

2021



Faculty of Law



Academic Programmes and Faculty Information

CALENDAR PART 8



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Accuracy, liability and changes

- Stellenbosch University has taken reasonable care to ensure that the information provided in the Calendar parts is as accurate and complete as possible.
- Take note, however, that the University's Council and Senate accept no liability for any incorrect information in the Calendar parts.
- The University reserves the right to change the Calendar parts at any time when necessary.

Please note that the information in this Calendar part, and also in the other Calendar parts, is subject to change, as and when necessary, for as long as uncertainty regarding the Covid-19 situation persists.

The division of the Calendar

- The Calendar is divided into 13 parts.
- Part 1, 2 and 3 of the Calendar contain general information applicable to all students. Make sure that you understand all provisions in Part 1 (General) of the Calendar that are applicable to you.
- 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

Availability of the Calendar parts

- The printed versions of the Calendar parts are available at the University's Information Desk in the Admin A Building.
- The electronic versions of the Calendar parts are available at www.sun.ac.za/Calendar.
- There are English and Afrikaans (Part 1 to 12) copies available.

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How to use this Calendar Part

This section gives you guidelines for finding particular information in the different chapters in this Calendar part. Consult the table of contents for the page numbers of the chapters referred to below.

1. Where to find information

1.1 Prospective undergraduate students

- The General Information chapter contains information about:
 - Communication with the Faculty and the University, which includes an explanation of the concept “student number” as well as relevant contact details where you can refer important enquiries to;
 - Language at the University;
 - The degree programmes that you can enrol for and the qualifications that you can obtain as well as important examination provisions that are applicable to programmes and modules; and
 - Prizes and bursaries that may be awarded to law students.
- The Undergraduate Programmes chapter contains information about:
 - The minimum admission requirements for the various study programmes;
 - The Faculty’s undergraduate study programmes; and
 - The subjects and modules that must be taken per academic year for the different study programmes, with choices where applicable.
- The Subjects, Modules and Module Contents chapter contains:
 - An explanation of subjects as opposed to modules;
 - An explanation of the different digits used for the numbering of modules in the Undergraduate Programmes chapter; and
 - Definitions of prerequisite pass, prerequisite and corequisite modules.
- An alphabetical list of the law subjects in all the programmes offered by the Faculty is available in the back of this Calendar part.

1.2 Prospective postgraduate students

- The General Information chapter contains information about:
 - Communication with the Faculty and the University, which includes an explanation of the concept “student number” as well as relevant contact details where you can refer important enquiries to;
 - Language at the University; and
 - Prizes and bursaries that may be awarded to law students.
- The Postgraduate Programmes chapter contains information about:
 - The Faculty’s postgraduate study programmes;
 - The minimum admission requirements for the various study programmes;

- Specific closing dates for applications, and other relevant information, for example selection for admission;
- The duration and commencement of programmes;
- The subjects and modules that must be taken per academic year for the different study programmes, with choices where applicable; and
- Submitting a thesis, dissertation or research assignment.
- The Subjects, Modules and Module Contents chapter contains:
 - An explanation of the digits and abbreviations used to describe modules.
- An alphabetical list of the law subjects in all the programmes offered by the Faculty is available in the back of this Calendar part.

1.3 Registered undergraduate students

- The General Information chapter contains information about:
 - Communication with the Faculty and the University with relevant contact details where you can refer important enquiries to;
 - Language at the University;
 - Prizes and bursaries that may be awarded to law students;
 - The granting of Dean's Concession Examinations to final-year students; and
 - Readmission to the next academic year.
- The Undergraduate Programmes chapter contains information about:
 - The Faculty's undergraduate study programmes;
 - The subjects and modules that must be taken per academic year for the different study programmes, with choices where applicable; and
 - Other relevant matters such as taking extra modules or modules from the next year.
- The Subjects, Modules and Module Contents chapter contains:
 - An explanation of subjects as opposed to 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 prerequisite pass, prerequisite and corequisite modules, as well as an indication at each module which of the requisites apply to it, if any; and
 - How individual modules are assessed, especially where a module is subject to flexible assessment.
- An alphabetical list of the law subjects in all the programmes offered by the Faculty is available in the back of this Calendar part.

1.4 Registered postgraduate students

- The General Information chapter contains information about:
 - Communication with the Faculty and University and the relevant contact details;
 - Taking modules and subjects at another university; and
 - Prizes and bursaries that may be awarded to law students.
- The Postgraduate Programmes chapter contains information about:
 - The Faculty's postgraduate study programmes;
 - The subjects and modules that must be taken per academic year for the different study programmes, with choices where applicable
 - Submitting a thesis, research assignment or dissertation, where applicable; and
 - Permitted years of study and reregistration.
- An alphabetical list of the law subjects in all the programmes offered by the Faculty is available in the back of this Calendar part.

General Information

1. The Faculty of Law

1.1 Origin and structure

The Law Faculty of Stellenbosch University (SU) was established in 1921 and is situated in the historical “Ou Hoofgebou” (Old Main Building) on the corner of Victoria Street and Ryneveld Street.

The Faculty comprises the following three departments: the Department of Mercantile Law, the Department of Private Law and the Department of Public Law, as well as the Law Clinic.

The extended law library comprises a large section of the upper floor of the Stellenbosch University Library.

1.2 Degrees and diplomas awarded by the Faculty

Legum Baccalaureus (LLB)

Legum Magister (LLM)

Legum Doctor (LLD)

Postgraduate Diploma in Tax Law (PDTL)

Postgraduate Diploma in Intellectual Property Law (PDIPL)

Postgraduate Diploma in Public Procurement Policy and Regulation (PDPPPR)

1.3 Bachelor's programmes

To practice law you need an LLB qualification, but this qualification also offers many other career options. Various routes may be taken to obtain an LLB qualification.

- a) **LLB (4 years):** This programme has been offered since 1998 and forms the basic law programme in the Faculty.
- b) **BAccLLB:** The BAccLLB programme has been offered jointly by the Faculties of Law and Economic and Management Sciences since 2001. An amended programme has been offered since 2004. The BAccLLB enables you to complete both the BAcc and the LLB degrees within a minimum period of five years in a single, combined qualification. SU is the only university where you can follow this degree.
- c) **BA (Law) and BCom (Law) followed by the LLB (2 years):** The BA (Law) and BCom (Law) programmes are offered, respectively, by the Faculty of Arts and Social Sciences and the Faculty of Economic and Management Sciences. The two programmes are integrated with the curriculum of the four-year LLB programme in that you take the law subjects of the first two years of the LLB programme alongside subjects from the Faculty of Arts and Social Sciences or Economic and Management Sciences.

On completion of a BA (Law) or BCom (Law) at SU, you may enrol for the two-year LLB programme and complete the final two years of the LLB programme to obtain the

LLB degree as well.

- d) **LLB (3 years):** This programme may be followed as a second degree after you have completed any other bachelor's degree. The three-year LLB has been offered since 1999 and is based on the curriculum for the four-year LLB degree.

1.4 Postgraduate diplomas, LLM and LLD programmes

- a) The Postgraduate Diploma in Tax Law has been offered since 1999 and takes two years to complete.
- b) The Postgraduate Diploma in Intellectual Property Law has been offered since 2013 and is the only one of its kind. It takes one year to complete.
- c) The Postgraduate Diploma in Public Procurement Policy and Regulation will for the first time be offered in 2020 and is the only one of its kind in Africa. It takes one year to complete.
- d) The LLM degree may be obtained by successfully completing a full research thesis or a coursework programme. The first LLM degree awarded for a research thesis was conferred in 1976 and the LLM by coursework has been offered since 1994. The first professional LLM programme has been offered since 2020.
- e) The LLD is the most advanced degree on offer in the Faculty.

1.5 Student activities in the Faculty

Juridical Society

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

Responsa Meridiana

This is a legal journal compiled solely from student contributions and is published annually in collaboration with law students of the University of Cape Town. A prize is awarded for an outstanding contribution.

1.6 Law Clinic

The Law Clinic provides free legal assistance on an organised basis to needy persons in the Stellenbosch district. As a law student you can participate in this effort on an organised basis during your final year of studies.

2. The Faculty's contact details

2.1 Postal address of the Faculty

Send specific enquiries about the Faculty to the following address:

The Dean: Faculty of Law
Stellenbosch University
Ou Hoofgebou
Private Bag X1
MATIELAND
7602

2.2 Telephone numbers for the Faculty

For general enquiries about applications and the like, you can contact the University's Contact and Client Services Centre on the Stellenbosch campus. You will find their details below under "Communication with the University". The Faculty may be contacted directly at the numbers in the table below. Specific enquiries about applications, selection or programmes may be directed to the Faculty Administrator.

	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 Administrator	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	elrikawhite@sun.ac.za

2.3 Faculty webpage

www.sun.ac.za/law

3. Communication with the University

3.1 Using your student number

- The University allocates a student number to you when you apply to study at the University.
- The student number is your unique identification to simplify future communication with the University.
- Use your student number every time you communicate with the University.

3.2 The University's contact details

- Telephone: 021 808 9111
- Fax: 021 808 3822
- E-mail: info@sun.ac.za

3.3 Postal addresses of the University

- Correspondence on academic matters, for instance study-related matters, bursaries and loans, or placement in a residence, can 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, can be directed to:

The Chief Operating Officer
Stellenbosch University
Private Bag X1
MATIELAND
7602

3.4 University website

- www.sun.ac.za

4. Language at the University

Stellenbosch University (SU) is committed to engagement with knowledge in a diverse society and through the Language Policy aims to increase equitable access to SU for all students and staff. Multilingualism is promoted as an important differentiating characteristic of SU. Afrikaans, English and isiXhosa are used in academic, administrative, professional and social contexts. Pedagogically sound teaching and learning are facilitated by means of Afrikaans and English.

More information concerning language at SU is available on the website www.sun.ac.za/language.

5. Undergraduate enrolment management

The number of available places at the University is limited and the University manages enrolments strategically and purposefully. For this reason there will be undergraduate applicants who meet the minimum requirements of a particular programme but who will not be admitted.

You can find out more about the selection procedure and admission requirements for a particular undergraduate programme below, as well as at www.maties.com and on the Faculty's website at www.sun.ac.za/law.

5.1 The National Benchmark Test

Since 2013 all prospective undergraduate students must write the National Benchmark Test (NBT). Tests can be written countrywide at various centres and must be completed **before 30 June**. Consult the NBT website (www.nbt.ac.za) or the SU website (www.maties.com) for more information.

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

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

Please note:

If you want to apply for admission to the LLB or BA (Law) programmes, you must write the AQL test (Academic and Quantitative Literacy). If you want to apply for the BAccLLB or BCom (Law) programmes, you must write the AQL test as well as the MAT (Mathematics) test.

5.2 Selection policy: Undergraduate programmes

Since 2004 students who want to follow an undergraduate programme in the Faculty of Law must first be selected. The reason for this is that the number of places available to new first years in the following programmes is limited:

- Four-year LLB
- BA (Law)
- BCom (Law)
- BAccLLB

If you want to apply for selection, you must write the National Benchmark Test (see “The National Benchmark Test” for more information). The results of the National Benchmark Test and applicants’ school results are used in the relation 20:80 to rank all the applications according to academic merit. In each programme the Faculty also provides for admitting students from underrepresented groups, in line with the University’s policy on diversity.

