subjects through another university**

A maximum of 44 pre-final-year and/or final-year credits for any of the LLB programmes may be completed at another university, with special permission from the Faculty, subject to the following additional requirements:

- the credits must be relevant and on the required academic level;
- except in the case of elective modules, the specific module normally must have been followed at the Faculty of Law, Stellenbosch University, and the student must have failed the module after writing an examination; and
- if the student has already been credited for modules completed elsewhere and still wishes to register for a further module at another institution, the total credits to be recognized may not exceed a maximum of 148 credits.

## **7. Recognition of subjects/modules/credits completed elsewhere**

A maximum of 148 credits completed at another institution and which are relevant and on the required academic level may be recognised for purposes of any of the LLB programmes (excluding the two year postgraduate LLB programme). However, the full pre-final year and final year of the relevant programmes must be followed at Stellenbosch University.

## **8. Student activities**

### **8.1. Juridical Society:**

The Juridical Society organises a wide range of academic and social activities (inter alia visiting lecturers, guest speakers, moot courts) and represents law students in the liaison committee with lecturers.

### **8.2. Legal Aid Clinic:**

Students who assist at the Legal Aid Clinic provide free legal assistance on an organised basis to students and needy persons in the Stellenbosch district.

### **8.3. Responsa Meridiana:**

This is a legal journal published annually in collaboration with law students of the University of Cape Town, consisting solely of contributions by students. A prize is awarded for an outstanding contribution.

## **9. Prizes and bursaries**

Reference in this section is made only to prizes and bursaries that pertain particularly to the Law Faculty. Part 2 of the Calendar may be consulted for details of other prizes and bursaries for which law students may be considered.

### **9.1. Prizes**

#### **Professor Andreas van Wyk Prize**

A prize is awarded annually by Professor Andreas van Wyk for the best achievement in Company Law (Mercantile Law 471).

#### **Anton Mostert Chair of Intellectual Property Prize**

A prize is awarded annually from funds provided by the Anton Mostert Chair of Intellectual Property for the best achievement in Intellectual Property Law 441.

#### **Brits and Pretorius Prize**

A prize is awarded annually by the Piketberg law firm Brits and Pretorius for the best achievement in Criminal Law 451.

#### **Cliffe Dekker Hofmeyr Medal**

A gold medal is awarded annually to the top second-year LLB student for the best achievement in the LLB degree. The medal is donated by the law firm Cliffe Dekker Hofmeyr.

### **Glynn Marais Prizes**

Annually two book prizes are awarded to the top achievers in Mercantile Law 443 and Law of Taxation 411, respectively, by the law firm Glynn Marais.

### **Hübner Prize**

A prize is awarded annually from a donation by Mr AGJ Hübner for the best achievement in Private Law 272 and 273.

### **JC de Wet Prize**

A prize is awarded annually by former students of Professor JC de Wet for the best achievement in the Law of Contract (Private Law 372).

### **Juta Book Prize**

A book prize is awarded annually from funds provided by the law publisher Juta & Co. Ltd for the best achievement in Criminal Law 171.

### **LexisNexis Book Prize**

A book prize is awarded annually from funds provided by the law publisher LexisNexis for the best achievement in Legal Philosophy 341.

### **Phatsoane Henney Inc. Medal**

A gold medal is awarded annually to all final-year LLB students who pass their degree *cum laude*.

### **SASLAW Prize**

A prize is awarded for the top achievement in Mercantile Law 441 (Labour Law).

### **Servaas Hofmeyr Memorial Prize**

A prize is awarded annually in memory of Mr Servaas Hofmeyr, from funds donated by him to the Faculty, to the LLB student regarded by the Dean as most deserving.

### **Spoor & Fisher Prize**

A prize is awarded to a student for the second best achievement in Immaterial Property Law 441.

### **Stonehage Medal for Community Interaction**

A gold medal and cash prize is awarded to the final-year LLB student who has demonstrated academic excellence, combined with community involvement and upliftment. The medal is donated by the Stonehage Group, which provides international families with wealth management and fiduciary services.

### **Sylvian Meneses Memorial Prize**

A prize is awarded annually from funds donated in memory of the late Miss Sylvian Meneses (LLB 1977) to an outstanding female student in the penultimate LLB class.

### **Werksmans Prize**

A prize is awarded annually from funds provided by the law firm Werksmans for outstanding service rendered to the Legal Aid Clinic.

## **9.2. Bursaries**

### **Amicus Fund bursaries / Aall Foundation**

The Amicus Fund, established by alumni of the Faculty, annually awards bursaries to needy law students for the second and further years of undergraduate legal studies and for postgraduate LLB studies. Preference is given to students from previously disadvantaged communities. A special category of bursaries is funded by the Aall Foundation. The bursaries are advertised annually in September and application forms must be submitted at the Dean's office.

### **Judge of Appeal FW Beyers Bursary**

A bursary is awarded annually from the legacy of the late Judge of Appeal FW Beyers by virtue of exceptional achievement in the first year of the BA (Law) or BComm (Law) degree programme.

### **Cliffe Dekker Hofmeyr Bursary**

The law firm Cliffe Dekker Hofmeyr annually awards a bursary to a promising LLB III student on the grounds of merit and need.

### **Georgala Family Bursary**

Financial assistance is awarded to students from previously disadvantaged population groups in the final or pre-final LLB year on the basis of need.

### **Sophie Jacob Memorial Scholarship**

This scholarship is awarded for LLM or LLD study relating to women's rights, on the basis of academic merit, to students with the potential to contribute to the law relating to women's rights. No application is made; candidates are nominated by the Fellows of the Ciucci Centre for Law and Social Development.

### **Stonehage First-year Scholarship**

Scholarships have been provided as part of a strategic partnership between the Stonehage Group and the Stellenbosch University Faculty of Law. The scholarship is available to academically gifted students, in particular those from previously disadvantaged communities, registering for the first year of the BA (Law), BComm (Law), LLB and BAccLLB programmes. Preference will be given to applicants from Bloemhof Girls' High School, Kayamandi High School, Lückhoff High School, Paul Roos Gymnasium, Rhenish Girls' High School and Stellenbosch High School.

### **Stonehage Charitable Trust Scholarship**

The Stonehage Group, an international wealth management and fiduciary services group, provides financial support for needy students in the second, third or final year of the LLB programme.

### **Visagie, Vos and Partners Bursary**

A bursary is awarded annually to a needy LLB III student.

### **Webber Wentzel Bursary**

The law firm Webber Wentzel annually awards a bursary to an academically strong student in the penultimate year of their LLB studies and who displays particular promise as a future

attorney.

## 10. Undergraduate Enrolment Management

Due to the limited availability of places and the strategic and purposeful management of enrolments, not all undergraduate applicants who meet the minimum requirements of a particular programme will automatically gain admission.

Details about the selection procedures and admission requirements for undergraduate programmes are given on [www.maties.com](http://www.maties.com) and on the faculty's web page at [www.sun.ac.za/law](http://www.sun.ac.za/law).

All undergraduate prospective students with the 2013 intake and beyond in mind must write the National Benchmarking Test (NBT). Consult the NBT web site ([www.nbt.ac.za](http://www.nbt.ac.za)) or the SU web site at [www.maties.com](http://www.maties.com) for more information on the National Benchmarking Test.

The results of the National Benchmarking Tests may be used by SU for the following purposes (details are available at [www.maties.com](http://www.maties.com)):

- Supporting decision-making about the placement of students in extended degree programmes,
- selection, and
- curriculum development.

## 11. Language at the University

Stellenbosch University (SU) uses Afrikaans and English as languages of instruction at undergraduate level in its endeavour to promote multilingualism. The University is committed to safeguarding and developing Afrikaans further as a well-established academic language, taking into consideration this endeavour to promote multilingualism. SU also recognises English as an international academic language and a medium through which most South Africans can communicate with each other. In addition, the University provides for the development of specialist terminology and communication skills in isiXhosa, and the teaching of isiXhosa in some academic programmes for students who will need it in their careers.

Many of our modules are already presented in Afrikaans and English through parallel medium teaching and simultaneous interpretation. However, it is not possible to present the lectures of all modules fully in Afrikaans and English. The medium of teaching is therefore indicated in the relevant faculty's calendar part. More information concerning language at the University is available on the website [www.sun.ac.za/language](http://www.sun.ac.za/language). Support for the acquisition of academic language proficiency in Afrikaans and English is provided.

**Parallel medium:** A class is divided into separate Afrikaans and English streams. Students provide their preferred language of teaching at registration.

**Interpreting:** Simultaneous interpretation into Afrikaans or English, depending on the lecturing language, can take place during class teaching.

**Bilingual:** A combination of teaching in Afrikaans (approximately 50%) and English (approximately 50%) in the same class.

**Afrikaans and English:** A small percentage of the modules are presented in either Afrikaans or



English.

## 12. How to communicate with the University

### 12.1. Use of student number

- In dealing with new formal applications for admission, the University assigns a student number to each applicant. This student number serves as the unique identification of the person concerned and has the purpose of making future communication easier.
- Once you have been informed of your student number, you must please quote it in all future correspondence with the University.

### 12.2. Send correspondence to the following addresses

- Correspondence on academic matters, i.e. study-related matters, bursaries, loans, etc., should be directed to:  
The Registrar  
Stellenbosch University  
Private Bag X1  
MATIELAND  
7602
- Correspondence on matters relating to finance and services, including services at University residences, should be directed to:  
The Chief Operating Officer  
Stellenbosch University  
Private Bag X1  
MATIELAND  
7602

### 12.3 University website:

<http://www.sun.ac.za>

## 13. How to communicate with the Faculty

### 13.1. Important contact details of the Faculty

	Telephone number	Fax number	E-mail address
The Dean's Secretary	(021) 808 4853	(021) 886 6235	yolandi@sun.ac.za
Faculty Manager	(021) 808 3780	(021) 886 6235	karinwiss@sun.ac.za
Faculty Secretary	(021) 808 9111	(021) 808 3822	shirle@sun.ac.za
Department Mercantile Law	(021) 808 3561	(021) 886 6235	eferrier@sun.ac.za
Department Private Law	(021) 808 3184	(021) 886 6235	sarnolds@sun.ac.za
Department Public Law	(021) 808 3195	(021) 886 6235	ak1@sun.ac.za

For University environments not listed above, contact the Stellenbosch University Contact Centre on the Stellenbosch Campus at (021) 808 9111 per telephone, (021) 808 3822 per fax or [info@sun.ac.za](mailto:info@sun.ac.za) per e-mail.

**13.2 Send correspondence with the Faculty to the following addresses:**

**The Dean: Faculty of Law**

Stellenbosch University

Ou Hoofgebou

Private Bag X1

Matieland

7602

# Undergraduate Programmes

## 1. The four-year LLB programme

### Admission Requirements

- The National Senior Certificate (NSC) with at least six NSC subjects (excluding Life Orientation)
- The National Senior Certificate (NSC) with at least a 4 (50% - 59%) in four NSC university admission subjects
- An overall average mark of at least a 5 (60% - 69%) (excluding Life Orientation)
- Afrikaans (Home Language) at least a 5 (60% - 69%); or English (Home Language) at least a 5 (60% - 69%); or Afrikaans (First Additional Language) at least a 6 (70% - 79%); or English (First Additional Language) at least a 6 (70% - 79%)

### Notes:

- Students selecting Economics as a subject must pass Mathematics with an average mark of at least a 5 (60% - 69%).
- If a student selects a module from the Faculty of Arts and Social Sciences (e.g. a language), the onus is on the student to determine the prerequisites set for the module.

The four-year LLB programme (undergraduate) has been offered since 1998. Prospective LLB students who have already graduated with a BA (Law) or BCom (Law) degree, may complete the two-year LLB programme (postgraduate).

This is a selection programme and only a limited number of students will be admitted. Applications close 30 June.

