

MISSION STATEMENT

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

Educating for life means that our educational process must provide:

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

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

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

To equip people with lifelong skills we must and will:

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

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

UNIVERSITY OF CAPE TOWN

FACULTY OF LAW

2007

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School for Advanced Legal Studies: Director: Prof C Himonga (021) 650 2997/2186

UCT Law Clinic: Director: Ms BA Bird (021) 650 5650

Faculty Research: Director: Professor DP Visser (021) 650 3084

The Registrar's, General Enquiries and Cashier's Offices are located in the Wilfred and Jules Kramer Building and is open during the lunch hour. The Cashier's Office is open Monday-Friday from 09h00 to 15h30.

This handbook is part of a series that consists of

- Book 1:** Information for applicants for undergraduate degrees and diplomas
- Book 2:** Authorities and information of record
- Book 3:** General rules and policies
- Book 4:** Academic calendar and meetings
- Book 5:** Student support and services
- Books 6-11:** Handbooks of the Faculties of Commerce, Engineering and the Built Environment, Health Sciences, Humanities, Law, Science
- Book 12:** Student fees
- Book 13:** Financial assistance for undergraduate students
- Book 14:** Financial assistance for postgraduate students

CONTENTS

General Information	1
Officers of the Faculty	1
Student Advisers	1
Year Co-ordinators.....	3
Law Students Council.....	3
Degrees and Diplomas offered in the Faculty	4
Professional Qualification.....	5
Language proficiency.....	5
Programmes in the Faculty.....	6
Basic Legal Education programme (LLB degree).....	6
Advanced Legal Education programme	7
Practical Legal Education programme	7
Rules for LLB Degree Streams.....	8
Admission and Curriculum rules.....	8
Progress rules for LLB degree streams.....	16
Rules for Research Degrees	24
Master of Laws (LLM).....	24
Master of Philosophy (MPhil).....	25
Doctor of Laws (LLD)	23
Doctor of Philosophy (PhD).....	24
Departments in the Faculty	27
Department of Commercial Law	27
Department of Criminal Justice.....	30
Department of Public Law	31
Department of Private Law	32
LLB Courses and Curricula	37
Courses offered in the Faculty.....	38
Pattern of courses in LLB streams.....	41
Course outlines	45
Optional courses: Final level.....	58
Moot options.....	71
Research component: Final level	71
Exchange, International and Semester Study Abroad Students.....	78
General Information	78
Course outlines	79
School for Advanced Legal Studies.....	82
Rules for the Master of Laws in Approved Courses and Minor Dissertation	83
Rules for the Postgraduate Diplomas in Law	86
Course outlines	101
Scholarships and Prizes	127
Bursaries	127
Scholarships	127
Prizes	131
Dean's Merit List.....	135
Class Medals.....	136
INDEX.....	138

Historical Note

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

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

Publications

Acta Juridica

Acta Juridica is published under the auspices of the Faculty of Law of the University of Cape Town. It has appeared annually since 1958, and is the successor to Butterworths South African Law Review (1954-1957). The Editorial Board consists of Professors F du Bois, A Fagan, J Glazewski, ER Kalula, PJ Schwikkard and Ms K Lehmann.

Responsa Meridiana

Responsa Meridiana is an annual law review published under the auspices of the Student Law Societies of the Universities of Cape Town, Western Cape and Stellenbosch. It first appeared in 1964 and is published in August each year. It is purely a student publication, and contains articles of legal interest from both within and outside the Faculty of Law.

GENERAL INFORMATION

Officers in the Faculty

Dean of the Faculty

Telephone 650 +

Professor HM Corder BCom LLB <i>Cape Town</i> LLM <i>Cantab</i> DPhil <i>Oxon</i> Advocate of the High Court.	2705
<i>Administrative Assistant to the Dean:</i> Ms V Sarig	2706
<i>Manager (Professional Education):</i> Mrs I Wasserfall BJuris LLB <i>Port Elizabeth</i> Attorney of the High Court.	5621
<i>Development and Marketing Manager:</i> Ms P Alexander BA <i>Cape Town</i> BA (Hons) MA <i>Unisa</i>	5602
<i>IT Manager:</i> Ms J Erasmus	5173
Deputy Dean: Professor PJ Schwikkard BA <i>Witwatersrand</i> LLB LLM <i>Natal</i> LLD <i>Stell</i> Attorney of the High Court.	5692
Deputy Dean (Postgraduate Studies): Professor CN Himonga LLB <i>Zambia</i> LLM PhD <i>London</i>	2186
Director of the School for Legal Practice: Ms GY Kemp BA LLB <i>Cape Town</i> Attorney of the High Court.	1055
Faculty Administrative Staff: <i>Faculty Manager: Academic Administration</i>	
Mr M Watermeyer BA LLB <i>Cape Town</i>	3087
<i>Finance Manager:</i> Mr R E Mogoje B Com Financial Accounting <i>Pretoria</i>	5657
<i>Finance Officer:</i> Mr M Sigonela BSocSc <i>Cape Town</i>	5653
<i>Administrative Officer (Undergraduate Studies):</i> Ms L Allison	5648
<i>Administrative Officer (Postgraduate Studies):</i> Mrs K Khan BSc <i>Unisa</i>	2997
<i>Administrative Assistant:</i> Ms S Ronnie	5358
<i>Secretary:</i> Ms PP Mabayi	3086
Human Resources Management: <i>Human Resources Advisor:</i> Mrs M du Toit BA(Hons) <i>Stell</i>	4372