Apart from writing the National Benchmark Test, you must also meet the admission requirements as set out below under “Admission requirements for all programmes”.

5.3 Application process and closing date

Applications close on **30 June** of the year before admission. You can apply electronically at www.maties.com. You must complete the National Benchmark Test before the closing date for applications.

6. Admission requirements for all programmes

The abbreviation “LLB” stands for *legum baccalaureus* (bachelor of laws). All LLB degrees are therefore undergraduate qualifications that can be grouped together as was done above under “Bachelor’s programmes”. Although the two- and three-year LLB qualifications are second bachelor’s degrees that can only be obtained if you already have another bachelor’s degree, they still count as undergraduate qualifications.

The admission requirements for each programme are repeated in the chapters “Undergraduate Programmes” and “Postgraduate Programmes”. Look under the heading for the relevant programme.

6.1 LLB (four-year programme)

This is a selection programme and only a limited number of students will be admitted. Applications close **30 June**. See “Undergraduate enrolment management” above for more information.

The admission requirements for the programme are as follows:

- An average of at least 70% (excluding Life Orientation) in the National Senior Certificate or Independent Examinations Board school-leaving certificate.
- 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%).

Admission to specific modules in the LLB programme

- If you want to take Economics as a subject, you must pass Mathematics with an average mark of at least a 5 (60%–69%).
- Also make sure that you know what the admission requirements are for the modules (e.g. a language) that you want to take from the Faculty of Arts and Social Sciences.

6.2 LLB (three-year programme, after a normal bachelor’s degree)

Please note:

There will be **no** new intake in 2022 due to planned implementation of a revised programme in 2023. The option to apply for admission to the three-year LLB for 2023 remains or you can apply for admission to the four-year LLB in 2022.

This is a selection programme and only a limited number of students will be admitted. Applications close **31 July**.

To be admitted to the programme, you need:

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

6.3 LLB (two-year programme, after a BA (Law) or BCom (Law) from SU)

To be admitted to the programme, you need:

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

6.4 BAccLLB

This is a selection programme and only a limited number of students will be admitted. Even if you meet the minimum admission requirements, your admission is not automatically guaranteed. Applications close **30 June**. See “Undergraduate enrolment management” above for more information.

The admission requirements are as follows:

- An average of at least 80% (excluding Life Orientation) in the National Senior Certificate or Independent Examinations Board school-leaving certificate.
- 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%).

6.5 BA (Law)

This is a selection programme and only a limited number of students will be admitted. Applications close **30 June**. See “Undergraduate enrolment management” above for more information.

The admission requirements for the programme are as follows:

- An average of at least 70% (excluding Life Orientation) in the National Senior Certificate or Independent Examinations Board school-leaving certificate.
- Afrikaans (Home Language) *or* English (Home Language) at least a 5 (60%–69%).
- First Additional Language at least a 3 (40%–49%).

Admission to specific modules in the BA (Law) programme

- If you want to take Economics as a subject, you must pass Mathematics with an average mark of at least a 5 (60%–69%).
- Also make sure that you know what the admission requirements are for the modules (e.g. a language) that you want to take from the Faculty of Arts and Social Sciences.

6.6 BCom (Law)

This is a selection programme and only a limited number of students will be admitted. Applications close **30 June**. See “Undergraduate enrolment management” above for more information.

The admission requirements for the programme are as follows:

- An average of at least 70% (excluding Life Orientation) in the National Senior

Certificate or Independent Examinations Board school-leaving certificate.

- 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%).

6.7 Postgraduate Diploma in Tax Law

You may apply for the Postgraduate Diploma in Tax Law if you:

- have an LLB degree from this University; *or*
- have a BAcc or BCom degree from this University; *or*
- are 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 101 of 1997; *or*
- have been admitted to practice as an attorney in any province of South Africa or in Namibia; *or*
- are registered as an accountant with the Public Accountants' and Auditors' Board, or as a chartered accountant with the South African Institute for Chartered Accountants; *or*
- have any other academic or professional qualification which the Senate deems to be sufficient for admission.

New applications are considered every second year and the next intake will be in 2022.

6.8 Postgraduate Diploma in Intellectual Property Law

This is a selection programme and, in addition to the prescribed admission requirements that apply, only a limited number of students will be admitted to the programme.

You may apply to be admitted to the Postgraduate Diploma in Intellectual Property Law if you:

- have a BSc, BCom, BEng or LLB qualification, or any other qualification considered by Senate as equivalent; *or*
- are considered suitably qualified for admission by Senate in terms of the University's RPL (Recognition of Prior Learning) policy, based on work experience or any other exposure to the field of Intellectual Property Law; *and*
- as a further requirement, along with either of the above, completed a satisfactory selection essay.

International students

If you are an international student applying for admission to the Postgraduate Diploma in Intellectual Property Law, you must also submit proof of your current level of proficiency in English. You may do this by writing an essay or submitting your IELTS or TOEFL scores. This requirement does not apply if English is your home language or if you have completed a prior degree or qualification in English.

6.9 Postgraduate Diploma in Public Procurement Policy and Regulation

This is a selection programme and, in addition to the prescribed admission requirements that apply, only a limited number of students will be admitted to the programme.

You may apply to be admitted to the Postgraduate Diploma in Public Procurement Policy and Regulation if you:

- have a bachelor's degree in any field with a minimum average achievement of 60% in the final year of the undergraduate degree programme, or any postgraduate degree with a minimum average achievement of 60% in the final year of the programme;
- have experience in public procurement or supply chain management; and
- have successfully completed an online short course on introduction to public procurement law studies.

International students

If you are an international student applying for admission to the Postgraduate Diploma in Public Procurement Policy and Regulation, you must also submit proof of your current level of proficiency in English. You may do this by submitting your IELTS or TOEFL scores. This requirement does not apply if English is your home language or if you have completed a prior degree or qualification in English.

6.10 LLM

You may apply for admission to the LLM programme if you:

- have an LLB degree conferred by this University or any other bachelor's degree in Law (excluding the BLuris degree) and have attained an average of 60% in the final year of the degree, or
- have attained a comparable achievement in another (for example, foreign) qualification, or
- have attained a level of proficiency or accomplishment in Law which, in the judgement of Senate, is regarded as adequate for this purpose.

International students

If you are an international student applying for admission to the LLM by coursework programme, you must submit proof of your current level of proficiency in English (for example your IELTS or TOEFL scores). This requirement does not apply if English is your home language or if you have completed your previous degree in English.

6.11 LLD

You must have attained the following to apply to read for a doctoral degree in Law. Senate will consider every application on merit:

- an LLM degree; *or*
- an LLB degree conferred by this University, or any other bachelor's degree in Law (excluding the BProc and BLuris degrees) approved for this purpose by the Senate, and relevant academic or professional experience; *or*

- a level of proficiency or accomplishment in Law which, in the judgement of Senate, is regarded as adequate for this purpose.

Additional requirements to apply to read for a doctoral degree in Law

- You must indicate sufficient potential to pursue doctoral studies successfully. In this regard:
 - You must have passed the final year of the LLM (or where relevant the LLB or other bachelor's degree in Law) with an average of at least 65% (or its international equivalent); *or*
 - You may request and obtain a recommendation from a potential supervisor that the requirement of a minimum mark of 65% be waived. For such a request to be considered, you must submit an overview of no more than 600 words of the envisaged study, and a sample of previous research of approximately 2000 words. Your potential supervisor must confirm that he or she has the necessary capacity to perform the function of supervisor.

7. Recognition of subjects, modules or credits completed elsewhere

Credits completed at another institution may be recognised for purposes of any of the LLB programmes (excluding the two-year postgraduate LLB programme). The following conditions apply:

- A maximum of 148 credits may be recognised.
- Credits must be relevant and on the required academic level.
- The full pre-final year and final year of the relevant programmes must be followed at Stellenbosch University.

8. Completion of modules or subjects at another university

With special permission from the Faculty, you may complete a maximum of 48 pre-final-year and/or final-year credits at another university, for any of the LLB programmes. Please note the following conditions:

- The credits must be relevant and on the required academic level.
- Except in the case of elective modules, the specific module(s) normally must have been followed at the Faculty of Law, Stellenbosch University, and you must have failed the module after writing an examination.
- If you have already been credited for modules completed elsewhere and at the end of the programme you find that you want to do a module elsewhere, the credits to be recognised from another institution may not exceed a total of 148 credits.

9. Standing rules for Dean's Concession Examinations (DCEs)

- 9.1 A final-year student who, when he has taken all the examinations and when all final marks are available, is less than 33 credits short for his degree (after having written and failed an examination) may – subject to the provisions of paragraph 9.2 below – be

admitted to a Dean's Concession Examination (DCE) as a concession by the Dean, in consultation with the academic department(s) concerned.

- 9.2 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.
- 9.3 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.
- 9.4 The students referred to in paragraph 9.3 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.
- 9.5 DCEs in modules subject to flexible assessment must be taken at the same time as referred to in paragraph 9.3 above, subject to the procedures laid down in paragraph 9.4 above.
- 9.6 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.
- 9.7 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.

10. Requirements for readmission to the next academic year

If you are registered for one of the following programmes (irrespective of your year of study) you must obtain 0,5 HEMIS credits to automatically be readmitted to the next academic year.

- four-year LLB
- three-year LLB
- two-year LLB
- BAccLLB
- BCom (Law)
- BA (Law)

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

11. Prizes and bursaries particular to the Faculty

The prizes and bursaries in this section pertain particularly to the Law Faculty. Consult Part 2 of the Calendar for details of other prizes and bursaries for which law students may also be considered.

Please note:

Prizes and bursaries are awarded from funds made available each year by outside institutions at their own discretion. Some prizes or bursaries may therefore not be awarded in a particular year.

11.1 Prizes

Professor Andreas van Wyk Prize

This 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 Law Prize

This prize is awarded annually for the best achievement in Intellectual Property Law 441. The Anton Mostert Chair of Intellectual Property provides the prize. The prize cannot be converted into a cash payment.

Glynn Marais Prizes

A book prize is awarded annually to the top achiever in Mercantile Law 443 and the top achiever in Law of Taxation 411 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

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

Spoor & Fisher Prize

This prize is awarded to a student for the best achievement in Intellectual Property Law 441.

Sylvian Meneses Memorial Prize

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

11.2. Bursaries

Amicus Fund bursaries

The Amicus Fund was established by alumni of the Faculty. This fund annually awards bursaries to needy law students for their second and further years of undergraduate legal studies and for postgraduate LLB studies. Students from previously disadvantaged communities receive preference.

Advertisements for the bursaries annually appear in September. Submit your application form at the Dean's office.

Judge of Appeal FW Beyers Bursary

A bursary is awarded every year for one year for exceptional achievement in the first year of the BA (Law) or the BCom (Law) degree programme. It is awarded from the legacy of the late Judge of Appeal FW Beyers.