### First year (160 credits)

#### *Compulsory modules (year modules)*

Introduction to Law	171(24)
Private Law	171(24)
Criminal Law	171(24)
Indigenous Law	171(24)
Writing Skills	171(10)

#### *Other compulsory year module*

Information Skills	172(6)
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### *Other modules*

**Two** subjects from the following list, with a combined credit value of 48; your choice must comprise at least one language with a total credit value of 24:

Afrikaans en Nederlands	178(24)
Afrikaans Language Acquisition	178(24) (only on first-year level)
English Studies	178(24)
Basic Xhosa	114(12), 144(12) Or
Xhosa	178(24) Or 188(24)
German	178(24) Or 188(24)
French	178(24) Or 188(24)
Latin	178(24) Or
Classical Legal Culture	114(12), 144(12)
Economics	114(12), 144(12)
Philosophy	112(6), 122(6), 142(6), 152(6) (follow four modules)
Political Science	114(12), 144(12)

### **Second year (146 credits)**

#### *Compulsory law modules (year modules)*

Private Law	272(16), 273(16)
Roman Law	271(24)
Constitutional Law	271(26)
Law of Criminal Procedure	271(20)

#### *Compulsory law module (first semester)*

Interpretation of Enacted Law	211(12)
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and

**One** subject from the following list with a combined credit value of 32:

Afrikaans en Nederlands	278(32)
English Studies	278(32)
Xhosa	214(16), 244(16) Or 224(16), 254(16)
German	278(32) Or 288(32)
Latin	214(16), 244(16)
Ancient Cultures	211(8), 212(8), 221(8), 222(8), 241(8), 242(8), 251(8), 252(8) (follow four modules)
Philosophy	212(8), 222(8), 252(8), 262(8)
Political Science	212(8), 222(8), 242(8), 252(8)
Economics	214(16), 244(16)

### Third year (148 credits)

#### *Compulsory law modules (year modules)*

Private Law	372(32), 373(32)
Law of Civil Procedure	371(24)

#### *Compulsory law modules (first semester)*

Constitutional Law	312(12)
Mercantile Law	311(12), 312(12)

#### *Compulsory law modules (second semester)*

International Law	341(12)
Legal Philosophy	341(12)

### Fourth year (152 credits)

#### *Compulsory law modules (year modules)*

Mercantile Law	471(32)
Law of Evidence	471(20)

#### *Compulsory law modules (first semester)*

Private Law	411(12)
Administrative Law	411(16)
Legal Skills	411(12)
Law of Taxation	411(12)

#### *Law modules (second semester)*

A choice of any four from the following modules, of which at least one must come from Mercantile Law. The choice is subject to timetable constraints. It may be announced in a particular year that certain module combinations will not be possible owing to timetable constraints. It should also be noted that not all the modules will be offered each year. A minimum of 10 students must register for a particular module before the module will be offered. On request of a particular lecturer the maximum number of students per module may be restricted to 50 students. Students should consequently be available for a selection process before the final registration date of second-semester modules. Such a selection process will be determined by a particular lecturer and may include the following considerations: a student's academic performance in particular, related modules and/or late registration.

#### *Mercantile Law*

Law of Taxation	441(12), 442(12)
Mercantile Law	441(12), 442(12), 443(12), 444(12), 445(12), 447(12), 448(12), 449(12)
Intellectual Property Law	441(12)
Accounting for Law Students	441(12)

Environmental Law	451(12)
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### *Private Law*

International Private Law	451(12)
Private Law	451(12), 452(12), 453(12), 454(12), 455(12), 457(12)
Practical Legal Training	471(24) (provides exemption from Legal Skills 411)

### *Public Law*

Legal Philosophy	451(12)
Criminal Law	451(12)
International Law	451(12)
Constitutional Law	451(12)
Public Procurement Law	451(12)

### *Dissertation elective*

Mercantile Law 446; Private Law 441; Public Law 451

In the place of one of the above taught modules, a student may elect to write and present for assessment a dissertation of prescribed length and scope (7 000 - 10 000 words, including footnotes, but excluding bibliography) on an approved topic selected in consultation with the chair of the relevant department, or a student may publish an article in an approved legal journal, in consultation with the chair of the relevant department. A student exercising this option must present, at registration, written approval of the topic by the chair of this department. Normally only students with an average of 60% for the pre-final year of the LLB programme will be permitted to register for the dissertation option. Students who participate in the trial rounds of an approved moot competition may also apply in writing to the relevant departmental chair to be assessed on their individual written and oral contributions, and such contributions may be accredited in place of the dissertation.

### *Note:*

Students who are not in the final year of the programme and who have failed modules from previous academic year(s) may not register for any modules from the subsequent academic year without special permission. This restriction is valid for all modules, irrespective of any prerequisite pass, prerequisite and corequisite requirements for modules as stated in this Part of the Calendar.

## 2. The BAccLLB programme

### Admission Requirements

- The National Senior Certificate (NSC) with at least a 4 (50% - 59%) in four NSC university admission subjects (excluding Life Orientation)
- An NSC average of at least 70% (excluding Life Orientation)
- Afrikaans (Home Language) at least a 5 (60% - 69%); or English (Home Language) at least a 5 (60% - 69%); or Afrikaans (First Additional Language) at least a 6 (70% - 79%); or English (First Additional Language) at least a 6 (70% - 79%)
- Mathematics at least a 6 (70% - 79%) OR
- Mathematics at least a 5 (60% - 69%) and Accounting at least a 6 (70% - 79%)

The Faculties of Law and Economic and Management Sciences have been offering a combined BAccLLB programme since 2001 to enable students to obtain both the LLB and the BAcc degree within a minimum period of five years. In 2004 an amended programme was implemented.

This is a selection programme and only a limited number of students will be admitted. Applications close 30 June.

### First year (168 credits)

Introduction to Law	171(24)
Private Law	171(24)
Criminal Law	171(24)
Theory of Interest	152(6)
Economics	114(12), 144(12)
Financial Accounting	178(24)
Information Systems	188(24)
Statistics	186(18)

### Second year (158 credits)

Private Law	272(16), 273(16)
Roman Law	271(24)
Law of Criminal Procedure	271(20)
Constitutional Law	271(26)
Interpretation of Enacted Law	211(12)
Business Ethics	214(8)
Auditing	288(24)
Information Systems	214(6), 242(6)

**Third year (174 credits)**

Private Law	372(32), 373(32)
International Law	341(12)
Mercantile Law	311(12), 312(12)
Financial Accounting	278(32)
Management Accounting	278(30)
Constitutional Law	312(12)

**Fourth year (180 credits)**

Administrative Law	411(16)
Mercantile Law	471(32)
Law of Civil Procedure	371(24)
Law of Taxation	411(12)
Private Law	411(12)
Legal Philosophy	341(12)
Legal Skills	411(12)
Information Systems	312(12)
Taxation	298(24)
Two LLB elective modules (24*)	
*See the elective modules for the four-year LLB	

**Fifth year (164 credits)**

Law of Evidence	471(20)
Financial Accounting	379(48)
Auditing	378(24)
Taxation	399(36)
Management Accounting	378(36)

*Notes*

1. See Part 10 of the Calendar for the content of modules that are offered by the Faculty Economic and Management Sciences.
2. Students who are not in the final year of the programme and who have failed modules from previous academic year(s) may not register for any modules from the subsequent academic year without special permission. This restriction is valid for all modules, irrespective of any prerequisite pass, prerequisite and corequisite requirements for modules as stated in this Part of the Calendar.



## 5. The BA (Law) programme

### Admission Requirements

- The National Senior Certificate (NSC) with at least a 4 (50% - 59%) in four NSC university admission subjects (excluding Life Orientation)
- An overall average mark of at least a 5 (60% - 69%) (excluding Life Orientation)
- Afrikaans (Home Language) or English (Home Language) at least a 5 (60% - 69%)
- First Additional Language at least a 3 (40% - 49%)

### Notes

- Students selecting Economics as a subject must pass Mathematics with an average mark of at least a 5 (60% - 69%).
- The onus is on the student to determine the prerequisites set for modules from the Faculty of Arts and Social Sciences (e.g. a language).

For more information with regard to the BA (Law) programme and the content of modules offered by the Faculty of Arts and Social Sciences, please see Part 4 of the Calendar.

This is a selection programme and only a limited number of students will be admitted. Applications close 30 June.

### First year (160 credits)

#### *Compulsory law modules*

Introduction to Law	171(24)
Private Law	171(24)
Indigenous Law	171(24)
Writing Skills	171(10)

#### *Other compulsory year module*

Information Skills	172(6)
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*Elective modules ( 3 x 24)*

Choose **any three subjects**, of which **at least one** must be a language, from the following list:

Afrikaans en Nederlands	178(24)
Afrikaans Language Acquisition	178(24) (only on first-year level) Or 188(24) (only on first-year level)
German	178(24) Or 188(24)
Economics	114(12), 144(12)
English Studies	178(24)
French	178(24) Or 188(24)
Latin	178(24) Or
Classical Legal Culture	114(12), 144(12)
Philosophy	112(6), 122(6), 142(6), 152(6) (follow four modules)
Political Science	114(12), 144(12)
Psychology	114(12), 144(12)
Xhosa	178(24) Or 188(24)

**Second year (144 credits)***Compulsory law modules*

Private Law	272(16), 273(16)
Roman Law	271(24)
Criminal Law	171(24)

*Elective modules (2 x 32)*

*Continued study of two of the following subjects:*

Afrikaans en Nederlands	278(32)
German	278(32) Or 288(32)
Economics	214(16), 244(16)
English Studies	278(32)
Latin	214(16), 244(16) Or
Ancient Cultures	211(8), 212(8), 221(8), 222(8), 241(8), 242(8), 251(8), 252(8) (follow four modules in consultation with the Department)
Philosophy	212(8), 222(8), 242(8), 252(8), 262(8) (follow four modules, two in the first semester and two in the second semester)
Political Science	212(8), 222(8), 242(8), 252(8)
Psychology	213(8), 223(8), 243(8), 253(8)
Xhosa	214(16), 244(16) Or 224(16), 254(16)

### Third year (154 credits)

#### *Compulsory law modules*

Constitutional Law	271(26)
Law of Criminal Procedure	271(20)
Interpretation of Enacted Law	211(12)
Law of Civil Procedure	371(24)

#### *Elective modules (1 x 48 + 1 x 24)*

#### *Continued study of one and one-half subjects (48 credits + 24 credits):*

Ancient Cultures	311(12), 312(12), 321(12), 322(12), 341(12), 342(12), 351(12), 352(12) (follow four modules in consultation with the Department)
Economics	318(24), 348(24)
English Studies	318(24), 348(24)
German	318(24), 348(24) Or 328(24), 358(24)
Latin	318(24), 348(24)
Philosophy	314(12), 324(12), 334(12), 344(12), 354(12), 364(12) (follow four modules in consultation with the Department)
Afrikaans en Nederlands	318(24), 348(24)
Political Science	314(12), 324(12), 344(12), 354(12)
Psychology	314(12), 324(12), 348(24)
Xhosa	318(24), 348(24) Or 328(24), 358(24)

#### *Notes*

1. Students may not enrol for both Afrikaans en Nederlands 178 and Afrikaans Language Acquisition 178.
2. Students may only enrol for both Economics 114, 144 and English Studies 178 at first-year level.
3. There is a class timetable clash for one lecture between Criminal Procedure 271 and German 3. The Department Modern Foreign Languages will accommodate students with this module combination.
4. A student may not enrol for any module as an additional module in the final year of the BA (Law) programme without the permission of the Faculty Board of the Faculty of Law.

## 6. The BCom (Law) programme

### Admission Requirements

- The National Senior Certificate (NSC) with at least a 4 (50% - 59%) in four NSC university admission subjects (excluding Life Orientation)
- An NSC average of at least 60% (excluding Life Orientation)
- Afrikaans (Home Language) at least a 5 (60% - 69%); or English (Home Language) at least a 5 (60% - 69%); or Afrikaans (First Additional Language) at least a 6 (70% - 79%); or English (First Additional Language) at least a 6 (70% - 79%)
- Mathematics at least a 5 (60% - 69%)

For more information with regard to the BCom (Law) programme and the content of modules offered by the Faculty of Economic and Management Sciences, please see Part 10 of the Calendar.

This is a selection programme and only a limited number of students will be admitted. Applications close 30 June.

### First year (160 credits)

Financial Accounting	188(24)
Economics	114(12), 144(12)
Theory of Interest	152(6)
Business Management	113(12), 142(6)
Private Law	171(24)
Introduction to Law	171(24)
Writing Skills	171(10)
Information Systems	112(6)
Afrikaans en Nederlands	178(24) Or
English Studies	178(24) Or
Basic Xhosa	114(12), 144(12) Or
Xhosa	178(24) Or 188(24) Or
Latin	178(24)

### Second year (144 credits)

Private Law	272(16), 273(16)
Roman Law	271(24)
Criminal Law	171(24)
Economics	214(16), 244(16)
Financial Accounting	288(32)

**Third year (154 credits)**

Constitutional Law	271(26)
Law of Criminal Procedure	271(20)
Interpretation of Enacted Law	211(12)
Law of Civil Procedure	371(24)
Economics	318(24), 348(24) Or
Financial Accounting	389(48)
Economics	381(24) Or
Taxation	388(24)

*Notes*

1. A student may not enrol for any module as an additional module in the final year of the BCom (Law) programme without the permission of the Faculty Board of the Faculty of Law.
2. Students with a BCom (Law) degree may register for the BComHons programme in Financial Accounting (ACCA), provided that they meet the admission requirements as stated in Part 10 of the Calendar. However for Financial Accounting, Statistical Methods 176(18) or Statistics 186(18) must be done additionally, before or during the BComHons programme.

# Postgraduate Programmes

## 1. The two-year LLB programme (postgraduate)

### Admission Requirements

- A prior BCom (Law) or BA (Law) degree from Stellenbosch University

### First year (148 credits)

#### *Compulsory law modules (year modules)*

Private Law	372(32), 373(32)
Law of Civil Procedure	371(24) (students who registered for the first time in 2012 – see the note below)

#### *Compulsory law modules (first semester)*

Constitutional Law	312(12)
Mercantile Law	311(12), 312(12)

#### *Compulsory law modules (second semester)*

International Law	341(12)
Legal Philosophy	341(12)
Two LLB electives (24) (except students who registered for the first time in 2012 – see the note below)	

### Second year (152 credits)

#### *Compulsory law modules (year modules)*

Mercantile Law	471(32)
Law of Evidence	471(20)

#### *Compulsory law modules (first semester)*

Private Law	411(12)
Administrative Law	411(16)
Legal Skills	411(12)
Law of Taxation	411(12)

#### *Law modules (second semester)*

A choice of any four from the following modules (which were not already taken in the first year of the programme), of which at least one must come from Mercantile Law. The choice is subject to timetable constraints. It may be announced in a particular year that certain module combinations will not be possible owing to timetable constraints. It should also be noted that not all the modules will be offered each year. A minimum of 10 students must register for a particular module before the module will be offered. On request of a particular lecturer the

maximum number of students per module may be restricted to 50 students. Students should consequently be available for a selection process before the final registration date of second-semester modules. Such a selection process will be determined by a particular lecturer and may include the following considerations: a student's academic performance in particular, related modules and/or late registration.

### *Mercantile Law*

Law of Taxation	441(12), 442(12)
Mercantile Law	441(12), 442(12), 443(12), 444(12), 445(12), 447(12), 448(12), 449(12)
Intellectual Property Law	441(12)
Accounting for Law Students	441(12)
Environmental Law	451(12)

### *Private Law*

International Private Law	451(12)
Private Law	451(12), 452(12), 453(12), 454(12), 455(12), 457(12)
Practical Legal Training	471(24) (provides exemption from Legal Skills 411)

### *Public Law*

Legal Philosophy	451(12)
Criminal Law	451(12)
International Law	451(12)
Constitutional Law	451(12)
Public Procurement Law	451(12)

### *Dissertation elective*

Mercantile Law 446; Private Law 441; Public Law 451

In the place of one of the above, taught modules, a student may elect to write and present for assessment a dissertation of prescribed length and scope (7 000 - 10 000 words, including footnotes, but excluding bibliography) on an approved topic selected in consultation with the chair of the relevant department, or a student may publish an article in an approved legal journal, in consultation with the chair of the relevant department. A student exercising this option must present, at registration, written approval of the topic by the chair of this department. Normally only students with an average of 60% for the pre-final year of the LLB programme will be permitted to register for the dissertation option. Students, who participate in the trial rounds of an approved moot competition, may also apply in writing to the relevant departmental chair to be assessed on their individual written and oral contributions and such contributions may be accredited in place of the dissertation.

*Notes:*

1. Students who are not in the final year of the programme and who have failed modules from previous academic year(s) may not register for any modules from the subsequent academic year without special permission. This restriction is valid for all modules, irrespective of any prerequisite pass, prerequisite and corequisite requirements for modules as stated in this Part of the Calendar.
2. Students who registered in 2012 for this programme for the first time must complete Law of Civil Procedure 371. Such students need not register for the two LLB elective modules.
3. After consultation with lecturers in the modules involved, exemption can be granted on an *ad hoc* basis in the pre-final year of the programme regarding prerequisites and corequisites for elective modules, in order to facilitate the taking of modules from the final year of the programme.

## 2. The three-year LLB programme (postgraduate)

Since 1999 a three-year, postgraduate LLB programme is being offered.

### Admission Requirements

- Normally only a degree from a South African university in which an average of 60% was obtained in the final year of the degree

### First year (172 credits)

#### *Compulsory law modules (year modules)*

Introduction to Law	171(24)
Private Law	171(24), 272(16), 273(16)
Criminal Law	171(24)
Constitutional Law	271(26)

#### *And one of the following two modules:*

Indigenous Law	171(24)
Roman Law	271(24)

#### *Compulsory law module (first semester)*

Interpretation of Enacted Law	211(12)
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#### *Other compulsory year module*

Information Skills	172(6)
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## Second year (156 credits)

### *Compulsory law modules (year modules)*

Private Law	372(32), 373(32)
Law of Civil Procedure	371(24)
Law of Criminal Procedure	271(20)

### *Compulsory law modules (first semester)*

Constitutional Law	312(12)
Mercantile Law	311(12), 312(12)

### *Compulsory law module (second semester)*

Legal Philosophy	341(12)
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## Third year (152 credits)

### *Compulsory law modules (year modules)*

Mercantile Law	471(32)
Law of Evidence	471(20)

### *Compulsory law modules (first semester)*

Law of Taxation	411(12)
Private Law	411(12)
Administrative Law	411(16)
Legal Skills	411(12)

### *Compulsory and elective modules (second semester)*

International Law 341(12) is a compulsory second-semester module.

A choice of any three from the following modules, of which at least one must come from Mercantile Law. The choice is subject to timetable constraints. It may be announced in a particular year that certain module combinations will not be possible owing to timetable constraints. It should also be noted that not all the modules will be offered each year. A minimum of 10 students must register for a particular module before the module will be offered. On request of a particular lecturer the maximum number of students per module may be restricted to 50 students. Students should consequently be available for a selection process before the final registration date of second-semester modules. Such a selection process will be determined by a particular lecturer and may include the following considerations: a student's academic performance in particular, related modules and/or late registration.

*Mercantile Law*

Law of Taxation	441(12), 442(12)
Mercantile Law	441(12), 442(12), 443(12), 444(12), 445(12), 447(12), 448(12), 449(12)
Intellectual Property Law	441(12)
Accounting for Law Students	441(12)
Environmental Law	451(12)

*Private Law*

International Private Law	451(12)
Private Law	451(12), 452(12), 453(12), 454(12), 455(12), 457(12)
Practical Legal Training	471(24) (provides exemption from Legal Skills 411)

*Public Law*

Legal Philosophy	451(12)
Criminal Law	451(12)
International Law	451(12)
Constitutional Law	451(12)
Public Procurement Law	451(12)

*Dissertation elective*

Mercantile Law 446; Private Law 441; Public Law 451

In the place of one of the above, taught modules, a student may elect to write and present for assessment a dissertation of prescribed length and scope (7 000 - 10 000 words, including footnotes, but excluding bibliography) on an approved topic selected in consultation with the chair of the relevant department, or a student may publish an article in an approved legal journal, in consultation with the chair of the relevant department. A student exercising this option must present, at registration, written approval of the topic by the chair of this department. Normally only students with an average of 60% for the pre-final year of the LLB programme will be permitted to register for the dissertation option. Students who participate in the trial rounds of an approved moot competition may also apply in writing to the relevant departmental chair to be assessed on their individual written and oral contributions and such contributions may be accredited in place of the dissertation.

*Notes:*

1. The prerequisite pass, and other prerequisites and corequisites of the third and fourth year of the four-year LLB programme are also applicable to the second and third year of the three-year postgraduate LLB programme.
2. A student may not register for any additional subject or module without the permission of the Senate.

3. Only the final marks obtained in modules prescribed for the second and third year of this programme are considered for the purpose of calculating a *cum laude* pass, which requires the attainment of a minimum average of 75%.
4. Students who are not in the final year of the programme and who have failed modules from previous academic year(s) may not register for any modules from the subsequent academic year without special permission. This restriction is valid for all modules, irrespective of any prerequisite pass, prerequisite and corequisite requirements for modules as stated in this Part of the Calendar.

### **3. The LLM programme**

#### **3.1. Research option**

The LLM degree is awarded to a student who has conducted an approved research curriculum of at least one year's duration (this period commencing after the attainment of the bachelor's degree or reaching the required level of proficiency referred to above) at this university or at some other institution approved by Senate; and has presented for assessment a thesis of an acceptable standard and completed any additional work or study as required by the lecturer(s) concerned.

Full-time LLM students will be allowed to register for a maximum of two consecutive academic years. Part-time students will be allowed to register for a maximum of three consecutive academic years. Further registration and the continuation of studies will only be allowed with the special permission of the Dean of the Faculty of Law.

*Note:*

For further details (and specifically with respect to thesis work) the provisions regarding the Master's degree, in Part 1 of the Calendar, may be consulted.

#### **3.2. LLM by Coursework**

The LLM modules are presented in English. A student obtains the LLM by Coursework degree by:

##### **3.2.1.**

following four modules in an academic year and passing the relevant examinations; and

##### **3.2.2.**

completing, under supervision of an appointed supervisor, a research paper of 15 000 to 20 000 words (including footnotes, but excluding bibliography) on a topic approved by the Faculty Board.

With the permission of the Faculty Board, students may elect to distribute their studies over a period of two years, on condition that at least one module is followed per semester.

Full-time LLM students will be allowed to register for a maximum of two consecutive academic years. Part-time students will be allowed to register for a maximum of three consecutive academic years. Further registration and the continuation of studies will only be allowed with the special permission of the Dean of the Faculty of Law.

Students choose four modules from the following list: Comparative Apartment Ownership; Law

of Trusts; Comparative Private Law; Corporate Acquisitions; Competition Law; International Sales Law; Payment and Guarantees in International Contracts; Carriage of Goods by Sea; International Tax Law; Advanced Company Law; International Commercial Arbitration; Employment Rights; Equality in the Workplace; Copyright Law; Intellectual Property Law in the Digital Environment; Patent Law and the Law of Registered Designs; Trademark Law; International Criminal Law; Legal Aspects of World and Regional Trade; International Law and Children's Rights; Forensic Law; Medical Law; Selected Issues in Collective Labour Law; Selected Issues in International Labour and Social Security Law; Public Procurement Regulation; Sustainable Development Law.

A prospectus containing full details is available on request from the LLM Coordinator at 021 808 3780.

### **3.3. LLM in International Trade Law**

This programme is completed either on a full-time basis over a minimum residential period of one year, or on a part-time basis over a residential period of two years. Students obtain the degree by successfully completing four semester modules as well as a research paper.

#### **Programme content**

Students choose four modules from the following list:

- International Sales Law;
- International Commercial Arbitration;
- Payment and Guarantees in International Contracts;
- Carriage of Goods by Sea;
- Legal Aspects of World and Regional Trade;
- International Tax Law; or
- Sustainable Development Law.

Students must complete a research paper of 15 000 to 20 000 words (including footnotes, but excluding bibliography), on a topic approved by the Faculty Board and under direction of a designated supervisor.

Students will be allowed to register for a maximum of three consecutive academic years. Further registration and the continuation of studies will only be allowed with the special permission of the Dean of the Faculty of Law.

A prospectus containing full details is available on request from the LLM Coordinator at 021 808 3780.

### **3.4. LLM in Intellectual Property Law**

This programme is completed either on a full-time basis over a minimum residential period of one year, or on a part-time basis over a residential period of two years. Students obtain the degree by successfully completing four compulsory semester modules as well as a research paper. All modules in this programme are presented in English.