Cliffe Dekker Hofmeyr Bursary

The law firm Cliffe Dekker Hofmeyr annually awards a bursary to a promising LLB III student. Merit and need are the criteria for eligibility.

Dene Smuts Memorial Scholarship

This scholarship is awarded for LLM or LLD study relating to constitutional and administrative law and human rights. It is awarded on the basis of academic merit, to students with the potential to contribute to the law relating to these fields. The scholarship is awarded annually by the Dean on the recommendation of the Chair of the Department of Public Law. The family and friends of Dene Smuts fund the scholarship to recognise her role in the drafting of the Constitution of South Africa.

Georgala Family Bursary

Financial assistance is awarded to students from previously disadvantaged population groups in their final or pre-final LLB year, based on need.

Sophie Jacob Memorial Scholarship

This scholarship is awarded for LLM or LLD study relating to women's rights. It is awarded on the basis of academic merit, to students with the potential to contribute to the law relating to

women's rights. The Fellows of the Ciucci Centre for Law and Social Development nominate candidates for this award.

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.

Undergraduate Programmes

Below you will find information on the following undergraduate programmes:

- Four-year LLB
- Three-year LLB
- Two-year LLB
- BAccLLB
- BA (Law)
- BCom (Law)

1. Information applicable to all undergraduate programmes

Below you will first find general information applicable to all the bachelor's programmes (except where clearly stated differently). This is followed by specific information about admission requirements and modules for the individual programmes.

1.1 Application procedure and closing date

You can apply electronically for all the bachelor's programmes at www.maties.com. Applications close **30 June**, except for the three-year LLB, where they close **31 July**.

If you are applying for the four-year LLB, BA (Law), BCom (Law) or BAccLLB, you must write the National Benchmark Test (NBT) before the closing date for applications. For more about this, see the relevant section in the chapter "General Information" above.

1.2 Selection

All the bachelor's programmes are selection programmes, except for the two-year LLB. Only a limited number of students will be admitted to the selection programmes. Also see "Undergraduate enrolment management" in the chapter "General Information".

1.3 General provisions regarding modules

1.3.1 Restriction on taking modules from the next year

If you are in a non-final year of a programme and you have failed modules from a previous academic year or years, you may only register for any modules from the subsequent academic year with special permission. This restriction is valid for all modules, irrespective of any prerequisite pass, prerequisite and corequisite requirements for modules as stated in this Calendar part.

1.4 Enquiries

For the relevant contact details, see "The Faculty's contact details" in the chapter "General Information" above.

2. The four-year LLB programme

2.1 Admission requirements

- An average of at least 70% (excluding Life Orientation) in the National Senior Certificate or Independent Examinations Board school-leaving certificate.
- 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%)

Admission to specific modules in the LLB programme

- If you want to take Economics as a subject, you must pass Mathematics with an average mark of at least a 5 (60%–69%).
- Also make sure that you know what the admission requirements are for the modules (e.g. a language) that you want to take from the Faculty of Arts and Social Sciences.

2.2 Modules in each academic year

First year (160 credits)

Compulsory modules (year modules)

Introduction to Law	171(24)
Private Law	171(24)
Criminal Law	171(24)
African Customary Law	171(24)
Writing Skills	171(10)
Information Skills	172(6)

Elective modules (2 x 24)

Choose **two subjects** from the list below. Note the following:

- A subject consists of one or more modules with a total value of 24 credits.
- You must choose at least one language with a total credit value of 24.
- All the modules on the list are offered by the Faculty of Arts and Social Sciences, except for Economics, which is offered by the Faculty of Economic and Management Sciences.

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) <i>or</i>
Xhosa	178(24) <i>or</i> 188(24)
German	178(24) <i>or</i> 188(24)
French	178(24) <i>or</i> 188(24)
Latin	178(24) <i>or</i>

Classical Legal Culture	114(12), 144(12)
Economics	114(12), 144(12)
Philosophy	114(12), 144(12)
Political Science	114(12), 144(12)

Second year (146 credits)

Compulsory modules (year modules)

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

Compulsory module (first semester)

Interpretation of Enacted Law	211(12)
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Elective modules (1 x 32)

Choose **one subject** from the list below. The modules of the subject you choose must have a combined value of 32 credits.

Afrikaans en Nederlands	278(32)
English Studies	214(16), 244(16)
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), 221(8), 241(8), 251(8) (follow four modules)
Philosophy	214(16), 244(16)
Political Science	212(8), 222(8), 242(8), 252(8)
Economics	214(16), 244(16)

Third year (148 credits)

Compulsory modules (year modules)

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

Compulsory modules (first semester)

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

Compulsory modules (second semester)

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

Fourth year (152 credits)

Compulsory modules (year modules)

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

Compulsory modules (first semester)

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

Elective modules (second semester)

Choose **any four** from the following modules. The choice is subject to timetable constraints and it may be announced in a particular year that certain module combinations will not be possible owing to such constraints. Also note 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. You may therefore have to go through a selection process before the final registration date for second-semester modules. Your academic performance in a prior related module and the point in time you registered at for the elective module may be taken into consideration at selection.

Mercantile Law

Law of Taxation	441(12)
Mercantile Law	441(12), 442(12), 443(12), 445(12), 447(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

In the place of one of the taught modules you can choose above, you may submit a **dissertation** or publish an **article** in an approved legal journal. The length of the dissertation must be 7 000–10 000 words (including footnotes, but excluding bibliography) and it must be on an approved topic selected in consultation with the chair of the relevant department. The article must be published in consultation with the chair of the relevant department. If you choose the dissertation elective, you must present, at registration, written approval of the topic by the chair of the relevant department. Normally you may register for the dissertation elective only if you obtained an average of 60% for the pre-final year of your LLB studies.

If you participate in the trial rounds of an approved **moot competition**, you may also apply to be assessed on your individual written and oral contribution and for these contributions to be accredited in place of the dissertation. Apply in writing to the relevant departmental chair.

If you choose the dissertation elective, you must register for one of the following modules, according to the relevant department:

Mercantile Law	446(12) <i>or</i>
Private Law	441(12) <i>or</i>
Public Law	451(12)

3. The three-year LLB programme (as second degree)

Please note:

There will be **no** new intake in 2022 due to planned implementation of a revised programme in 2023. The option to apply for admission to the three-year LLB for 2023 remains or you can apply for admission to the four-year LLB in 2022.

This programme is meant for graduates of Stellenbosch University who did not do any law subjects as part of their first degree, as well as students who have degrees with law subjects from other universities.

3.1 Admission requirements

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

3.2 Modules in each academic year

First year (172 credits)

Compulsory modules (year modules)

Introduction to Law	171(24)
Private Law	171(24), 272(16), 273(16)
Criminal Law	171(24)
Constitutional Law	271(26)
Information Skills	172(6)

Compulsory module (first semester)

Interpretation of Enacted Law	211(12)
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And one of the following two elective modules:

African Customary Law	171(24)
Roman Law	271(24)

Second year (156 credits)*Compulsory modules (year modules)*

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

Compulsory modules (first semester)

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

Compulsory module (second semester)

Legal Philosophy	341(12)
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Third year (152 credits)*Compulsory modules (year modules)*

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

Compulsory 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)

You must take **International Law 341(12)**.

In addition choose **any three** from the following modules. The choice is subject to timetable constraints and it may be announced in a particular year that certain module combinations will not be possible owing to such constraints. Also note 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. You may therefore have to go through a selection process before the final registration date for second-semester modules. Your academic performance in a prior related module and the point in time you registered at for the elective module may be taken into consideration at selection.

Mercantile Law

Law of Taxation	441(12)
Mercantile Law	441(12), 442(12), 443(12), 445(12), 447(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

In the place of one of the taught modules you can choose above, you may submit a **dissertation** or publish an **article** in an approved legal journal. The length of the dissertation must be 7 000–10 000 words (including footnotes, but excluding bibliography) and it must be on an approved topic selected in consultation with the chair of the relevant department. The article must be published in consultation with the chair of the relevant department. If you choose the dissertation elective, you must present, at registration, written approval of the topic by the chair of the relevant department. Normally you may register for the dissertation elective only if you obtained an average of 60% for the pre-final year of your LLB studies.

If you participate in the trial rounds of an approved **moot competition**, you may also apply to be assessed on your individual written and oral contribution and for these contributions to be accredited in place of the dissertation. Apply in writing to the relevant departmental chair.

If you choose the dissertation elective, you must register for one of the following modules, according to the relevant department:

Mercantile Law	446(12) <i>or</i>
Private Law	441(12) <i>or</i>
Public Law	451(12)

3.2.1 Prerequisite pass, prerequisite and corequisites

The prerequisite pass requirements, 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 LLB programme. See the summary table at the back of this Calendar part.

3.2.2 Marks to pass *cum laude*

For the purpose of calculating a *cum laude* pass, the Faculty considers only the final marks obtained in modules prescribed for the second and third year of this programme. You must attain a minimum average of 75%.

4. The two-year LLB programme (as second degree)

The two-year LLB programme traditionally follows on the BA (Law) or BCom (Law) degree.

4.1 Admission requirements

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

4.2 Modules in each academic year

First year (148 credits)

Compulsory 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 at 4.2.2)

Compulsory modules (first semester)

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

Compulsory 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 at 4.2.2) See the electives below at the second year.	

Second year (152 credits)

Compulsory modules (year modules)

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

Compulsory modules (first semester)

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

Elective modules (second semester)

Choose any **four modules** not already taken in the first year of the programme, from the following. The choice is subject to timetable constraints and it may be announced in a particular year that certain module combinations will not be possible owing to such constraints. Also note 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. You may therefore have to go through a selection process before the final registration date for second-semester modules. Your academic performance in a prior related module and the point in time you registered at for the elective module may be taken into consideration at selection.

Mercantile Law

Law of Taxation	441(12)
Mercantile Law	441(12), 442(12), 443(12), 445(12), 447(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

In the place of one of the taught modules you can choose above, you may submit a **dissertation** or publish an **article** in an approved legal journal. The length of the dissertation must be 7 000–10 000 words (including footnotes, but excluding bibliography) and it must be on an approved topic selected in consultation with the chair of the relevant department. The article is published in consultation with the chair of the relevant department. If you choose the dissertation elective you

must present, at registration, written approval of the topic by the chair of the relevant department. Normally you may register for the dissertation elective only if you obtained an average of 60% for the pre-final year of your LLB studies.

If you participate in the trial rounds of an approved **moot competition**, you may also apply to be assessed on your individual written and oral contribution and for these contributions to be accredited in place of the dissertation. Apply in writing to the relevant departmental chair.

If you choose the dissertation elective, you must register for one of the following modules, according to the relevant department:

Mercantile Law	446(12) <i>or</i>
Private Law	441(12) <i>or</i>
Public Law	451(12)

4.2.1 *Ad hoc* exemption from prerequisite pass, prerequisite and corequisite requirements

It is possible for you to get *ad hoc* exemption from prerequisites and corequisites for elective modules in the pre-final year of the programme so that you can take elective modules from the final year already. However, first discuss this with the lecturers of the modules concerned.