## **Programme content**

Copyright Law, Trademark Law, Intellectual Property Law in the Digital Environment, and Patent Law and the Law of Registered Designs, and

Students must complete a research paper of 15 000 to 20 000 words (including footnotes, but excluding bibliography), on a topic approved by the Faculty Board and under direction of a designated supervisor. Students will be allowed to register for a maximum of three consecutive academic years. Further registration and the continuation of studies will only be allowed with special permission from the Dean of the Faculty of Law.

A prospectus containing full details is available on request from the LLM Coordinator at 021 808 3780.

## **4. The LLD programme**

The LLD degree is awarded to a student who –

### **4.1**

is registered at the University as a doctoral degree student for at least two years after he:

4.1.1. has obtained the LLM degree; or

4.1.2. has obtained the LLB degree from this University, or any other bachelor's degree in law (excluding the BProc and BLuris degrees) approved for this purpose by the Senate, and has applicable practical or academic experience; or

4.1.3. has attained a level of proficiency or accomplishment in law in any other way, which in the judgement of the Senate, is regarded as adequate for this purpose,

### **4.2.**

has conducted an approved period of research of at least two years' duration (this period commencing after the attainment of the bachelor's degree or level of proficiency referred to above) at this University or at some other institution approved by the Senate, and

### **4.3.**

has presented for assessment a doctoral dissertation of an acceptable standard and completed any additional research required by the promoter, and

### **4.4.**

has successfully conducted himself in an oral examination, except if exemption from such oral examination has been granted.

### *Notes*

1. Students will be allowed to register for a maximum of five consecutive academic years. Further registration and the continuation of studies will only be allowed with the special permission of the Dean of the Faculty of Law.
2. For further details (and specifically with respect to doctoral dissertation work) the provisions regarding the doctoral degree in Part 1 of the Calendar may be consulted.

## 5. The Postgraduate Diploma in Intellectual Property Law

### Admission Requirements

The following persons may apply in writing to be admitted to the Postgraduate Diploma in Intellectual Property Law:

- any person with an LLB, BSc, BCom or BEng qualification, or any other qualification considered by Senate as equivalent; and
- any person who is considered suitably qualified for admission by Senate in terms of the University's ARPL policy based on work experience or any other exposure to the field of Intellectual Property Law.

Senate will consider every application on merit.

The Postgraduate Diploma in Intellectual Property Law has been offered since 2013.

### Duration of the programme

1 Year

### Curriculum (120 credits)

Students must complete any four (4) modules of their choice (120 credits in total). The curriculum consists of the following modules:

<b>10009 – 711:</b>	Copyright Law (30)
<b>10008 – 711:</b>	Trademark Law (30)
<b>10935 – 711:</b>	Intellectual Property Law in the Digital Environment (30)
<b>10934 – 711:</b>	Patent Law and the Law of Registered Design (30)
<b>10937 – 714:</b>	A research paper of 7 500 to 10 000 words on a topic in the general field of Intellectual Property Law or related subject matter (30)

## 6. The Postgraduate Diploma in Tax Law

### Admission requirements

The following persons will be considered by the Senate as candidates for this diploma:

- an LLB graduate who obtained the degree from this University;
- a BAcc or BCom graduate who obtained the degree from this University;
- a graduate from any other university who has been granted the status of LLB, BProc, BCom or BAcc of the university concerned in terms of section 65B of the Higher Education Act No. 101 of 1997;
- a person who has been admitted to practice as an attorney in any province of South Africa or in Namibia;
- a person who is registered as an accountant with the Public Accountants' and Auditors' Board, or registered as a chartered accountant with the South African Institute for Chartered Accountants; and

- a person with any other academic or professional qualification which the Senate deems to be sufficient for admission.

A Postgraduate Diploma in Tax Law has been offered since 1999. New applications are considered every two years; the next intake will take place in 2016.

### **Duration of the programme**

Two-year study period.

February 2016 - November 2017

### **Curriculum (120 credits)**

The curriculum comprises the following modules:

<b>2016</b>	
<b>10393 - 711:</b>	Basic Principles of Income Tax (20)
<b>13943 - 721:</b>	Advanced Income Tax Law (20)
<b>63142 - 725:</b>	Letter of Objection; Notice of Appeal (20)
<b>2017</b>	
<b>10668 - 722:</b>	Legal Aspects pertaining to Donations Tax, Estate Duty and Estate Planning (20)
<b>12271 - 725:</b>	Legal Aspects pertaining to Value Added Tax and Transfer Duty (20)
<b>10468 - 762:</b>	International Tax Law (20) (This module is only presented in English.)

## Prerequisite Pass, Prerequisite and Corequisite Modules

PP – Prerequisite Pass module

P – Prerequisite module

C – Corequisite module

A prerequisite pass module is a module which students must have passed before they are allowed to take the module(s) for which it is a prerequisite pass module

A prerequisite module is a module in which students must have achieved a class mark of at least 40, or a final mark of at least 40 in the case of a module subject to continuous assessment, before they are allowed to take the module for which it is a prerequisite module.

A corequisite module is a module that students must take in the same academic year as the module for which it is a corequisite, or in an earlier academic year.

ADMINISTRATIVE LAW	411	PP	Constitutional Law 271
		P	Constitutional Law 312
CONSTITUTIONAL LAW	271	P	Introduction to Law 171 (excepting postgraduate, 3-year LLB students)
CONSTITUTIONAL LAW	312	PP	Constitutional Law 271
CONSTITUTIONAL LAW	451	PP	Constitutional Law 271, Administrative Law 411
CRIMINAL LAW	451	PP	Law of Criminal Procedure 271
ENVIRONMENTAL LAW	451	PP	International Law 341, Administrative Law 411
INTERNATIONAL LAW	341	P	Constitutional Law 271
INTERNATIONAL LAW	451	P	International Law 341
INTERNATIONAL PRIVATE LAW	451	P	Private Law 372, 373
INTERPRETATION OF ENACTED LAW	211	P	Introduction to Law 171 (excepting postgraduate, 3-year LLB students)
		C	Constitutional Law 271
LAW OF CIVIL PROCEDURE	371	PP	Private Law 171
LAW OF EVIDENCE	471	PP	Constitutional Law 271
		P	Law of Criminal Procedure 271
LAW OF CRIMINAL PROCEDURE	271	P	Criminal Law 171
LAW OF TAXATION	411	C	Mercantile Law 471
LAW OF TAXATION	441	P	Law of Taxation 411
LAW OF TAXATION	442	P	Law of Taxation 411
LEGAL PHILOSOPHY	451	P	Legal Philosophy 341



LEGAL SKILLS	411	PP	Private Law 372, 373
MERCANTILE LAW	311	C	Private Law 372
MERCANTILE LAW	312	C	Private Law 372
MERCANTILE LAW	441	P	Mercantile Law 311
MERCANTILE LAW	442	C	Private Law 372 Law of Civil Procedure 371
MERCANTILE LAW	443	C PP	Mercantile Law 471 Private Law 372
MERCANTILE LAW	444	PP	Private Law 372
MERCANTILE LAW	448	PP P	Private Law 372 Law of Civil Procedure 371
MERCANTILE LAW	449	PP	Private Law 372
MERCANTILE LAW	471	P P	Private Law 372, Mercantile Law 311, 312
PRACTICAL LEGAL TRAINING	471	PP PP	Law of Civil Procedure 371 Private Law 372, 373
PRIVATE LAW	171	C	Introduction to Law 171
PRIVATE LAW	272	PP P C	Private Law 171 Introduction to Law 171 Private Law 273
PRIVATE LAW	273	PP P C	Private Law 171 Introduction to Law 171 Private Law 272
PRIVATE LAW	372	PP PP P C	Introduction to Law 171 Private Law 272, 273 Roman Law 271 Constitutional Law 271, Private Law 373
PRIVATE LAW	373	PP PP P C	Introduction to Law 171 Private Law 272, 273 Roman Law 271 Constitutional Law 271, Private Law 372
PRIVATE LAW	411	PP	Private Law 372
PRIVATE LAW	451	PP	Private Law 272
PRIVATE LAW	452	PP	Private Law 272
PRIVATE LAW	453	PP	Private Law 372
PRIVATE LAW	454	PP	Private Law 372
PRIVATE LAW	455	PP	Private Law 373
PRIVATE LAW	457	PP	Private Law 272
PUBLIC PROCUREMENT LAW	451	PP	Private Law 372, Administrative Law 411
ROMAN LAW	271	C	Private Law 272, 273

# Subjects, Modules and Module Content

## Abbreviation and numbering system

All subjects are represented by a subject number of 5 digits. Each module of the subject is represented by a three-digit module code, in which the year of study and semester of presentation (unless otherwise stated) are combined.

The subjects, as well as their modules, credit value, module subjects, teaching loads, language specifications and module contents are given below.

### Example:

<b>17914 PRIVATE LAW</b>				
<b>171</b>	<b>24</b>	<b>Law of Persons and Family Law</b>	<b>3L, 1T</b>	<b>A/T</b>

### Explanation:

17914 is the subject number and refers to the subject Private Law.

171 is the module code of the module Private Law 171 with the module subject Law of Persons and Family Law.

The module code 171 has the following meaning:

First digit: 1 – refers to the year of study in which the module is presented;

Second digit: 7 – is a number to discriminate between modules of the same subject in the same year of study and refers to the semester (unless stated otherwise), according to the following pattern:

1, 2 or 3: modules offered in the first semester;

4, 5 or 6: modules offered in the second semester;

7, 8 or 9: modules offered over two semesters, i.e. a year module.

Third digit: 1 – has no specific meaning, but can be used to discriminate between different modules of the same subject in the same semester of the same year of study.

Please note that there is a deviation from this pattern in the postgraduate modules, where the five-digit subject number and the three-digit module code are indicated together in one square.

The number in the second square (otherwise in brackets) (24) – indicates the credit value of the module. Private Law 171(24) is therefore offered during both semesters of the first year and a student will acquire 24 credits on completion.

The teaching load of each module is indicated in brackets.

The following abbreviations are used:

L – lectures lasting 50 minutes each (e.g. 1L, 2L)

P – practical periods lasting 50 minutes each (e.g. 1P, 2P, 3P)

S – seminar lasting 50 minutes (e.g. 1S)

T – tutorials lasting 50 minutes each (e.g. 1T, 2T)

The teaching load of Private Law 171(24) amounts to three lectures plus one tutorial of 50 minutes each per week for the duration of the module, i.e. two semesters.

In the last square the language specification of each module is indicated. The following language specifications are used:

### **A Specification\***

#### *Rationale*

The A specification applies as the default mode for all undergraduate modules. No reasons need to be given for exercising this option.

#### *Characteristics*

- Teaching is mainly in Afrikaans
- Study material such as textbooks, notes, transparencies, electronic learning and teaching material may be in Afrikaans and/or English
- Study framework is in Afrikaans and English.

### **T Specification (bilingual classes)\***

#### *Rationale*

Is used for classes where:

- students' language competence requires greater use of English
- a programme offered is unique to the University
- multilingualism is important in the context of a specific occupation
- the lecturer does not yet have an adequate command of Afrikaans.

#### *Characteristics*

- Teaching is in Afrikaans for at least 50% of the time.
- Textbooks and reading matter are in Afrikaans and/or English.
- Study notes, transparencies and electronic learning and teaching material are fully in Afrikaans and English, or alternately in Afrikaans and English.

### **E Specification (English as the main medium of instruction)**

#### *Rationale*

Is used only in highly exceptional circumstances for:

- programmes unique in South Africa
- programmes in which students do not have adequate language skills (foreign or English-speaking students)
- modules in which the lecturer does not have a command of Afrikaans
- regional co-operation and strategic aims that necessitate English.

### *Characteristics*

- Teaching is primarily in English.
- Textbooks and reading matter are in Afrikaans and/or English.
- Notes are in English with core notes in Afrikaans.
- Transparencies and electronic learning and teaching material are in English.

### **A & E Specification (separate ‘streams’ in Afrikaans and English)**

#### *Rationale*

Used only in most exceptional circumstances when academically and financially justified and attainable for:

- modules with large numbers of students
- regional co-operation and attaining strategic goals
- programmes offered by satellite technology or interactive telematic education.

#### *Characteristics*

The characteristics of the A and E options apply respectively here.

\* For both of these options an academic language competence in Afrikaans and English is essential for successful study.

After the description of the content of the module, where applicable, the pass prerequisite, prerequisite and/or corequisite modules are given for that module. The following abbreviations are used:

PP – Prerequisite Pass module

P – Prerequisite module

C – Corequisite module

The following definitions apply:

A prerequisite pass module is a module which students must have passed before they are allowed to take the module(s) for which it is a prerequisite pass module

A prerequisite module is a module in which students must have achieved a class mark of at least 40, or a final mark of at least 40 in the case of a module subject to continuous assessment, before they are allowed to take the module for which it is a prerequisite module.

A corequisite module is a module that students must take in the same academic year as the module for which it is a corequisite, or in an earlier academic year.

#### *Note:*

No qualification will be awarded unless the candidate passed all the relevant prerequisite and corequisite modules.

## MODULE CONTENT (UNDERGRADUATE)

### 1. DEPARTMENT OF MERCANTILE LAW

#### 48089 Accounting for Law Students

441	12	Accounting for Law Students	2L	T
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Purpose of accounting records, basic concepts concerning double entry, owner's equity, accounting period, capital income and operating income, expenditure and profit, accounting cycle, entry of financial facts with specific regard to records (statutory or otherwise) held in an attorney's practice, accounts of partners, compilation and presentation of financial reports with specific regard to company accounts.

*1 question paper of 3 hours*

*Note:*

This module is presented by the Department of Accounting and may not be followed by a student who has already passed Financial Accounting 188 and 288.

#### 60704 Environmental Law

451	12	Environmental Law	2L	T
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This module provides an introduction to Environmental Law relating to the following three broad but inter-related areas of environmental concern: natural resource use and conservation; pollution control and waste management, land-use planning and environmental assessment. It does so by examining various branches of law, including the Bill of Rights, Administrative Law, Criminal Law and International Environmental Law.

*1 question paper of 2 hours*

*PP International Law 341*

*PP Administrative Law 411*

#### 41599 Law of Taxation

411	12	Law of Taxation	3L	T
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*Income Tax:*

The law regarding income tax: introduction to law of taxation; gross income; special inclusions; general deductions; special deductions; tax on capital gains; tax administration and additional tax.

*1 question paper of 2 hours*

*C Mercantile Law 471*

441	12	Law of Taxation	2L	T
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Legal aspects of donations tax; estate duty; estate planning; value-added tax; transfer duty and other taxes.

*1 question paper of 2 hours*

*P Law of Taxation 411*

<b>442</b>	<b>12</b>	<b>Law of Taxation</b>	2L	<b>T</b>
Capita selecta from the law of income taxation, including corporate and individual taxation; trusts; PAYE; labour brokers and personal service providers; taxation of fringe benefits, tax avoidance. <i>1 question paper of 2 hours</i> <i>P Law of Taxation 411</i>				

<b>11254 Intellectual Property Law</b>				
<b>441</b>	<b>12</b>	<b>Intellectual Property Law</b>	2L	<b>T</b>
Principles of the South African law applicable to the protection of intellectual property: copyright, trademarks and unlawful competition. <i>1 question paper of 2 hours</i>				

<b>37273 Mercantile Law</b>				
<b>311</b>	<b>12</b>	<b>Mercantile Law</b>	2L	<b>T</b>
Individual and collective Labour Law; commercial dispute resolution. <i>1 question paper of 1½ hours</i> <i>C Private Law 372</i>				
<b>312</b>	<b>12</b>	<b>Mercantile Law</b>	2L	<b>T</b>
Insolvency Law and sequestration procedures. <i>1 question paper of 1½ hours</i> <i>C Private Law 372</i>				
<b>441</b>	<b>12</b>	<b>Mercantile Law</b>	2L	<b>T</b>
<i>Advanced Labour Law:</i> Capita selecta from Labour Law. <i>1 question paper of 2 hours</i> <i>P Mercantile Law 311</i>				
<b>442</b>	<b>12</b>	<b>Mercantile Law</b>	2L	<b>T</b>
<i>Commercial Dispute Resolution:</i> Capita selecta from the legal aspects of alternative dispute resolution, including: Commercial arbitration: legislation, case law and practice; Mediation, Conciliation; Basic principles of international commercial arbitration. <i>1 question paper of 2 hours</i> <i>C Law of Civil Procedure 371</i> <i>C Private Law 372</i> <i>Notes:</i> 1. Not all components are necessarily offered every year. 2. Only a limited number of selected students will be permitted to take the component on conciliation and mediation. Conciliation and mediation will thus be set against additional work required for components 1 and 4, and students not selected for conciliation and mediation must therefore complete these additional components.				

<b>443</b>	<b>12</b>	<b>Mercantile Law</b>	2L	<b>T</b>
<i>Advanced Company Law:</i> Public issue by companies and related topics such as the statutory structure of financial markets and insider-trading transactions, company reorganisations and take-overs, including minority protection; corporate governance; corporate rescue. <i>1 question paper of 2 hours</i> <i>C Mercantile Law 471</i> <i>PP Private Law 372</i>				
<b>444</b>	<b>12</b>	<b>Mercantile Law</b>	2L	<b>T</b>
<i>Insurance Law:</i> Historical overview; types of insurance; content of an insurance contract; misrepresentation and the duty to disclose in insurance law; subrogation; overview of insurance legislation; legal aspects of control over financial institutions. <i>1 question paper of 2 hours</i> <i>PP Private Law 372</i>				
<b>445</b>	<b>12</b>	<b>Mercantile Law</b>	2L	<b>T</b>
<i>Competition Law:</i> The legal rules that are aimed at the promotion of competition in markets; the economic foundations of these rules, the structure of relevant legislation and public institutions, enforcement of competition law, and the different aspects of substantive competition law; restrictive practices; abuse of dominance and mergers. <i>1 question paper of 2 hours</i>				
<b>446</b>	<b>12</b>	<b>Mercantile Law</b>	1S	<b>A&amp;E</b>
<i>Dissertation:</i> Only students with an average of at least 60% for the penultimate year of the LLB may normally register for the dissertation option.				
<b>447</b>	<b>12</b>	<b>Mercantile Law</b>	2L	<b>T</b>
<i>Internet Law:</i> Legal principles regarding the Internet as electronic communications and transactions medium, including contractual and criminal liability, electronic agreements and methods of payment, jurisdiction, aspects of intellectual property rights and international trade law regarding computer technology. <i>1 question paper of 2 hours</i>				
<b>448</b>	<b>12</b>	<b>Mercantile Law</b>	2L	<b>T</b>
<i>Carriage of goods:</i> Admiralty practice and contracts for the carriage of goods by sea: relevant legislation and regulatory measures; a caput from maritime law (salvage, wreck, marine insurance or safety at sea). Comparisons will also be made with the carriage of goods by road, rail and air. <i>1 question paper of 2 hours</i> <i>PP Private Law 372</i> <i>P Law of Civil Procedure 371</i>				

<b>449</b>	<b>12</b>	<b>Mercantile Law</b>	2L, 0.5S	<b>T</b>
Bank-client relationship; cheques and bills of exchange; contemporary domestic and international methods of payment; domestic and international supervision of banks. <i>1 question paper of 1½ hour</i> <i>PP Private Law 372</i>				
<b>471</b>	<b>32</b>	<b>Mercantile Law</b>	4L	<b>T</b>
<i>Law of Business Entities:</i> The law in respect of the structure, financing and management of business enterprises, especially companies. <i>1 question paper of 3 hours</i> <i>P Mercantile Law 311 and 312</i> <i>P Private Law 372</i>				

## 2. DEPARTMENT OF PRIVATE LAW

<b>25666 Customary Law</b>				
<b>171</b>	<b>24</b>	<b>Indigenous Law</b>	3L, 1T	<b>T</b>
Introduction to multi-culturalism and legal pluralism in South Africa; overview of traditional and modern South African Customary Law of Persons, Family, Property, Succession, Contract, as well as Criminal and Procedural Law and Conflict of Law Rules. <i>1 question paper of 2 hours</i>				

<b>23906 Conflict of Laws</b>				
<b>451</b>	<b>12</b>	<b>International Private Law</b>	2L	<b>T</b>
The history and operation of the system of rules that South African courts apply to determine which legal system governs a dispute with a foreign element; the choice of law in disputes regarding family and persons, contract, delict and property; the local recognition and enforcement of foreign judgments; the ascertainment of foreign laws in local courts; related conceptual problems. <i>1 question paper of 2 hours</i> <i>P Private Law 372, 373</i>				

<b>48070 Introduction to Law</b>				
<b>171</b>	<b>24</b>	<b>Introduction to Law</b>	3L, 1T	<b>T</b>
Foundation and historical development of South African law; Bill of Rights; legal skills (teaching and practical training in the use of South African legal sources such as legislation, reported court cases, common-law writers, legal databases and law journals); what is the law?; introduction to the administration of justice and the legal profession in South Africa; the theory of subjective rights; classification of the law; aspects of Criminal Law; introduction to Criminal Procedure and Civil Procedure; Law of Evidence; juristic facts. <i>1 question paper of 2 hours</i>				



**51543 Civil Procedure**

<b>371</b>	<b>24</b>	<b>Law of Civil Procedure</b>	2L	<b>T</b>
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The function of the Law of Civil Procedure in the legal system; the general principles upon which this discipline is based; the historical development of South African civil procedure; the composition and jurisdiction of the judiciary; an overview of the course of the litigation process in the upper and lower courts; some particular procedures.

*1 question paper of 2 hours*

*PP Private Law 171*

**51527 Legal Skills**

<b>411</b>	<b>12</b>	<b>Legal Skills</b>	2L	<b>T</b>
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Advanced teaching and practical training in the use of South African and foreign legal sources; development of computer skills for use of legal databases; applied legal research; professional ethics; legal aid; management of estates; legal drafting; practical aspects of litigation.

*Continuous assessment; assignment*

*PP Private Law 372, 373*

**58386 Practical Legal Training**

<b>471</b>	<b>24</b>	<b>Practical Legal Training</b>	2L, 1S	<b>T</b>
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Advanced teaching and practical training in the use of South African and foreign legal sources, further development of computer skills for the use of legal databases and legal bibliographies; applied legal research, professional ethics; legal aid; basic management of estates.

Legal drafting; practical legal aspects of litigation; practical training in the Legal Aid Clinic; moot court and simulated dispute resolution.

*Continuous assessment*

*PP Law of Civil Procedure 371*

*PP Private Law 372, 373*

*Notes:*

1. Only a limited number of selected students may follow this module. Selection is based on the candidate's performance in Law of Civil Procedure 371, legal and community service experience and related considerations.
2. Students who follow this module will be exempted from the test and examination in the Practice and Procedure part of Legal Skills 411 and may not register for the said module.
3. Students who complete their LLB studies as exchange students in Europe will not be permitted to register for this module.