5. The BAccLLB programme

5.1 Admission requirements

- An average of at least 80% (excluding Life Orientation) in the National Senior Certificate or Independent Examinations Board school-leaving certificate.
- 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%).

5.2 Modules in each academic year

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	114(12), 144(12)
Statistics and Data Science	188(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)

Modules in the Faculty of Economic and Management Sciences

See Part 10 of the Calendar for the content of modules that are offered by the Faculty of Economic and Management Sciences.

6. The BA (Law) programme**6.1 Admission requirements**

- An average of at least 70% (excluding Life Orientation) in the National Senior Certificate or Independent Examinations Board school-leaving certificate.
- Afrikaans (Home Language) or English (Home Language) at least a 5 (60%–69%).
- First Additional Language at least a 3 (40%–49%).

Admission to specific modules in the BA (Law) programme

- If you want to take Economics as a subject, you must pass Mathematics with an average mark of at least a 5 (60%–69%).
- Also make sure that you know what the admission requirements are for the modules (e.g. a language) that you want to take from the Faculty of Arts and Social Sciences.

6.2 Modules in each academic year**First year (160 credits)***Compulsory modules (year modules)*

Introduction to Law	171(24)
Private Law	171(24)
African Customary Law	171(24)
Writing Skills	171(10)
Information Skills	172(6)

Elective modules (3 x 24)

Choose **three subjects** from the list below. Note the following:

- A subject consists of one or more modules with a total value of 24 credits.
- You must choose at least one language with a total credit value of 24.
- All the modules on the list are offered by the Faculty of Arts and Social Sciences, except for Economics, which is offered by the Faculty of Economic and Management Sciences.

Afrikaans en Nederlands	178(24)
Afrikaans Language Acquisition	178(24) (only on first-year level) <i>or</i> 188(24) (only on first-year level)
German	178(24) <i>or</i> 188(24)
Economics	114(12), 144(12)
English Studies	178(24)
French	178(24) <i>or</i> 188(24)
Latin	178(24) <i>or</i>
Classical Legal Culture	114(12), 144(12)
Philosophy	114(12), 144(12)
Political Science	114(12), 144(12)
Psychology	114(12), 144(12)
Basic Xhosa	114(12), 144 (12)
Xhosa	178(24) <i>or</i> 188(24)

Second year (144 credits)*Compulsory 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**. Note that a subject must consist of one or more modules with a total value of 32 credits.

Afrikaans en Nederlands	278(32)
German	278(32) <i>or</i> 288(32)
Economics	214(16), 244(16)
English Studies	214(16), 244(16)
French	278(32)
Latin	214(16), 244(16) Or
Ancient Cultures	211(8), 221(8), 241(8), 251(8) (follow four modules)
Philosophy	214(16), 244(16)

Political Science	212(8), 222(8), 242(8), 252(8)
Psychology	213(8), 223(8), 243(8), 253(8)
Xhosa	214(16), 244(16) <i>or</i> 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), 321(12), 341(12), 351(12) (follow four modules)
Economics	318(24), 348(24)
English Studies	318(24), 348(24)
French	318(24), 348(24)
German	318(24), 348(24) <i>or</i> 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) <i>or</i> 328(24), 358(24)

6.2.1 Simultaneous enrolment for some modules

- You may not enrol for both Afrikaans en Nederlands 178 and Afrikaans Language Acquisition 178.
- You may only enrol for Economics 114, 144 and English Studies 178 together at first-year level.
- 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.

6.2.2 Taking extra modules

To take any extra modules in your final year you must get permission from the Faculty Board of the Faculty of Law.

6.2.3 Modules in the Faculty of Arts and Social Sciences

For more information on 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.

7. The BCom (Law) programme

7.1 Admission requirements

- An average of at least 70% (excluding Life Orientation) in the National Senior Certificate or Independent Examinations Board school-leaving certificate.
- 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%).

7.2 Modules in each academic year

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) <i>or</i>
English Studies	178(24) <i>or</i>
Basic Xhosa	114(12), 144(12) <i>or</i>
Xhosa	178(24) <i>or</i> 188(24) <i>or</i>
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) <i>or</i>
Financial Accounting	389(48)
Economics	381(24) <i>or</i>
Taxation	388(24)

7.2.1 Taking extra modules

To take any extra modules in your final year, you must get permission from the Faculty Board of the Faculty of Law.

7.2.2 Modules in the Faculty of Economic and Management Sciences

For more information on 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.

7.2.3 Admission to BComHons (Financial Accounting)

If you have obtained a BCom (Law) degree, you may register for the BComHons programme in Financial Accounting (ACCA), provided that you meet the admission requirements as stated in Part 10 of the Calendar. Note that for Financial Accounting at honours level, you must additionally do Statistics and Data Science 188(18), before or during the BComHons programme.

Postgraduate Programmes

Below you will find more information on all the postgraduate programmes offered by the Faculty of Law.

Please note:

All LLB degrees are undergraduate qualifications and information on them therefore appears in the chapter “Undergraduate Programmes”.

1. The Postgraduate Diploma in Tax Law

1.1 Admission requirements

You may apply for the Postgraduate Diploma in Tax Law if you:

- have an LLB degree from this University; *or*
- have a BAcc or BCom degree from this University; *or*
- are 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 101 of 1997; *or*
- have been admitted to practice as an attorney in any province of South Africa or in Namibia; *or*
- are registered as an accountant with the Public Accountants’ and Auditors’ Board, or as a chartered accountant with the South African Institute for Chartered Accountants; *or*
- have any other academic or professional qualification which the Senate deems to be sufficient for admission.

1.2 Admission procedure and closing date

New applications are considered every second year and **the next intake will be in 2022**. Apply in writing at www.maties.com.

1.3 Duration of programme

Two years

Next intake: February 2022 to November 2023

1.4 Enquiries

The Faculty Administrator, Mr Shirle Cornelissen, tel. 021 808 9111, e-mail: shirle@sun.ac.za.

1.5 Programme content (120 credits)

This programme concentrates on the interpretation of tax law contained in judgments, practice notes, interpretation notes and other sources such as handbooks, journal articles and electronic publications.

The curriculum comprises the following modules:

2020 [2022]	
10393 – 711	Basic Principles of Income Tax (20)
13943 – 721	Advanced Income Tax Law (20)
63142 – 725	Letter of Objection; Notice of Appeal (20)
2021 [2023]	
10668 – 722	Legal Aspects pertaining to Donations Tax, Estate Duty and Estate Planning (20)
12271 – 725	Legal Aspects pertaining to Value Added Tax and Transfer Duty (20)
10468 – 762	International Tax Law (20)

2. The Postgraduate Diploma in Intellectual Property Law

2.1 Admission requirements

You may apply to be admitted to the Postgraduate Diploma in Intellectual Property Law if you:

- have a BSc, BCom, BEng or LLB qualification, or any other qualification considered by Senate as equivalent; *or*
- are considered suitably qualified for admission by Senate in terms of the University's RPL (Recognition of Prior Learning) policy, based on work experience or any other exposure to the field of Intellectual Property Law; *and*
- as a further requirement, along with either of the above, completed a satisfactory selection essay.

International students

If you are an international student applying for admission to the Postgraduate Diploma in Intellectual Property Law, you must also submit proof of your current level of proficiency in English. You may do this by writing an essay or submitting your IELTS or TOEFL scores. This requirement does not apply if English is your home language or if you have completed a prior degree or qualification in English.

2.2 Application procedure

This is a selection programme and, in addition to the prescribed admission requirements that apply, only a limited number of students will be admitted to this programme. Apply in writing at www.maties.com.

2.3 Duration of programme

One year full time, or two years part time.

2.4 Enquiries

The Faculty Administrator, Mr Shirle Cornelissen, tel. 021 808 9111, e-mail: shirle@sun.ac.za.

2.5 Programme content (120 credits)

This programme is the only of its kind and offers you the unique opportunity to gain introductory knowledge of intellectual property through practice driven study of the law of trademarks, patents, designs, copyright and digital aspects of intellectual property law.

You must complete any four modules of your choice (120 credits in total). The options are as follows:

Please note:

You must choose between Intellectual Property Law in the Digital Environment, Competition Law and Economic Perspectives of Law. You may take only one of these modules. A student will only be permitted to take the research assignment module with the permission of the programme coordinator.

10009 – 711	Copyright Law (30)
10008 – 711	Trademark Law (30)
10934 – 711	Patent Law and the Law of Registered Design (30)
10935 – 711	Intellectual Property Law in the Digital Environment (30) <i>or</i>
62553 – 711	Competition Law (30)
13866 – 712	Economic Perspectives of Law (30)
10937 – 714	A research assignment of 7 500 to 10 000 words on a topic in the general field of Intellectual Property Law or related subject matter (30)

3. The Postgraduate Diploma in Public Procurement Policy and Regulation

3.1 Admission requirements

You may apply to be admitted to the Postgraduate Diploma in Public Procurement Policy and Regulation if you:

- have a bachelor's degree in any field with a minimum average achievement of 60% in the final year of the undergraduate degree programme, or any postgraduate degree with a minimum average achievement of 60% in the final year of the programme;
- have experience in public procurement or supply chain management; and
- have successfully completed an online short course on introduction to public procurement law studies.

International students

If you are an international student applying for admission to the Postgraduate Diploma in Public Procurement Policy and Regulation, you must also submit proof of your current level of proficiency in English. You may do this by submitting your IELTS or TOEFL scores. This requirement does not apply if English is your home language or if you have completed a prior degree or qualification in English.

3.2 Application procedure

This is a selection programme and, in addition to the prescribed admission requirements that apply, only a limited number of students will be admitted to this programme. Apply in writing at www.maties.com.

3.3 Duration of programme

One year full time, or two years part time.

3.4 Enquiries

The Faculty Administrator, Mr Shirle Cornelissen, tel. 021 808 9111, e-mail: shirle@sun.ac.za.

3.5 Programme content (120 credits)

This programme is the only of its kind on the continent and will establish or deepen your knowledge of Public Procurement Law. You will be exposed to the methodology of legal practice (specifically in public procurement regulation), legal research and the application of the law in the context of public procurement.

You must complete four modules (120 credits in total), two compulsory modules and 2 electives:

14115-713	International Legal Regimes on Public Procurement (30) <i>and</i>
14121-751	Public Procurement Regulation and Policy in South Africa (30)
14116-711	Policy and Public Procurement Law (30) <i>or</i>
14120-743	Corruption and Procurement (30) <i>or</i>
14119-741	Infrastructure Procurement Regulation and Policy in South Africa (30) <i>or</i>
14118-752	Defence Procurement (30) <i>or</i>
14114-712	Procurement Law Compliance (30)

4. The LLM programme

The LLM programme gives you seven options: You may choose the research option or one of the five coursework options or the professional coursework option. The basic admission requirements are the same for all the options but for some of them you must also undergo selection.

4.1 Admission requirements for LLM studies

You may apply for admission to the LLM programme if you:

- have an LLB degree conferred by this University or any other bachelor's degree in Law (excluding the BLuris degree) and have attained an average of 60% in the final year of the degree, or
- have attained a comparable achievement in another (for example, foreign) qualification, or
- have attained a level of proficiency or accomplishment in Law which, in the judgement of Senate, is regarded as adequate for this purpose.

International students

If you are an international student applying for admission to the LLM by coursework programme, you must submit proof of your current level of proficiency in English (for example, your IELTS or TOEFL scores). This requirement does not apply if English is your home language or if you have completed your first degree in English.

Waiver of 60% requirement for LLM (research)

You may request and obtain a recommendation from a potential supervisor that the admission requirement of a minimum mark of 60% be waived for LLM (research). For such a request to be considered, you must submit an overview of no more than 600 words of the envisaged study and a sample of previous research of approximately 2 000 words to your potential supervisor. Your potential supervisor must confirm that he or she has the necessary capacity to perform the function of supervisor. Your potential supervisor must motivate in writing and recommend the waiver to the Research Committee for approval.

4.2 Selection

All the options for the LLM by coursework are subject to selection based on academic merit. If you apply for the coursework LLM in Intellectual Property Law or the Professional LLM in Intellectual Property Law, you must also write a selection essay.

The research option is also a selection programme and to be admitted to it, you must undergo a complete selection process. More information is available on the Faculty website at www.sun.ac.za/law.

4.3 Enquiries

The Faculty Manager, Ms Karin Wiss, tel. 021 808 3780, e-mail: karinwiss@sun.ac.za, or

The Faculty Administrator, Mr Shirle Cornelissen, tel. 021 808 9111, e-mail: shirle@sun.ac.za.

You can request a prospectus with complete information on the LLM by coursework from Ms Wiss.

4.4 Research option

In addition to the provisions below, please consult the Postgraduate Guide on the Faculty website at www.sun.ac.za/law.

Requirements for obtaining the degree

To obtain the LLM degree by research you must:

- conduct an approved research curriculum of at least one year (after attaining the bachelor's degree or reaching the required level of proficiency referred to above under "Admission requirements") at this university or at some other institution approved by Senate; *and*
- present for assessment a thesis of an acceptable standard; *and*
- complete any additional work or study as required by the lecturers concerned.

Application procedure

Apply in writing. You can download a full explanation of the application process from the Faculty website at www.sun.ac.za/law. Choose “Postgraduate” under “Degrees and Diplomas” and click on the relevant link under “LLM (by research)”.

Duration of programme

- As a full-time student, you will be allowed to register for a maximum of two consecutive academic years.
- As a part-time student, you will be allowed to register for a maximum of three consecutive academic years.
- If you want to register again after the total time allowed has expired, you must obtain permission from the Dean.

Thesis specifications

For thesis specifications and more on the provisions for master’s degrees in general, consult Part 1 of the Calendar.

4.5 LLM by coursework

An LLM by coursework is also offered. There are five options: General, Alternative Dispute Resolution, Intellectual Property Law, International Trade Law and Labour Law. All modules are taught in English but you may write your coursework assignments, research assignment and examinations in Afrikaans or English.

A complete prospectus on the coursework LLM options is available on the Faculty website at www.sun.ac.za/law.

Below you will find information that applies to all the options. This is followed by the content of each option individually.

Application procedure and closing dates

South African students must apply before **30 November** of the year before registration and **international students** before **30 September** of the year before registration. However, late applications will also be considered.

Applications to **start** with the programme **in the second semester** must be submitted by **15 July** for South African students and **31 March** for international students. Late applications will also be considered.

Apply electronically at www.maties.com. Current students of the University may also apply through My.SUN, which is accessible from the University website www.sun.ac.za.

Duration of the programme

Full-time students

- You must normally complete the programme in one year by taking two modules in each semester. With permission from the Faculty Board you may also extend your studies over two years, provided that you take at least one module per semester.
- You may register for a maximum of two consecutive academic years.

- If you want to register again after the total time allowed has expired, you must obtain permission from the Dean.
- You may choose to begin your studies either at the start of the first semester or at the start of the second semester.

Part-time students

- You must normally complete the programme in two years.
- You may register for a maximum of three consecutive academic years.
- If you want to register again after the total time allowed has expired, you must obtain permission from the Dean.
- You may choose to begin your studies either at the start of the first semester or at the start of the second semester.

Class attendance

The LLM by coursework is not a correspondence course. Class attendance on the Stellenbosch campus is compulsory for all students.

Readmission

If you are registered for one of the coursework LLM programmes and fail three or more coursework modules, you will not automatically be readmitted to the next academic year.

Requirements for obtaining the degree

To obtain the LLM degree by coursework, you must:

- follow four modules in an academic year and pass the relevant examinations; *and*
- complete an acceptable research assignment.

4.5.1 General LLM

Content of the programme

Modules

The curriculum for the general LLM by coursework is not formally organised according to department and there is no uniform set of prescribed modules. You are invited to compile a curriculum from modules offered by the Faculty. To do this, choose four modules from the list provided below. However, please note the following restrictions on your selection:

- It must be approved by the Faculty Board.
- It must fit into the timetable.
- The lecturer involved must be available for the relevant semester (if you start your studies in June, it is therefore important to consult the prospectus for the following year as soon as it becomes available).
- At least five students must enrol for the module.
- A maximum of two modules may come from the LLM in Intellectual Property Law and must be approved by the programme coordinator.

Advanced Company Law
Carriage of Goods by Sea
Comparative Apartment Ownership

Competition Law
Copyright Law
Economic Perspectives of Law
Employment Rights
Equality in the Workplace
Forensic Law
Forced Migration and Children's Rights
Global Litigation
Intellectual Property Law in the Digital Environment
International Commercial Arbitration
International Criminal Law
International Law and Children's Rights
International Sales Law
International Tax Law
Law of Trusts
Legal Aspects of World and Regional Trade
Patent Law and the Law of Registered Designs
Payment and Guarantees in International Contracts
Public Procurement Regulation
Selected Issues in Collective Labour Law
Selected Issues in International Labour and Social Security Law
Sustainable Development Law.
Trademark Law

Research assignment

You must complete a research assignment on a topic approved by the Faculty Board and under supervision of an appointed supervisor. The length of the research assignment is 15 000 to 20 000 words (including footnotes, but excluding bibliography).

4.5.2 LLM in Labour Law

Programme content

This is a specialised LLM programme in advanced labour law.

Modules

Equality in the Workplace
Employment Rights
Selected Issues in Collective Labour Law
Selected Issues in International Labour and Social Security Law

Research assignment

You must complete a research assignment on a topic approved by the Faculty Board and under supervision of an appointed supervisor. The length of the research assignment is 15 000 to 20 000 words (including footnotes, but excluding bibliography).

4.5.3 LLM in International Trade Law

Programme content

This specialised LLM programme focuses on international business transactions, commercial arbitration and carriage agreements.

Modules

Choose four modules from the following list:

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

Research assignment

You must complete a research assignment on a topic approved by the Faculty Board and under supervision of an appointed supervisor. The length of the research assignment is 15 000 to 20 000 words (including footnotes, but excluding bibliography).

4.5.4 LLM in Intellectual Property Law

Programme content

This is a specialised LLM programme in intellectual property law.

Modules

Copyright Law
Trademark Law
Patent Law and the Law of Registered Designs
Intellectual Property Law in the Digital Environment <i>or</i>
Competition Law <i>or</i>
Economic Perspectives of Law

Research assignment

You must complete a research assignment on a topic approved by the Faculty Board and under supervision of an appointed supervisor. The length of the research assignment is 15 000 to 20 000 words (including footnotes, but excluding bibliography).

4.5.5 LLM in Alternative Dispute Resolution

Programme content

This is a specialised LLM programme in Alternative Dispute Resolution.

Modules

International Commercial Arbitration
Mediation
Specialised Dispute Resolution Techniques
International Sales Law <i>or</i>
Employment Rights <i>or</i>
Sustainable Development Law <i>or</i>
Public Procurement Regulation

Research assignment

You must complete a research assignment on a topic approved by the Faculty Board and under supervision of an appointed supervisor. The length of the research assignment is 15 000 to 20 000 words (including footnotes, but excluding bibliography).

4.6 LLM in Public Procurement Policy and Regulation (professional LLM programme)

This professional LLM programme is the only one of its kind on the continent and will establish or deepen your knowledge of Public Procurement Law.

This programme is offered through hybrid learning and requires participation online, as well as class attendance on campus during block sessions.

Application procedure and closing dates

South African students must apply before **30 November** of the year before registration and **international students** before **30 September** of the year before registration. However, late applications will also be considered.

Apply electronically at www.maties.com. Current students of the University may also apply through My.SUN, which is accessible from the University website www.sun.ac.za.

Duration of the programme

Full-time students

- You must normally complete the programme in one year by taking two modules in each semester. With permission from the Faculty Board you may also extend your studies over two years, provided that you take at least one module per semester.
- You may register for a maximum of two consecutive academic years.
- If you want to register again after the total time allowed has expired, you must obtain permission from the Dean.

Part-time students

- You must normally complete the programme in two years.
- You may register for a maximum of three consecutive academic years.

- If you want to register again after the total time allowed has expired, you must obtain permission from the Dean.

Class attendance

This programme requires class attendance in Stellenbosch for one week per semester (block sessions).

Requirements for obtaining the degree

To obtain the LLM degree by coursework, you must:

- pass 4 modules; *and*
- compile an acceptable research portfolio.

Programme content

Modules

International Legal Regimes on Public Procurement <i>and</i>
Public Procurement Regulation and Policy in South Africa
Policy and Public Procurement Law <i>or</i>
Corruption and Procurement <i>or</i>
Infrastructure Procurement Regulation and Policy in South Africa <i>or</i>
Defence Procurement <i>or</i>
Procurement Law Compliance

Research portfolio: Public Procurement Law

You must compile all the individual research assignments of the different modules in the programme into a coherent research portfolio.

Readmission

If fail three or more coursework modules in the programme, you will not automatically be readmitted to the next academic year.

5. The LLD programme

In addition to the provisions below, please consult the Postgraduate Guide on the Faculty website at www.sun.ac.za/law.

5.1 Admission requirements

You must have attained one of the undermentioned to apply to read for a doctoral degree in Law. Senate will consider every application on merit.

- an LLM degree; *or*
- an LLB degree conferred by this University, or any other bachelor's degree in Law (excluding the BProc and BLuris degrees) approved for this purpose by the Senate, and relevant academic or professional experience; *or*
- a level of proficiency or accomplishment in Law which, in the judgement of Senate, is regarded as adequate for this purpose.

Additional requirements to apply to read for a doctoral degree in Law

- You must indicate sufficient potential to pursue doctoral studies successfully. In this regard:
 - You must have passed the final year of the LLM (or where relevant the LLB or other bachelor's degree in Law) with an average of at least 65% (or its international equivalent); *or*
 - You may request and obtain a recommendation from a potential supervisor that the requirement of a minimum mark of 65% be waived. For such a request to be considered, you must submit an overview of no more than 600 words of the envisaged study, and a sample of previous research of approximately 2 000 words to your potential supervisor. Your potential supervisor must confirm that he or she has the necessary capacity to perform the function of supervisor. Your potential supervisor must motivate in writing and recommend the waiver to the Research Committee for approval.