<b>17914 Private Law</b>				
<b>171</b>	<b>24</b>	<b>Private Law</b>	3L, 1T	<b>T</b>
<p><i>Law of Persons:</i></p> <p>Juristic and natural persons, the status of a natural person, the influence of domicile, age, gender and mental capacity.</p> <p><i>Family Law:</i></p> <p>Engagement, entering into marriage and legal impediments; personal consequences of marriage; matrimonial property law; divorce; parental power.</p> <p><i>1 question paper of 2 hours</i>  <i>C Introduction to Law 171</i></p>				
<b>272</b>	<b>16</b>	<b>Private Law</b>	2L	<b>T</b>
<p><i>Law of Things:</i></p> <p>Introduction to law of things; the concept 'thing'; the distinction between personal and real rights; possession; content, acquisition and protection of ownership; co-ownership; the property clause; basic principles of land reform; servitudes; pledge; mortgage; notarial bond and judicial pledge.</p> <p><i>1 question paper of 2 hours</i>  <i>PP Private Law 171</i>  <i>P Introduction to Law 171</i>  <i>C Private Law 273</i></p>				
<b>273</b>	<b>16</b>	<b>Private Law</b>	2L	<b>T</b>
<p><i>Law of Succession:</i></p> <p>Basic principles of intestate and testate succession; intestate succession; formalities in the execution, amendment and revocation of wills; the capacity to inherit; content of wills; conditions; massing of estates and election; accrual; succession by contract; the interpretation and rectification of wills; the administration of estates.</p> <p><i>1 question paper of 2 hours</i>  <i>PP Private Law 171</i>  <i>P Introduction to Law 171</i>  <i>C Private Law 272</i></p>				
<b>372</b>	<b>32</b>	<b>Private Law</b>	4L	<b>T</b>
<p><i>Law of Contract:</i></p> <p>The obligation; requirements for a valid contract, viz., consensus, capacity to act, formalities, possibility of performance, legality of performance; obligations arising from agreement; discharge of the obligation; breach of contract and appropriate remedies; cession and extinction of personal rights, representation and authority.</p> <p><i>1 question paper of 3 hours</i>  <i>PP Introduction to Law 171</i>  <i>PP Private Law 272, 273</i>  <i>P Roman Law 271</i>  <i>C Constitutional Law 271</i>  <i>C Private Law 373</i></p>				

<b>373</b>	<b>32</b>	<b>Private Law</b>	4L	<b>T</b>
<i>Law of Delict:</i> The concept delict; historical development of the lex Aquilia and the actio iniuriarum; elements of delict; wrongfulness, act, fault, causation, damage; remedies; particular forms of Aquilian liability and iniuria, strict liability; the system of third-party compensation in motor vehicle accidents. <i>1 question paper of 3 hours</i> <i>PP Introduction to Law 171</i> <i>PP Private Law 272, 273</i> <i>P Roman Law 271</i> <i>C Constitutional Law 271</i> <i>C Private Law 372</i>				
<b>411</b>	<b>12</b>	<b>Private Law</b>	2L, 1S	<b>T</b>
The nature, contents and legal consequences of contracts of sale, lease and suretyship; session. <i>1 question paper of 2 hours</i> <i>PP Private Law 372</i>				
<b>441</b>	<b>12</b>	<b>Private Law</b>	1S	<b>A&amp;E</b>
<i>Dissertation:</i> Only students with an average of at least 60% for the penultimate year of the LLB may normally register for the dissertation option.				
<b>451</b>	<b>12</b>	<b>Private Law</b>	2L	<b>T</b>
Sectional Titles; share block and time-share schemes. <i>1 question paper of 2 hours</i> <i>PP Private Law 272</i>				
<b>452</b>	<b>12</b>	<b>Private Law</b>	2L	<b>T</b>
<i>Advanced Family Law:</i> A comparative law overview of various matrimonial property regimes, with particular attention to cohabitative relationships; the legal position of children, especially with respect to guardianship, custody and right of access; surrogate motherhood and artificial insemination; procedural law aspects of divorce; mediation and family courts; maintenance; implications of the Bill of Rights for Family Law; the theoretical foundations of Matrimonial Law. <i>Indigenous Family Law:</i> Matrimonial Law; the status of parties and the position of the child. <i>1 question paper of 2 hours</i> <i>PP Private Law 272</i>				
<b>453</b>	<b>12</b>	<b>Private Law</b>	2L	<b>T</b>
Consumer Law and Credit Law; statutory mechanisms aimed at protecting consumers, especially the Consumer Protection Act 68 of 2008 and the National Credit Act 34 of 2005. <i>1 question paper of 2 hours</i> <i>PP Private Law 372</i>				

<b>454</b>	<b>12</b>	<b>Private Law</b>	3L	<b>T</b>
<p><i>Enrichment Liability:</i></p> <p>Unjustified enrichment as a source of a duty to surrender enrichment obtained without legal ground at the expense of another; fields of application of enrichment law, including undue payments, transfers obtained under failed contracts, transfer obtained as a consequence of fraud and theft, unauthorised improvement of another's property, unauthorised payment of another's debt, and enrichment by infringing another's rights; the quantification of enrichment claims.</p> <p><i>Estoppel:</i></p> <p>The requirements for estoppel as a mechanism for providing protection where a person acts contrary to a reliance created with another; the fields of application of estoppel.</p> <p><i>1 question paper of 2 hours</i>  <i>PP Private Law 372</i></p>				
<b>455</b>	<b>12</b>	<b>Private Law</b>	2L	<b>T</b>
<p><i>Advanced Law of Delict:</i></p> <p>Defamation and other forms of iniuria; strict liability.</p> <p><i>1 question paper of 2 hours</i>  <i>PP Private Law 373</i></p>				
<b>457</b>	<b>12</b>	<b>Private Law</b>	2L	<b>T</b>
<p><i>Statutory Law of Things:</i></p> <p>Constitutional Property Law within a legal comparative perspective, redistribution and restitution of land, and tenure reform in South Africa.</p> <p><i>1 question paper of 2 hours</i>  <i>PP Private Law 272</i></p>				

<b>18260 Roman Law</b>				
<b>271</b>	<b>24</b>	<b>Roman Law</b>	3L	<b>T</b>
<p>Law of Obligations, Law of Things and Law of Sale in the pre-classical, classical and post-classical periods.</p> <p><i>1 question paper of 3 hours</i>  <i>C Private Law 272, 273</i></p>				

### 3. DEPARTMENT OF PUBLIC LAW

<b>49409 Administrative Law</b>				
<b>411</b>	<b>16</b>	<b>Administrative Law</b>	2L, 1S	<b>T</b>
<p>Foundation and sources of Administrative Law; the administrative law relationship; different types of administrative acts; requirements for validity of administrative acts; judicial control of administrative acts; constitutional provisions.</p> <p><i>1 question paper of 2 hours</i>  <i>PP Constitutional Law 271</i>  <i>P Constitutional Law 312</i></p>				

<b>44342 Constitutional Law</b>				
<b>271</b>	<b>26</b>	<b>Constitutional Law</b>	2L, 1S	<b>T</b>
<p><i>Basic principles of Public Law:</i></p> <p>Constitutionalism, rule of law and legality, democracy, separation of powers, devolution of powers, collective government.</p> <p><i>General principles of human rights litigation:</i></p> <p>Application of the Bill of Rights, locus standi, jurisdiction of the courts, interpretation and limitation of human rights, remedies.</p> <p><i>Structure of government:</i></p> <p>General principles underlying the structure of government, the legislature, executive and judiciary, national, provincial and local government.</p> <p><i>1 question paper of 3 hours</i>  <i>P Introduction to Law 171 (excepting three-year postgraduate LLB students)</i></p>				
<b>312</b>	<b>12</b>	<b>Constitutional Law</b>	2L, 1S	<b>T</b>
<p>Content, scope and application of specific rights in the Bill of Rights, such as life, freedom and security of the person, equality, political rights, socio-economic and cultural rights, environmental rights, freedom of expression, freedom of religion, access to courts, and access to information. Specific themes will also be dealt with, including remedies for infringements of human rights, and the role of human rights litigation and adjudication under a transformative constitution.</p> <p><i>Flexible assessment</i>  <i>PP Constitutional Law 271</i></p>				
<b>451</b>	<b>12</b>	<b>Constitutional Law</b>	2L	<b>T</b>
<p>Capita selecta from topics such as the following: the constitutional right of access to information and accompanying legislation; legislation and institutions aimed at the implementation of the constitutional right to equality, including equality courts; the relationship between the different branches of state (legislative, judicial and executive) in the execution of and control over public power; extra-judicial mechanisms for control over state power, namely the Public Protector, the Auditor-General and the Human Rights Commission; state liability.</p> <p><i>Flexible assessment</i>  <i>PP Constitutional Law 271</i>  <i>PP Administrative Law 411</i></p>				

<b>37281 Criminal Law</b>				
<b>171</b>	<b>24</b>	<b>Criminal Law</b>	3L	<b>T</b>
Introduction; theories of punishment; the principle of legality; Criminal Law and human rights; the elements of a crime, namely conduct, causation, unlawfulness, criminal liability and fault; participation in crime; incomplete crimes. <i>Flexible assessment</i>				
<b>451</b>	<b>12</b>	<b>Criminal Law</b>	2L	<b>T</b>
Specific common law and statutory crimes; capita selecta of national and international criminal justice. <i>1 question paper of 2 hours</i> <i>PP Law of Criminal Procedure 271</i>				

<b>59811 International Law</b>				
<b>341</b>	<b>12</b>	<b>International Law</b>	2L, 1T	<b>E</b>
Introduction to international law; an overview of the fundamental principles governing international relations; the subjects of international law; the sources of international law; the relationship between national and international law according to the Constitution of South Africa; territory, jurisdiction and immunity from jurisdiction; state responsibility under international law; international dispute settlement; introduction to the United Nations and the structure of the United Nations. <i>Flexible assessment</i> <i>P Constitutional Law 271</i>				
<b>451</b>	<b>12</b>	<b>International Law</b>	2L	<b>E</b>
Analysis of the protection of human rights through international and regional law; the international and regional complaints mechanisms relating to the violation of human rights and the remedies available to individuals or groups seeking redress for human rights violation outside the domestic jurisdiction. <i>Flexible assessment</i> <i>P International Law 341</i>				

<b>59838 Interpretation of Enacted Law</b>				
<b>211</b>	<b>12</b>	<b>Interpretation of Enacted Law</b>	2L	<b>T</b>
Statutory and constitutional interpretation: theories, methods and strategies; the place, role, authority and status of legislation as a source of law in a new constitutional dispensation; the impact of the Constitution of the Republic of South Africa 1996 on the construction of statutes; the traditional canons of statutory interpretation in a new dispensation and their applicability in respect of both statutory and constitutional interpretation. <i>1 question paper of 1½ hours</i> <i>P Introduction to Law 171 (excepting postgraduate 3-year LLB students)</i> <i>C Constitutional Law 271</i>				

<b>41610 Law of Criminal Procedure</b>				
<b>271</b>	<b>20</b>	<b>Law of Criminal Procedure</b>	2L	<b>T</b>
<p>Analysis of the criminal justice system and of criminal procedure; the different courts and their jurisdiction; prosecuting authority; search and seizure; arrest; provisional hearings; bail; indictment; plea and procedure during trial; sentencing; punishment; appeal and review; criminal procedure and the Constitution.</p> <p><i>1 question paper of 2 hours</i>  <i>P Criminal Law 171</i></p>				

<b>41629 Law of Evidence</b>				
<b>471</b>	<b>20</b>	<b>Law of Evidence</b>	2L	<b>T</b>
<p>History and sources of the South African law of evidence; rules relating to relevance, character, opinion, hearsay, admissions and confessions, privilege, burden of proof and presumptions; the law of evidence and the Constitution.</p> <p><i>1 question paper of 2 hours</i>  <i>PP Constitutional Law 271</i>  <i>P Law of Criminal Procedure 271</i></p>				

<b>53333 Legal Philosophy</b>				
<b>341</b>	<b>12</b>	<b>Legal Philosophy</b>	2L, 1S	<b>T</b>
<p>An introduction to legal philosophical concepts and methods with particular reference to issues of elementary scientific theory and scientific philosophy and themes encountered in the history of Western and African philosophy on law and justice.</p> <p><i>Flexible assessment</i></p>				
<b>451</b>	<b>12</b>	<b>Legal Philosophy</b>	2L	<b>T</b>
<p>Legal philosophical capita selecta determined in consultation with students. The following are examples of possibilities: concentration on particular themes or philosophers encountered in the history of legal philosophy; the relationship between law and ethics with particular emphasis on current legal-ethical or bio-ethical issues; civil disobedience; law in an African context; the issue of justice; schools and tendencies in South African legal philosophy; elementary legal sociology; criticism of the justice system and the judiciary; critical legal studies.</p> <p><i>Flexible assessment</i>  <i>P Legal Philosophy 341</i></p>				

<b>41637 Public Law</b>				
<b>451</b>	<b>12</b>	<b>Public Law</b>	1S	<b>A&amp;E</b>
<p><i>Dissertation:</i></p> <p>Only students with an average of at least 60% for the penultimate year of the LLB may normally register for the dissertation option.</p>				