5.2 Application procedure

Apply in writing. You can download a full explanation of the application process from the Faculty website at www.sun.ac.za/law. Choose “Postgraduate” under “Degrees and Diplomas” and click on the relevant link under “LLD”.

5.3 Duration of programme and continued registration

The minimum period for a doctoral degree is two years. The maximum is five consecutive academic years of registration. The provisions for continued registration set out in a) to e) below apply here.

If you want to register again after the allowed maximum of five years, you must obtain special permission from the Dean of the Faculty of Law. The Dean's recommendation to permit (or refuse) continued registration must be approved by the Faculty Board, who will report its decision in the Communications Report to the Executive Committee of Senate (EC(S)) and Senate.

Note that Senate may terminate your studies on recommendation of the Faculty Board according to the process set out in a) to e) below, even though you have not yet exceeded the maximum number of five years for continued registration.

Provisions for continued registration

- a) Whether you are registered full-time or part-time, you must report to your supervisor at least once a year (by 1 October), in writing, setting out in detail the progress you have made with your proposal and/or specific chapters during the reporting period.
- b) The supervisor must report to the chairperson of the Research Committee once a year, in writing, about your progress during the reporting period. The promotor must specify in detail:
 - which proposal and/or chapters have been submitted, read, commented on, and corrected;
 - how often the supervisor saw you in that period; and

- what the expected date of completion is (preferably with a detailed work schedule).

The supervisor must specify whether he or she considers your progress in the preceding period satisfactory; in other words, whether or not you are likely to complete the degree within three years of registration (that is, within the minimum period of two years plus one additional year).

You must have an opportunity to see the report by the supervisor to the chairperson of the Research Committee and to respond to it if you wish. Send your response to the chairperson of the Research Committee and include your supervisor in your response.

- c) Up to the end of year two of the three-year period (the minimum period of two years plus one additional year), satisfactory progress according to the reporting process above is sufficient for reregistration to be considered. Reregistration is considered and permission (or refusal) for reregistration may be recommended by the Research Committee. The Research Committee's recommendation to permit (or refuse) continued registration must be approved by the Faculty Board. If your studies are to be terminated, for example due to unsatisfactory progress, the Research Committee recommends this to the Faculty Board who in turn may recommend it to the Executive Committee of Senate (EC(S)) and Senate.
- d) If by September of year three, it has become clear that you will not complete the degree in the three-year period, you must report to your supervisor in writing and apply for permission to reregister for one additional year (the fourth year). Your application must be submitted by 1 October of the third year and must set out in detail:
 - the work that has been completed (read by the supervisor, commented on and corrected),
 - the work still to be done, and
 - a schedule for completion of the remaining work during the next year (the fourth year).

The supervisor must report to the chairperson of the Research Committee, referring to your report and application for reregistration, and indicate whether he or she supports the application and whether the proposed completion schedule is realistic.

You must have an opportunity to see the report by the supervisor to the chairperson of the Research Committee and to respond to it if you wish. Send your response to the chairperson of the Research Committee and include your supervisor in your response.

Reregistration is considered and permission (or refusal) for reregistration may be recommended by the Research Committee. The Research Committee's decision to permit (or refuse) continued registration must be approved by the Faculty Board. If your studies are to be terminated, for example due to unsatisfactory progress, the Research Committee recommends this to the Faculty Board who, in turn, may recommend it to the Executive Committee of Senate (EC(S)) and Senate.

- e) If you were granted permission to reregister for an additional year (the fourth year) and it becomes clear by 1 October (of the fourth year) that you will not complete the degree

in that year, you can apply for reregistration for one more year (the fifth year). Follow the same procedure as in d).

If your supervisor supports the application, you may be granted permission to reregister for one more additional year (the fifth year).

Reregistration is considered and permission (or refusal) for reregistration may be recommended by the Research Committee. The Research Committee's decision to permit (or refuse) continued registration must be approved by the Faculty Board. If your studies are to be terminated, for example due to unsatisfactory progress, the Research Committee recommends this to the Faculty Board who, in turn, may recommend it to the Executive Committee of Senate (EC(S)) and Senate.

5.4 Requirements for obtaining the degree

The LLD degree will be awarded to you if you:

- have been registered at the University as a doctoral student in Law for at least two years; *and*
- have conducted an approved period of research of at least two years at this University or at some other institution approved by the Senate; *and*
- have presented for assessment a doctoral dissertation of an acceptable standard and have completed any additional research required by your promoter; *and*
- have successfully conducted yourself in an oral examination, except if exemption from such oral examination was granted.

5.5 Specifications for the dissertation

- For dissertation specifications and other provisions for doctoral degrees in general, consult the relevant section in Part 1 of the Calendar.
- Note that the only format in which a doctoral dissertation may be submitted in the Faculty of Law is the format allowed in paragraph 6.9.5.1 of the Part 1 (General) of the Calendar; i.e. an introduction, followed by a number of chapters, followed by a summary of the research results, which indicates the scientific contribution of the study.

5.6 Enquiries

The Faculty Administrator, Mr Shirle Cornelissen, tel. 021 808 9111, e-mail: shirle@sun.ac.za.

Subjects, Modules and Module Content

1. Definitions and explanations of important terms

It is important that you take note of the definitions of a few terms in order to understand and use this chapter fully. The example below shows how these terms will appear in the rest of this chapter.

Example:

17914 Private Law

171 (24) Private Law (3L, 1T)

1.1 Explanation of terms in the example

- *Five-digit subject number* – **17914 Private Law**

Each subject is identified by this five digit-subject number.

- *Subject name* – **17914 Private Law**

The number and name of a specific subject appear before the various modules of the subject are presented. In the Calendar the subject name is normally followed by the module code and the credit value of the specific module, for example in this case: Private Law 171(24).

- *Module code* – **171(24) Private Law**

The module code consists of a three-digit number that is unique to the specific module. The above-mentioned module code “171” has the following meaning:

- The first digit refers to the year of study in which the module is presented, for example:

Year 1: 171

Year 2: 271

Year 3: 371

Postgraduate diploma: 711

LLM module: 811

- The second digit, in this case “7”, refers to the semester that the module will be presented in and also serves as a number to distinguish between various modules offered within the same specific year of study. The University uses different numbers to indicate the particular semester of a module, either the first or the second semester or modules that are presented in both semesters (which are year modules). The numbers that indicate semesters are as follows:

- 1, 2 or 3 – modules are presented in the first semester.

Semester 1: 214, 324, 334

- 4, 5 or 6 – modules are presented in the second semester.

Semester 2: 342, 354, 364

- 7, 8 or 9 – modules are presented in both semesters, which are year modules.

Year module (both semesters): 278, 288, 391

- The third digit of the module code, in this case “1”, serves as a distinguishing digit between various modules of the same subject in a particular year of study.
- **Please note:** Some of the postgraduate module entries in this Calendar part deviate from the pattern in the example. The five digit-subject number and the three digit-module code in these postgraduate modules are written continuously in the same block: **11470 – 812 (30) Payment and Guarantees in International**

Contracts

- *Credit value – 171 (24) Private Law*

The number between brackets after the module code indicates the credit value of the particular module, in this case 24.

Therefore, Private Law 171(24) is a module which is presented over two semesters of the first year and you earn 24 credits for it.

- *Module subject – 171 (24) Private Law*

This indicates the topic that will be dealt with in this specific module.

- *Teaching load – (3L, 1T)*

The teaching load of a module is indicated in the block following the module subject. It gives you both the teaching load and the type of teaching per week that you can expect in this particular module. For the module Private Law 171(24) you can expect three lectures and one tutorial period each week for the duration of the module. The following abbreviations are used for the teaching load:

- **L** – Lectures lasting 50 minutes each, for example 3L
- **P** – Practical periods lasting 50 minutes, for example 1P, 2P, 3P
- **S** – Seminars lasting 50 minutes, for example 1S
- **T** – Tutorials lasting 50 minutes, for example 1T, 2T

2. Assessment of modules

Modules are assessed by means of tests and examinations unless otherwise indicated in the module content. To find out more about the different assessment methods, you can consult the section “Provisions Relating to Examinations and Promotions” in Part 1 of the Calendar.

3. Prerequisite pass, prerequisite and corequisite modules

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

- **PP** – Prerequisite pass module
 - A prerequisite pass module is a module that you must pass before you can take the module(s) for which it is a prerequisite pass module.
- **P** – Prerequisite module
 - A prerequisite module is a module in which you must obtain a class mark of at least 40, or a final mark of at least 40 in the case of a module subject to flexible assessment, before you can take the module for which it is a prerequisite module.
- **C** – Corequisite module
 - A corequisite module is a module that you must take in the same academic year as the module for which it is a corequisite, or in an earlier academic year.

Please note: Directly after this chapter, “Subjects, Modules and Module Content”, you will find Appendix 1, which contains a table summarising all the prerequisite pass, prerequisite and corequisite modules.

3.1 Condition for the granting of a qualification or degree

The Faculty will only award a qualification if you have passed all the relevant modules of the specific degree programme.

4. Undergraduate subjects, modules and module contents

The undergraduate subjects with their accompanying modules, credits, module subjects, teaching loads and module contents are presented below.

4.1 Department of Mercantile Law

48089 Accounting for Law Students

441 (12) Accounting for Law Students (2L)

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)

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)

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)

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

11254 Intellectual Property Law

441 (12) Intellectual Property Law (2L)

Principles of the South African law applicable to the protection of intellectual property: copyright, trademarks and unlawful competition.

1 question paper of 2 hours

37273 Mercantile Law

311 (12) Mercantile Law (2L)

Individual and collective Labour Law; commercial dispute resolution.

1 question paper of 1½ hours

C Private Law 372

312 (12) Mercantile Law (2L)

Insolvency Law and sequestration procedures.

1 question paper of 1½ hours

C Private Law 372

441 (12) Mercantile Law (2L)

Advanced Labour Law:

Capita selecta from Labour Law.

1 question paper of 2 hours

P Mercantile Law 311

442 (12) Mercantile Law (2L)

Commercial Dispute Resolution:

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.

1 question paper of 2 hours

C Law of Civil Procedure 371

C Private Law 372

Notes:

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.

443 (12) Mercantile Law (2L)

Advanced Company Law:

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.

1 question paper of 2 hours

C Mercantile Law 471

PP Private Law 372

445 (12) Mercantile Law (2L)

Competition Law:

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.

1 question paper of 2 hours

446 (12) Mercantile Law (1S)

Dissertation:

Only students with an average of at least 60% for the penultimate year of the LLB may normally register for the dissertation option.

447 (12) Mercantile Law (2L)

Internet Law:

Legal principles regarding the Internet as electronic communications and transactions medium, technology and the law, as well as aspects of data protection.

1 question paper of 2 hours

471 (32) Mercantile Law (4L)

Law of Business Entities:

The law in respect of the structure, financing and management of business enterprises, especially companies.

1 question paper of 3 hours

P Mercantile Law 311 and 312

P Private Law 372

4.2 Department of Private Law

13887 African Customary Law

171 (24) African Customary Law (3L, 1T)

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.

1 question paper of 2 hours

23906 Conflict of Laws

451 (12) International Private Law (2L)

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.

1 question paper of 2 hours

P Private Law 372, 373

48070 Introduction to Law

171 (24) Introduction to Law (3L, 1T)

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.

1 question paper of 2 hours

51543 Civil Procedure

371 (24) Law of Civil Procedure (2L)

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

411 (12) Legal Skills (2L)

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.

Flexible assessment; assignment

P Private Law 372, 373

58386 Practical Legal Training

471 (24) Practical Legal Training (2L, 1S)

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 Law Clinic; moot court and simulated dispute resolution.

Flexible 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.

17914 Private Law

171 (24) Private Law (3L, 1T)

Law of Persons:

The implications of the Bill of Rights for the Law of Persons; natural and juristic persons; the status of a natural person; factors which influence status (age, domicile, mental health); parental responsibilities and rights.

Family Law:

The implications of the Bill of Rights for Family Law; validity requirements for the conclusion of an engagement and a marriage; personal and patrimonial consequences of marriage; matrimonial property law; grounds for and consequences of divorce.

1 question paper of 2 hours

C Introduction to Law 171

272 (16) Private Law (2L)

Law of Things:

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.

1 question paper of 2 hours

PP Private Law 171

P Introduction to Law 171

C Private Law 273

273 (16) Private Law (2L)

Law of Succession:

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.

1 question paper of 2 hours

PP Private Law 171

P Introduction to Law 171

C Private Law 272

372 (32) Private Law (4L)

Law of Contract:

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.

1 question paper of 3 hours

PP Introduction to Law 171

PP Private Law 272, 273

P Roman Law 271

C Constitutional Law 271

C Private Law 373

373 (32) Private Law (4L)

Law of Delict:

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.

1 question paper of 3 hours

PP Introduction to Law 171

PP Private Law 272, 273

P Roman Law 271

C Constitutional Law 271

C Private Law 372

411 (12) Private Law (2L, 1S)

The nature, contents and legal consequences of contracts of sale, lease and suretyship; session.

1 question paper of 2 hours

PP Private Law 372

441 (12) Private Law (1S)

Dissertation:

Only students with an average of at least 60% for the penultimate year of the LLB may normally register for the dissertation option.

451 (12) Private Law (2L)

Sectional Titles; share block and time-share schemes.

1 question paper of 2 hours

PP Private Law 272

452 (12) Private Law (2L)

Implications of the Bill of Rights for Family Law; medico-legal aspects of Family Law; the parent-child relationship; family mediation; forms of life partnerships (civil marriage, civil union, cohabitation, customary marriage, religious marriage).

1 question paper of 2 hours

PP Private Law 272

453 (12) Private Law (2L)

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.

1 question paper of 2 hours

PP Private Law 372

454 (12) Private Law (3L)

Enrichment Liability:

Unjustified enrichment as a source of a duty to surrender enrichment obtained without legal ground at the expense of another; aspects of the 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.

1 question paper of 2 hours

PP Private Law 372

455 (12) Private Law (2L)

Advanced Law of Delict:

Defamation and other forms of iniuria; strict liability.

1 question paper of 2 hours

PP Private Law 373

457 (12) Private Law (2L)

Statutory Law of Things:

Constitutional Property Law within a legal comparative perspective, redistribution and restitution of land, and tenure reform in South Africa.

1 question paper of 2 hours

PP Private Law 272

18260 Roman Law

271 (24) Roman Law (3L)

Law of Obligations, Law of Things and Law of Sale in the pre-classical, classical and post-classical periods.

1 question paper of 3 hours

C Private Law 272, 273

4.3 Department of Public Law

49409 Administrative Law

411 (16) Administrative Law (2L, 1S)

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.

1 question paper of 2 hours

Flexible assessment

PP Constitutional Law 271

P Constitutional Law 312

44342 Constitutional Law

271 (26) Constitutional Law (2L, 1S)

Basic principles of Public Law:

Constitutionalism, rule of law and legality, democracy, separation of powers, devolution of powers, collective government.

General principles of human rights litigation:

Application of the Bill of Rights, locus standi, jurisdiction of the courts, interpretation and limitation of human rights, remedies.

Structure of government:

General principles underlying the structure of government, the legislature, executive and judiciary, national, provincial and local government.

1 question paper of 3 hours

Flexible assessment

P Introduction to Law 171 (excepting three-year postgraduate LLB students)

312 (12) Constitutional Law (2L, 1S)

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.

Flexible assessment

PP Constitutional Law 271

451 (12) Constitutional Law (2L)

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.

Flexible assessment

PP Constitutional Law 271

PP Administrative Law 411

37281 Criminal Law

171 (24) Criminal Law (3L)

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.

Flexible assessment

451 (12) Criminal Law (2L)

Specific common law and statutory crimes; capita selecta of national and international criminal justice.

1 question paper of 2 hours

PP Law of Criminal Procedure 271

59811 International Law

341 (12) International Law (2L, 1T)

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.

Flexible assessment

P Constitutional Law 271

451 (12) International Law (2L)

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.

Flexible assessment

P International Law 341

59838 Interpretation of Enacted Law

211 (12) Interpretation of Enacted Law (2L)

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.

1 question paper of 1½ hours

Flexible assessment

P Introduction to Law 171 (excepting postgraduate 3-year LLB students)

C Constitutional Law 271

41610 Law of Criminal Procedure

271 (20) Law of Criminal Procedure (2L)

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.

1 question paper of 2 hours

P Criminal Law 171

41629 Law of Evidence

471 (20) Law of Evidence (2L)

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.

1 question paper of 2 hours

PP Constitutional Law 271

P Law of Criminal Procedure 271

53333 Legal Philosophy

341 (12) Legal Philosophy (2L, 1S)

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.

Flexible assessment

451 (12) Legal Philosophy (2L)

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.

Flexible assessment

P Legal Philosophy 341

41637 Public Law

451 (12) Public Law (1S)

Dissertation:

Only students with an average of at least 60% for the penultimate year of the LLB may normally register for the dissertation option.

12482 Public Procurement Law

451 (12) Public Procurement Law (2L)

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.

Flexible assessment

PP Private Law 372

PP Administrative Law 411

12761 Writing Skills

171 (10) Writing Skills (1L, 1T)

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.

Flexible assessment

5. Postgraduate subjects, modules and module contents

The postgraduate subjects with their accompanying modules, credits, module subjects, teaching loads, language specifications and module contents are presented below.

5.1 Postgraduate Diploma in Tax Law

The anchor module for the Postgraduate Diploma in Tax Law is Law of Taxation 778. The anchor module is worth 120 credits and you must complete all six submodules to gain these credits. The submodules each count 20 credits.

41599 Law of Taxation

778 (120) Law of Taxation

10393 – 711 (20) Basic Principles of Income Tax (2L)

Basic principles of income tax; distinction between income and capital; general deduction formula; special deductions; objection and appeal; tax avoidance; tax administration

1 question paper of 4 hours

13943 – 721 (20) Advanced Income Tax Law (2L)

Advanced income tax law; tax on capital gains; tax planning.

1 question paper of 4 hours

63142 – 725 (20) Letter of Objection: Notice of Appeal (2L)

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.

10668 – 722 (20) Legal Aspects pertaining to Donations Tax, Estate Duty and Estate Planning (2L)

Legal aspects pertaining to donations tax, estate duty and estate planning.

1 question paper of 3 hours

12271 – 725 (20) Legal Aspects pertaining to Value Added Tax and Transfer Duty (2L)

Legal aspects pertaining to value added tax and transfer duty.

1 paper of 3 hours

10468 – 762 (20) International Tax Law (2L)

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.

1 question paper of 4 hours

5.2 Postgraduate Diploma in Intellectual Property Law

The anchor module for the Postgraduate Diploma in Intellectual Property Law is Intellectual Property Law 778, which is worth 120 credits. The submodules for Intellectual Property Law each count 30 credits and you must complete four of these (120 credits in total). See the chapter “Postgraduate Programmes” for more detail about your options.

11254 Intellectual Property Law

778 (120) Intellectual Property Law

10009 – 711 (30) Copyright Law (3L)

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, and moral rights.

1 question paper of 3 to 4 hours, 1 oral presentation and/or 1 assignment

13866 – 712 (30) Economic Perspectives of Law (3L)

Study of economic analysis (its theories and techniques) to analyse legal rules and remedies. Through such application, insights can be obtained into the effects of legal institutions such as copyright, trade mark or patent protection.

1 question paper of 3 to 4 hours, 1 oral presentation and/or 1 assignment

10935 – 711 (30) Intellectual Property Law in the Digital Environment (3L)

Introduction to local, selected foreign, regional and international instruments for the recognition and management of IP rights arising from/relating to digital media. Aspects of electronic dataprotection measures, digital rights management, copyright and trademark issues on the Internet, including domain name administration and keyword advertising; legal protection of software and websites; civil and criminal liability arising from IP rights infringement in digital works, including counterfeiting and piracy; export of IP and cross-border data flow.

1 question paper of 3 to 4 hours, 1 oral presentation and/or 1 assignment

10934 – 711 (30) Patent Law and the Law of Registered Design (3L)

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.

1 question paper of 3 to 4 hours, 1 oral presentation and/or 1 assignment

10008 – 711 (30) Trademark Law (3L)

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.

1 question paper of 3 to 4 hours, 1 oral presentation and/or 1 assignment

62553 – 711 (30) Competition Law (3L)

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 allocative 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 3 to 4 hours, 1 oral presentation and/or 1 assignment

10937 – 714 (30) Intellectual Property Law: Research Paper

5.3 Postgraduate Diploma in Public Procurement Regulation and Policy

The anchor module for the Postgraduate Diploma in Public Procurement Regulation and Policy is Public Procurement Regulation and Policy 778, which is worth 120 credits. The submodules for Public Procurement Regulation and Policy each count 30 credits and you must complete four of these (120 credits in total). See the chapter “Postgraduate Programmes” for more detail about your options.

14122 Public Procurement Regulation and Policy

778 (120) Public Procurement Regulation and Policy

14120-743 (30) Corruption and Procurement (2L)

An introduction to the nature, effects and typologies of corruption in public procurement. The module will examine both public and private sector corruption as they affect the government contract process, the measures that procurement regulation utilizes to counter procurement corruption and the efficacy of these measures.

Flexible assessment

14118-752 (30) Defence Procurement (2L)

The module looks at defence procurement regulation and policy, and at the relationship between the defence industry, national security and defence procurement. It also looks at the approach to defence procurement in South Africa and the peculiarities and challenges of defence purchasing.

Flexible assessment

14119-741 (30) Infrastructure Procurement Regulation and Policy in South Africa (2L)

An introduction to the law and policy of infrastructure procurement in South Africa. The module examines the legal regulation of infrastructure procurement, the policy framework and the infrastructure procurement process. It also provides an overview of public-private partnerships within infrastructure procurement and the remedies available in case of breach of infrastructure procurement rules in South Africa.