<b>12482 Public Procurement Law</b>				
<b>451</b>	<b>12</b>	<b>Public Procurement Law</b>	<b>2L</b>	<b>T</b>
<p>The module will deal with the following broad topics: the nature of public procurement and the purposes of public procurement regulation both locally and internationally; the regulation of procurement in South Africa and the law that applies to the different stages in the procurement process; the relevance and application of the Constitution and other legislation; the importance and application of the requirements of competition, fairness and transparency in procurement processes; the use of public procurement for policy purposes; and the availability of remedies.</p> <p><i>Continuous assessment</i>  <i>PP Private Law 372</i>  <i>PP Administrative Law 411</i></p>				

<b>12761 Writing Skills</b>				
<b>171</b>	<b>10</b>	<b>Writing Skills</b>	<b>1L, 1T</b>	<b>A&amp;E</b>
<p>The focus of this module is on the development of reading, writing and thinking skills in the academic environment in general and specifically within a legal context.</p> <p><i>Continuous assessment</i></p>				

## MODULE CONTENT (POSTGRADUATE)

### 1. DEPARTMENT OF MERCANTILE LAW

<b>13951 - 845</b>	<b>30</b>	<b>Advanced Company Law</b>	<b>2L</b>	<b>E</b>
<p>Introduction to comparative company law; company structures and principles in English-law systems (including South Africa); company structures and principles in other European legal systems, particularly Germany.</p> <p>Corporate governance issues with examples from South Africa and other jurisdictions, self-regulatory governance codes; the influence of the USA's Sarbanes-Oxley Act on corporate governance worldwide.</p> <p>Further capita selecta in company law, for example the regulation of executive remuneration.</p> <p><i>1 question paper of 4 to 8 hours</i></p>				
<b>11469 - 812</b>	<b>30</b>	<b>Carriage of Goods by Sea</b>	<b>2L</b>	<b>E</b>
<p>Most goods traded internationally are carried from the seller's country to the buyer's country by sea. In this respect, the carriage of goods by sea is an important component of international trade. A variety of contract forms may be used to effect the carriage of goods and to regulate the obligations of parties. This module examines the various types of contract for the carriage of goods by sea, and in particular voyage charter parties, time charter parties and bills of lading.</p> <p><i>1 question paper of 4 to 8 hours</i></p>				
<b>62553 - 847</b>	<b>30</b>	<b>Competition Law</b>	<b>2L</b>	<b>E</b>
<p>In this module, South African competition law is studied from a comparative perspective. The main jurisdictions for comparison are the European Union and the United States but passing reference will be made to German, Canadian, Australian and UK law. In most legal systems the focus of competition law now is on interests of consumers in productive, dynamic and alloc-</p>				



ative efficiency. The first part of the module considers the goals of South African competition law against this backdrop. The next section concerns the economics of competition. Economics is central to the resolution of competition law issues and this part of the module is intended to provide the student with the basic economic skills that are needed for this purpose. Thereafter the jurisdiction of competition authorities and the international dimension of competition are studied. Next comes the central part of the module. The substantive competition law, that is the law regarding horizontal and vertical restrictive practices, abuse of dominance and mergers, is evaluated in detail. Finally, a brief survey of the institutions responsible for regulating competition law and the remedies available for breaches of competition law will be done.

*1 question paper of 4 to 8 hours*

<b>10009 - 811</b>	<b>30</b>	<b>Copyright Law</b>	<b>2L</b>	<b>E</b>
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The principles of South African Copyright Law with reference to legislation, case law and academic opinion. Related principles of international copyright protection, data protection, moral rights and the protection of indigenous knowledge. Close study of international treaties relating to Copyright Law.

*1 question paper of 4 to 8 hours*

<b>11810 - 825</b>	<b>30</b>	<b>Corporate Acquisitions</b>	<b>2L</b>	<b>E</b>
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The legal aspects of corporate acquisitions: the principal types of acquisitions and the regulation of such transactions. A large part of the module is dedicated to the acquisitions of public companies and the regulation thereof pursuant to the Securities Regulation Code on Takeovers and Mergers. Although the module is principally concerned with South African law, references are made to and comparisons drawn with the position under the UK and USA law.

*1 question paper of 4 to 8 hours*

<b>12226 - 844</b>	<b>30</b>	<b>Equality in the Workplace</b>	<b>2L</b>	<b>E</b>
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This module focuses on the emerging field of employment equity in South Africa. The Labour Relations Act of 1995 (LRA) and the Employment Equity Act of 1998 (EEA) prohibit discrimination against employees and extend that protection to applicants for work. The EEA also makes provision for the implementation of affirmative action measures to redress the disadvantages in employment experienced by black people, women, and the disabled. The module will be divided into two parts: The first part will concentrate on the prohibition of discrimination. Issues such as the meaning of discrimination, the structure of a discrimination claim, the difference between direct and indirect discrimination, justification and proof and evidence will be examined. Attention will also be paid to some of the typical areas of application, such as pregnancy, sexual harassment and equal pay claims.

In the second part of the module, affirmative action will come under the spotlight. South Africa's Constitution breaks ranks with many legislative provisions elsewhere in the world by making explicit provision for affirmative action policies. In this regard, it is asserted that the South African Constitution embraces a substantive or asymmetrical – rather than a formal or symmetrical notion of equality. In order to give effect to the Constitution, the EEA places an obligation on 'designated employers' to implement affirmative action measures to redress the disadvantages in employment experienced by black people, women and people with disabilities. Against this background, the response of the South African judiciary and arbitrators to challenges launched against affirmative action practices and policies will be examined, and the principles that have crystallised against the framework of the constitutional commitment to substantive equality will be evaluated. Even though the focus will be on South Africa, the module will be approached from an international and comparative perspective.

*1 question paper of 4 to 8 hours*

<b>62510 - 814</b>	<b>30</b>	<b>Employment Rights</b>	<b>2L</b>	<b>E</b>
<p>In this module the interaction of the three main sources of labour law and of terms and conditions of employment, namely the Constitution, legislation and the contract of employment (as influenced by collective agreements) will be evaluated. Once the scene has been set with an overview of the interaction between these three sources, attention will shift to the examination of selected issues under each of the three headings. Although the emphasis of the module is on individual labour law (i.e. the relationship between the individual employee and his employer), the principles of collective labour law will also be addressed and incorporated where necessary. Students who complete the module will have a sound understanding of South African labour law in general, as well as an advanced understanding of some of the more important issues in individual labour law (many of which have proved to be problematic in other jurisdictions). Note, however, that some issues – such as dismissal, discrimination as well as the individual rights underlying collective labour law (e.g. freedom of association and the right to strike) – will not receive detailed attention in this module, simply because these topics are dealt with in other LLM modules in labour law to which students have access.</p> <p><i>1 question paper of 4 to 8 hours</i></p>				
<b>10468 - 843</b>	<b>30</b>	<b>International Tax Law</b>	<b>2L</b>	<b>E</b>
<p>The tax implications of cross-border transactions are examined. Topics that are considered include: source and residence, unilateral tax relief, double taxation treaties, transfer pricing, thin capitalisation, some aspects of customs and excise, international aspects of the taxation of trusts and international aspects of the taxation of companies, including controlled foreign companies and dividends.</p> <p><i>1 question paper of 4 to 8 hours</i></p>				
<b>62529 - 846</b>	<b>30</b>	<b>Information Technology Law</b>	<b>2L</b>	<b>E</b>
<p>The law relating to and legal issues arising from the use of electronic communications and computer systems is examined. Specific focus will be placed on the legal issues arising from the development, acquisition and use of computer programs and databases (and particularly intellectual property and liability aspects thereof), data protection and privacy, computer crimes and evidence, the interception and monitoring of electronic mail and internet usage, the law of telecommunications and electronic commerce. In light of the international nature of the material, the module not only focuses on South African law, but compares and contrasts international trends, including the approaches taken in Europe (with particular focus on the United Kingdom) and the United States of America.</p> <p><i>1 question paper of 4 to 8 hours</i></p>				
<b>11254 - 815</b>	<b>30</b>	<b>Intellectual Property Law</b>	<b>2L</b>	<b>E</b>
<p>The law of intellectual property, including the protection of intellectual property by way of copyright, trade mark, patent and unlawful competition is examined. The module compares and contrasts South African intellectual property law as contained in the relevant legislation with international developments, focusing particularly on the law as it has developed in Europe (and more specifically the United Kingdom), and also refers to decisions from the United States of America, Canada, Australia and New Zealand in the light of the relevant international and regional treaties. This is done by way of brief introduction to the appropriate basic legal principles in each area, followed by discussion of specific topical issues arising in that area and possible approaches to the resolution of such issues.</p> <p><i>1 question paper of 4 to 8 hours</i></p>				

<b>10935 - 811</b>	<b>30</b>	<b>Intellectual Property Law in the Digital Environment</b>	2L	<b>E</b>
<p>Review of local, foreign and international instruments for the recognition and management of IP rights arising from/relating to digital media. Issues in electronic data protection measures, copyright and trademark issues on the internet, legal protection of computer programs and websites, civil and criminal liability for infringement, counterfeiting/piracy, international standardisation and jurisdictional issues.</p> <p><i>1 question paper of 4 to 8 hours</i></p>				
<b>10937 - 814</b>	<b>60</b>	<b>Intellectual Property Law: Research Paper</b>	1L	<b>A&amp;E</b>
<b>54925 - 813</b>	<b>30</b>	<b>International Commercial Arbitration</b>	2L	<b>E</b>
<p>The law and practice regarding the resolution of international commercial and investment disputes by arbitration, especially from the perspective of parties from Southern Africa and Europe.</p> <p><i>1 question paper of 4 to 8 hours</i></p>				
<b>11468 - 842</b>	<b>30</b>	<b>International Sales Law</b>	2L	<b>E</b>
<p>This module deals with international sales law and related issues. The following topics are dealt with: the structure of the international sales transaction and its context; salient features and problems requiring legal regulation; the documentary nature of the transaction; trade terms (with special emphasis on the ICC's Incoterms 2000); the role of international private law; the evolving international law; the need for a uniform law of international sale, and the agencies involved therein; an overview of the structure and general characteristics of the Vienna Convention on the International Sale of Goods (CISG), 1980; factors relevant to the decision of a state to accede to the Convention; criteria governing the application of the Convention; the formation of contracts of sale under the CISG; the substantive sales law under the CISG including the duties and remedies of the parties, remedial provisions common to the parties, exemption from liability, and the passing of risk; evaluation of the CISG with reference to the needs and concerns of international trade and the extent to which it succeeds in striking a balance between divergent principles of the important legal families of the world.</p> <p><i>1 question paper of 4 to 8 hours</i></p>				
<b>12763 - 842</b>	<b>30</b>	<b>Legal Aspects of World and Regional Trade</b>	2L	<b>E</b>
<p>This module deals with the international law principles governing trade among states. The focus is primarily on the General Agreement on Tariffs and Trade (GATT) and the World Trade Organization (WTO). The treaties establishing them contain the principles and mechanisms regulating inter-state trade. The theory behind international trade is explained, as well as the present nature of the international economic order. This includes institutional arrangements and the dispute-solving mechanisms of the WTO. The principles governing trade in goods (GATT), in services (GATS) and with respect to the protection of intellectual property (TRIPS) are discussed. Regional trade agreements (e.g. SADC) are examined with reference to, inter alia, South Africa's position. The constitutional provisions on the incorporation of international trade obligations into the domestic sphere are comparatively explained and discussed.</p> <p><i>1 question paper of 4 to 8 hours</i></p>				