Flexible assessment

14115-713 (30) International Legal Regimes on Public Procurement (2L)

An introduction to the major international instruments on public procurement, namely the UNCITRAL Model Law, the WTO Government Procurement Agreement and the World Bank Procurement Regulations. The module aims at providing an understanding of how international regimes on procurement operate.

Flexible assessment

14116-711 (30) Policy and Public Procurement Law (2L)

A study of the role of public procurement in implementing various public policies and the implications for public procurement law. Typical policies pursued via public procurement and investigated in the module include social policies such as promoting equality and wealth distribution, environmental policies and economic policies such as industrial development and support of local goods and suppliers. The various legal mechanisms available to implement policies through procurement are investigated.

Flexible assessment

14114-712 (30) Procurement Law Compliance (2L)

This module focuses on the various mechanisms that can be incorporated in a public procurement law regime aimed at ensuring compliance with the rules of that system. It investigates both administrative and judicial mechanisms of compliance and assesses the advantages and disadvantages of the various options.

Flexible assessment

14121-751 (30) Public Procurement Regulation and Policy in South Africa (2L)

An introduction to the law and policy of public procurement in South Africa. The module examines the constitutional provisions on procurement, the policy framework and the major legislation that govern procurement at the different levels of government. It also examines how corruption affects the procurement process in South Africa.

Flexible assessment

5.4 LLM programmes

5.4.1 Department of Mercantile Law

13804-872 (60) Alternative Dispute Resolution: Research Paper

10937 – 814 (60) Intellectual Property Law: Research Paper

12917 – 873 (60) International Trade Law: Research Paper

13628 – 872 (60) Labour Law: Research Paper

62596 – 872 (60) Mercantile Law: Research Paper

13951 – 845 (30) Advanced Company Law (2L)

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.

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.

Further capita selecta in company law, for example the regulation of executive remuneration.

1 question paper of 4 to 8 hours

11469 – 812 (30) Carriage of Goods by Sea (2L)

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.

1 question paper of 4 to 8 hours

14120 – 814 (35) Corruption and Procurement (2L)

An introduction to the nature, effects and typologies of corruption in public procurement. The module will examine both public and private sector corruption as they affect the government contract process, the measures that procurement regulation utilizes to counter procurement corruption and the efficacy of these measures.

Flexible assessment

14156 – 814 (35) Defence Procurement Regulation and Policy (2L)

The module looks at defence procurement regulation and policy, and at the relationship between the defence industry, national security and defence procurement. It also looks at the approach to defence procurement in South Africa and the peculiarities and challenges of defence purchasing.

Flexible assessment

62553 – 847 (30) Competition Law (2L)

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 allocative 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

10009 – 811 (30) Copyright Law (2L)

The principles of South African Copyright Law with reference to legislation, case law and academic opinion. A close study is made of the scope of copyright protection, ownership of copyright, infringement and possible defences to claims of infringement. Related principles of international copyright protection and moral rights are also considered.

1 question paper of 4 to 8 hours

13866 – 874 (30) Economic Perspectives of Law (2L)

Application of economic analysis (its theories and techniques) to analyse legal rules and remedies. Through such application, insights can be obtained into the effects of legal institutions such as copyright, trademarks or patent protection.

1 question paper of 4 to 8 hours, 1 oral presentation and/or 1 assignment

12226 – 844 (30) Equality in the Workplace (2L)

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

62510 – 814 (30) Employment Rights (2L)

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.

1 question paper of 4 to 8 hours

10468 – 843 (30) International Tax Law (2L)

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.

1 question paper of 4 to 8 hours

10935 – 811 (30) Intellectual Property Law in the Digital Environment (2L)

Review of local, regional, selected foreign and international instruments for the recognition and management of IP rights arising from/relating to digital media. Aspects of electronic data protection measures, digital rights management, copyright and trademark issues on the Internet, including domain name administration and keyword advertising; legal protection of software and websites; civil and criminal liability arising from IP rights infringement in digital works, including counterfeiting and piracy; export of IP and cross-border data flow.

1 question paper of 4 to 8 hours

54925 – 813 (30) International Commercial Arbitration (2L)

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.

1 question paper of 4 to 8 hours

11468 – 842 (30) International Sales Law (2L)

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.

1 question paper of 4 to 8 hours

12763 – 842 (30) Legal Aspects of World and Regional Trade (2L)

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.

1 question paper of 4 to 8 hours

12693 – 813 (30) Mediation (2L)

The theory and practice of mediation from a legal perspective, including the essential characteristics of mediation; preparation for effective mediation; designing and managing the mediation process; facilitating negotiation; promoting settlement; variations in the mediation process; ethical restraints; national legislation promoting consensual mediation.

1 question paper of 4 to 8 hours

10934 – 811 (30) Patent Law and the Law of Registered Designs (2L)

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.

1 question paper of 4 to 8 hours

11470 – 812 (30) Payment and Guarantees in International Contracts (2L)

Instruments of payment and guarantee in international sales and construction contracts.

1 question paper of 4 to 8 hours

14038 – 852 (30) Selected Issues in Collective Labour Law (2L)

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.

1 question paper of 4 to 8 hours

12484 – 815 (30) Selected Issues in International Labour and Social Security Law (2L)

This is one of four dedicated labour law modules offered as part of the structured LLM programme. Many scholars are of the opinion that globalisation has exacerbated the weak bargaining position of employees. This view derives from the fact that multinational enterprises (MNEs) are not bound to geographical boundaries and often relocate to countries where labour standards are low. They may also outsource their production operations to foreign countries. This may force countries in desperate need of investment to lower their labour and social security standards in order to attract MNEs. The effect could be a “race to the bottom” with developing countries competing with each other for investment by MNEs who have become the real superpowers in the era of globalisation. In this module we will look at ways to combat these consequences of globalisation by way of international, regional and local labour standards. Measures focussed on combatting child labour, human trafficking and protecting those in atypical employment will be discussed. The uncertainty about which labour law system will be applicable to the contracts of globalised employees who work across borders will also be examined. Part of the module will deal with social security, where we will focus on South Africa as part of the SADC. The compensation of workers who suffer occupational illnesses or are injured at the workplace and the regulation of pension funds will be examined, as well as the plight of migrant workers and their difficulties with claiming social security benefits once they have returned to their home countries.

1 question paper of 4 to 8 hours

13802 – 812 (30) Specialised Dispute Resolution Techniques (2L)

A comparative analysis of the legal aspects of specialised dispute resolution techniques, which have been developed to meet specific needs in certain fields, for example: adjudication in the construction industry; court-annexed mediation as a means of promoting access to justice; plea bargaining in relation to serious commercial crimes; compulsory arbitration for labour disputes; the ombudsman in the financial services industry; dispute resolution relating to state procurement; the WTO dispute resolution mechanism; family mediation.

Note: No more than six of the above techniques will normally be discussed in a particular year, determined after considering student preferences.

1 question paper of 4 to 8 hours

13371 – 815 (30) Sustainable Development Law (2L)

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.

1 question paper of 4 to 8 hours

10008 – 811 (30) Trademark Law (2L)

The principles of South African Trademark Law with reference to legislation, case law and 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

5.4.2 Department of Private Law

62618 – 872 (60) Private Law: Research Paper

11811 – 825 (30) Comparative Apartment Ownership (2L)

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.

1 question paper of 4 to 8 hours

14016-863 (30) Forced Migration and Children's Rights (2L)

In this module, students will actively engage with key concepts in international children's rights law as they apply in the context of internal and external forced migration. Participants in the module will critically analyse various classifications of the forced migration of children, including asylum seekers, refugees, stateless children, internally displaced children, and children displaced by climate change. While the vulnerability of these groups of children cannot be ignored, the material in this module will focus on their rights as well as the responsibilities of key actors including the State, international organisations, non-governmental organisations, humanitarian organisations, armed groups and other non-State actors.

1 question paper of 4 to 8 hours

13865 – 874 (30) Global Litigation (2L)

This module provides an understanding of how the global dimension of high-stakes, complex disputes influences the parties' and their legal representatives' strategies and judges' decisions.

1 question paper of 4 to 8 hours

62537 – 843 (30) International Law and Children's Rights (2L)

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

62634 – 814 (30) Law of Trusts (2L)

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

5.4.3 Department of Public Law

62626 – 872 (60) Public Law: Research Paper

14155 – 871 (45) Research Portfolio: Public Procurement Law

In this module all the individual research assignments in the other modules of the LLM in Public Procurement Policy and Regulation are combined in a coherent research portfolio. Students are trained in the methodology of legal research.

14097 – 852 (30) Forensic Law (2L)

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

14119 – 812 (35) Infrastructure Procurement Regulation and Policy in South Africa (2L)

An introduction to the law and policy of infrastructure procurement in South Africa. The module examines the legal regulation of infrastructure procurement, the policy framework and the infrastructure procurement process. It also provides an overview of public-private partnerships within infrastructure procurement and the remedies available in case of breach of infrastructure procurement rules in South Africa.

Flexible assessment

62545 – 812 (30) International Criminal Law (2L)

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

14154 – 811 (35) International Legal Regimes on Public Procurement (2L)

An introduction to the major international instruments on public procurement, namely the UNCITRAL Model Law, the WTO Government Procurement Agreement and the World Bank Procurement Regulations. The module aims at providing an understanding of how international regimes on procurement operate.

Flexible assessment

14116 – 812 (35) Policy and Public Procurement Law (2L)

A study of the role of public procurement in implementing various public policies and the implications for public procurement law. Typical policies pursued via public procurement and investigated in the module include social policies such as promoting equality and wealth distribution, environmental policies and economic policies such as industrial development and support of local goods and suppliers. The various legal mechanisms available to implement policies through procurement are investigated.

Flexible assessment

14114 – 812 (35) Procurement Law Compliance (2L)

This module focuses on the various mechanisms that can be incorporated in a public procurement law regime aimed at ensuring compliance with the rules of that system. It investigates both administrative and judicial mechanisms of compliance and assesses the advantages and disadvantages of the various options.

Flexible assessment

12480 – 843 (30) Public Procurement Regulation (2L)

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

14121 – 812 (35) Public Procurement Regulation and Policy in South Africa (2L)

An introduction to the law and policy of public procurement in South Africa. The module examines the constitutional provisions on procurement, the policy framework and the major legislation that governs procurement at the different levels of government. It also examines how corruption affects the procurement process in South Africa.

Flexible assessment

Appendix 1

Prerequisite pass, prerequisite and corequisite modules

- **PP** – Prerequisite pass module
 - A prerequisite pass module is a module that you must pass before you can take the module(s) for which it is a prerequisite pass module.
- **P** – Prerequisite module
 - A prerequisite module is a module in which you must obtain a class mark of at least 40, or a final mark of at least 40 in the case of a module subject to flexible assessment, before you can take the module for which it is a prerequisite module.
- **C** – Corequisite module
 - A corequisite module is a module that you must take in the same academic year as the module for which it is a corequisite, or in an earlier academic year.

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