<b>62596 - 872</b>	<b>60</b>	<b>Mercantile Law: Research Paper</b>	1L	<b>A&amp;E</b>
<b>10934 - 811</b>	<b>30</b>	<b>Patent Law and the Law of Registered Designs</b>	2L	<b>E</b>
<p>The principles of South African Patent Law and the Law of Registered Designs, with specific reference to the procedure for obtaining patent/design protection, rights administration, devolution, transfer and revocation of protection, applicable international instruments, and infringement.</p> <p><i>1 question paper of 4 to 8 hours</i></p>				
<b>11470 - 812</b>	<b>30</b>	<b>Payment and Guarantees in International Contracts</b>	2L	<b>E</b>
<p>Instruments of payment and guarantee in international sales and construction contracts.</p> <p><i>1 question paper of 4 to 8 hours</i></p>				
<b>14038 - 852</b>	<b>30</b>	<b>Selected issues in Collective Labour Law</b>	2L	<b>E</b>
<p>This module complements the three other LLM modules in Labour Law and focuses on specifically selected issues in the field of collective labour law such as freedom of association, collective bargaining (including collective agreements and organisational rights), worker participation, and strikes and lock-outs. Although South African Labour Law will constitute the focus of the module, the material will be approached from an international and comparative perspective.</p> <p><i>1 question paper of 4 to 8 hours</i></p>				
<b>12484 - 815</b>	<b>30</b>	<b>Selected Issues in International Labour and Social Security Law</b>	2L	<b>E</b>
<p>This module comprises an advanced study of selected topics in international labour and social security law. Topics include: the application of the rules of international private law to employment contracts across national borders; globalisation and the development of international labour standards (with specific reference to implications for Southern Africa); the impact of labour market regulation on economic competitiveness; and the position of migrant workers with regard to social security.</p> <p><i>1 question paper of 4 to 8 hours</i></p>				
<b>13371 - 815</b>	<b>30</b>	<b>Sustainable Development Law</b>	2L	<b>E</b>
<p>This module provides insight into the relatively new discipline of sustainable development law. This area of law is becoming increasingly important due to continuing globalisation, investment flows and the liberalisation of international trade. The module pays special attention to the delicate balance between international trade and economic growth on the one hand and environmental protection and social justice on the other. Developmental challenges and opportunities, environmental dangers and legal response mechanisms to unsustainable and inequitable development patterns will be discussed from the perspective of emerging economies. These broad themes will be investigated with reference to contemporary issues such as climate change, land and water management, food security, waste and pollution control, population trends and sustainable energy. Following a transdisciplinary approach, the module will critically and comparatively analyse relevant legal principles, sources and cases from international and domestic law.</p>				
<b>10008 - 811</b>	<b>30</b>	<b>Trademark Law</b>	2L	<b>E</b>
<p>The principles of South African Trademark Law with reference to legislation, case law and</p>				

academic opinion. Common law issues of unlawful competition and the right to attract custom. Related principles of international trademark protection and foreign law.

*1 question paper of 4 to 8 hours*

### **41599 Law of Taxation**

<b>778</b>	<b>120</b>	<b>Law of Taxation</b>		
Postgraduate Diploma in Tax Law, with the following six modules:				
<b>10393 - 711</b>	<b>20</b>	<b>Basic Principles of Income Tax</b>	2L	<b>A</b>
Basic principles of income tax; distinction between income and capital; general deduction formula; special deductions; objection and appeal; tax avoidance; tax administration <i>1 question paper of 4 hours</i>				
<b>13943 - 721</b>	<b>20</b>	<b>Advanced Income Tax Law</b>	2L	<b>A</b>
Advanced income tax law; tax on capital gains; tax planning. <i>1 question paper of 4 hours</i>				
<b>63142 - 725</b>	<b>20</b>	<b>Letter of Objection: Notice of Appeal</b>	2L	<b>A</b>
The drawing up of a Letter of Objection and Notice of Appeal or the drawing up of Heads of Argument for litigation in the Tax Court. <i>1 question paper of 4 hours</i>				
<b>10668 - 722</b>	<b>20</b>	<b>Legal Aspects pertaining to Donations Tax, Estate Duty and Estate Planning</b>	2L	<b>A</b>
Legal aspects pertaining to donations tax, estate duty and estate planning. <i>1 question paper of 3 hours</i>				
<b>12271 - 725</b>	<b>20</b>	<b>Legal Aspects pertaining to Value Added Tax and Transfer Duty</b>	2L	<b>A</b>
Legal aspects pertaining to value added tax and transfer duty. <i>1 paper of 3 hours</i>				
<b>10468 - 762</b>	<b>20</b>	<b>International Tax Law</b>	2L	<b>E</b>
Fiscal implications of international trade, including double taxation agreements; controlled foreign companies; foreign dividends; taxation of non-residents and businesses with foreign branches in South Africa; transfer pricing; thin capitalisation and similar techniques; possible future developments in South African tax law. <i>1 question paper of 4 hours</i>				

### **11254 Intellectual Property Law**

<b>778</b>	<b>120</b>	<b>Intellectual Property Law</b>		
Postgraduate Diploma in Intellectual Property Law. Select four (4) modules (120 credits in total):				
<b>10009 - 711</b>	<b>30</b>	<b>Copyright Law</b>	3L	<b>E</b>
Introduction to the principles of South African Copyright Law, with specific instruction on the interpretation of the Copyright Act and a brief overview of salient case law. Introduction to the principles of international copyright protection, moral rights and the protection of				

indigenous knowledge. <i>1 question paper of 2 to 3 hours, 1 oral presentation and/or 1 assignment</i>				
<b>10935 - 711</b>	<b>30</b>	<b>Intellectual Property Law in the Digital Environment</b>	3L	<b>E</b>
Introduction of local instruments for the recognition and management of IP rights arising from/relating to digital media. Issues in electronic data protection measures, copyright and trademark issues on the Internet, software and web sites, civil and criminal liability. <i>1 question paper of 2 to 3 hours, 1 oral presentation and/or 1 assignment</i>				
<b>10934 - 711</b>	<b>30</b>	<b>Patent Law and the Law of Registered Design</b>	3L	<b>E</b>
Introduction to the principles of South African Patent Law and the Law of Registered Designs, with specific reference to the procedure for obtaining patent/design protection, transfer and revocation of protection and infringement. <i>1 question paper of 2 to 3 hours, 1 oral presentation and/or 1 assignment</i>				
<b>10008 - 711</b>	<b>30</b>	<b>Trademark Law</b>	3L	<b>E</b>
Introduction to the principles of South African Trademark Law, with specific instruction on the interpretation of the Trademarks Act and a brief overview of salient case law. cursory review of the common law issues of unlawful competition in trade mark litigation. <i>1 question paper of 2 to 3 hours, 1 oral presentation and/or 1 assignment</i>				
<b>10937 - 714</b>	<b>30</b>	<b>Intellectual Property Law: Research Paper</b>	1L	<b>A&amp;E</b>

## 2. DEPARTMENT OF PRIVATE LAW

<b>11811 - 825</b>	<b>30</b>	<b>Comparative Apartment Ownership</b>	2L	<b>E</b>
The module provides an international overview of apartment ownership (condominium, strata titles, Wohnungseigentum, propiedad horizontal, appartementeneigendom), which relates to residential, commercial, office and resort condominiums. The module examines the role of the developer in the establishment of apartment ownership and sales off building plans and developments in stages in order to finance the construction of the buildings comprised in the scheme. It explores the subdivision of the buildings into units, common property and limited common property and deals with the rights owners have with regard to these areas. It shows the importance of participation quotas as a formula to determine an owner's share in the common expenses, the common property and the value of his vote at general meetings. It also covers the enforcement of financial and social obligations in order to prevent the condominium from degenerating into a slum, alterations and improvements and the importance of sound management of the scheme. It concludes with a discussion of the conversion of rental buildings into apartment ownership schemes. This module provides an excellent background for students to evaluate apartment ownership schemes in their own countries. <i>1 question paper of 4 to 8 hours</i>				
<b>62588 - 844</b>	<b>30</b>	<b>Comparative Private Law</b>	2L	<b>E</b>
This module – which is aimed at local as well as foreign students – first examines the method and purpose of comparative law in general, and then proceeds to focus on key issues of				

private law (most notably the law of obligations, i.e. contract, delict and unjustified enrichment) in the mainly Continental European civil law family and Anglo-American common law family. The specific issues vary from year to year, but usually include improperly obtained consent, breach of contract and impossibility or frustration, agreements in restraint of trade, the relationship between contractual and delictual liability; pure economic loss; the role of good faith in contract and different approaches to the law of unjustified enrichment. The purpose of this module is to promote an understanding of the merits of, and relationship between, various systems of private law. Attempts at guiding their development by devising internationally acceptable sets of principles such as the UNIDROIT Principles of International Commercial Contracts and the Principles of European Contract Law, are also examined.

*1 question paper of 4 to 8 hours*

<b>62537 - 843</b>	<b>30</b>	<b>International Law and Children's Rights</b>	2L	<b>E</b>
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This module deals with the main international children's rights documents pertaining to children and their rights. The following aspects are covered: the status of international children's rights instruments in South Africa; the United Nations Convention on the Rights of the Child; the African Charter on Rights and Welfare of the Child; The Hague Convention on Inter-Country Adoptions and Children in Armed Conflict.

*1 question paper of 4 to 8 hours*

<b>62634 - 814</b>	<b>30</b>	<b>Law of Trusts</b>	2L	<b>E</b>
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The origin, nature and development of the trust; the trust in legal comparative perspective; the formation of a trust and the requirements for a valid trust; the legal position of the trustee; the administration of the trust; the legal position of the trust beneficiary; the variation, revocation and termination of trusts; types of trusts; the trust and taxation; challenges and change in the law of trusts.

*1 question paper of 4 to 8 hours*

<b>62618 - 872</b>	<b>60</b>	<b>Private Law: Research Paper</b>	1L	<b>A&amp;E</b>
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### 3. DEPARTMENT OF PUBLIC LAW

<b>14097 - 852</b>	<b>30</b>	<b>Forensic Law</b>	2L	<b>E</b>
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An introduction to Forensic Law for law students, focusing on death and dying as defined in legal medicine; post-mortem changes in the human body; the basic principles of human identification (including DNA samples and fingerprinting); the medico-legal interpretation of external forces on the human body; death by anoxia (also known as death by asphyxia); thermal, electrical and radiation injuries; injuries caused by firearms and explosives; toxicology (including carbon monoxide poisoning and intoxication by alcohol). The module also deals with the procedural and evidential rules and principles governing expert testimony in this regard and finally introduces the students to the concept of public health and human rights and more specifically covers a capita selecta of topics in public health care.

*1 question paper of 4 to 8 hours*

<b>62545 - 812</b>	<b>30</b>	<b>International Criminal Law</b>	2L	<b>E</b>
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The module International Criminal Law is a study of both substantive and procedural issues in the emerging system of international criminal law (ICL). By way of introduction the sources

of and basic principles underlying ICL will be discussed. In order to analyse the substantive issues in ICL a capita selecta of important international crimes such as aggression, war crimes, crimes against humanity, and genocide will be studied. In addition, we will also focus on some of the emerging transnational crimes like money laundering and corruption. In terms of procedural issues we will look at the most important aspects of direct and indirect enforcement of ICL. For this we will study various international tribunals, with specific attention given to the permanent International Criminal Court. We will also look at the way ICL is enforced at national level through domestic legal systems.

*1 question paper of 4 to 8 hours*

<b>55980 - 852</b>	<b>30</b>	<b>Medical Law</b>	2L	<b>E</b>
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Of all the professions, none is more intimately involved with the law than the medical profession. The LLM module in Medical Law will therefore focus on this unique and reciprocal relationship by considering the legal provisions relating to the practice of medicine, the delivery of health care and the regulation of health care workers in general. This will be done from a legal comparative perspective. Some of the themes that will be covered are: the Constitution and Medical Law, the regulation of the medical profession and health system models including the proposed National Health Insurance (NHI) for South Africa. The relationship between health care provider and patient will be explored by looking at the contractual and fiduciary nature of this relationship, as well as at the role of other contributors and organisations in the context of managed care. The criminal and delictual liability of health care providers will also be considered. Finally, the legal basis of medical interventions, including the duties and rights of different role players, informed consent, emergency care, therapeutic and non-therapeutic procedures and the interplay between particular provisions of the Criminal Procedure Act 51 of 1977 and mental health care will be discussed.

*1 question paper of 4 to 8 hours*

<b>62626 - 872</b>	<b>60</b>	<b>Public Law: Research Paper</b>	1L	<b>A&amp;E</b>
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<b>12480 - 843</b>	<b>30</b>	<b>Public Procurement Regulation</b>	2L	<b>E</b>
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An advanced study of select topics such as international and comparative procurement regulation; the use of regulatory techniques to address corruption and conflicts of interest; the use of procurement as a tool of transformation and development, including the protection of the environment; rules on the participation of foreign suppliers for the award of public contracts in South Africa; the state of public procurement regulation in South Africa in relation to its participation in free trade agreements; public-private partnerships; defence procurement; electronic procurement.

*1 question paper of 4 to 8 hours*



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