Student Advisers

LLB Student Advisers:

Dr AJ Barnard BCom LLB LLD <i>Pretoria</i>	2736
Dr DM Chirwa LLB <i>Malawi</i> LLM <i>Pretoria</i> Legal Practitioner of the High Court of Malawi LLD <i>Western Cape</i>	5615
Ms D Collier BA LLB <i>Rhodes</i> LLM <i>Cape Town</i>	5658
Ms E Steyn BJuris <i>South Africa</i> LLB <i>Western Cape</i> LLM <i>Cape Town</i> Advocate of the High Court.	3451

2 GENERAL INFORMATION

Student Advisers for courses in other Faculties:

Mr J Knopp BSocSc LLB <i>Natal</i> HDipTax LLM <i>Cape Town</i> (Commerce)	5614
Ms L Tong BA (Hons) LLB <i>Cape Town</i> LLM <i>London</i> LLM <i>Turin</i> Attorney of the High Court. (Humanities)	5612
Ms L Draai BSoSc LLB <i>Cape Town</i> Attorney and Notary Public of the High Court. (Exchange students)	5284

Year Co-ordinators

1st year undergraduate LLB:	Professor FG du Bois
2nd year undergraduate LLB:	Ms A Pope
Preliminary LLB Level:	Ms C Powell
Intermediate LLB Level:	Mrs J Yeats
Final LLB Level:	Mr G Bradfield
Community Service:	Ms E Steyn

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

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

Law Students Council 2007

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Vice-President
Treasurer
Secretary-General
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Academic Officer
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Vision and Mission for 2007

VISION:

"The Law Students' Council (LSC) is a body that represents all law students in the Faculty and in the University as a whole. The LSC holds annual elections in August, which are open to all students registered for a degree in Law. The Council for 2007 has published the following Vision statement:

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

MISSION:

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

- (i) Academic excellence by providing peer support, guidance and mentorship services, and by fostering a caring environment of learning;
- (ii) Transformation by encouraging inclusivity, representivity and tolerance of all, on both a personal and broader societal level;
- (iii) Social balance by facilitating a well-rounded student lifestyle, through a variety of extra-curricula activities.

4 GENERAL INFORMATION

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

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

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

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

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

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

Degrees and Diplomas offered in the Faculty

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

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

Master of Laws (Research Dissertation)	LLM	1 year
Master of Philosophy (Research Dissertation)	MPhil	1 year
Doctor of Philosophy (Research Dissertation)	PhD	2 years
Doctor of Laws (published work)	LLD	1 year

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

Professional Qualification

The Qualifications of Legal Practitioners Amendment Act of 1997 provides that the LLB is the universal legal qualification for admission and enrolment as an advocate or attorney. Normally those who wish to enter private practice as advocates are required to become members of a Bar Association by undergoing a period of training in pupillage with a practising member of the Bar and by sitting an admission examination. Before admission as an attorney, an LLB graduate must serve as a candidate attorney with a practising attorney. Attendance at a practical legal training course or performance of community service may reduce the period required to serve articles. Thereafter candidates write a professional examination set by the relevant provincial Law Society. The Act of Parliament regulating admission to practise law is being revised and a new law is expected in the near future. This may change these requirements.

Language proficiency in the legal profession

There are no statutory language requirements for the practice of law and the completion of courses in Afrikaans, English and Latin is no longer a requirement for the LLB degree at this University. Language proficiency is, however, very important for the study and practice of law. Prospective lawyers are encouraged, therefore, to include courses in the national languages in their curricula.

PROGRAMMES IN THE FACULTY

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

Basic Legal Education programme

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

The courses taken for the LLB are Administrative Law, African Customary Law, Civil Procedure, Commercial Transactions Law, Comparative Legal History, Constitutional Law, Corporation Law, Criminal Law, Criminal Procedure, Evidence, Foundations of South African Law, International Law, Interpretation of Statutes, Jurisprudence, Law of Contract, Law of Delict, Law of Persons and Marriage, Law of Property, Law of Succession, Quantative literacy for lawyers and optional and research components.

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

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

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

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

Three year postgraduate LLB stream

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

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

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

Four year undergraduate LLB stream

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

Extended streams

All streams include the possibility of an extended curriculum for the purpose of accommodating students from educationally disadvantaged backgrounds.

Advanced Legal Education programme

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

Practical Legal Education programme

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

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

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

RULES FOR LLB DEGREE STREAMS

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

ADMISSION AND CURRICULUM RULES

The notes below describe current Senate policy on the allocation of places in the Basic Legal Education Programme. These notes are for information only and should not be understood to grant an enforceable right of admission to any applicant.

1. *There is a numerical limit on places available. The number of applicants normally substantially exceeds this limit. Once the limit has been reached no further offers can be made.*
2. *In the exercise of its discretion in terms of rules FP2, and FP9, Senate has undertaken to employ special criteria to identify and offer places to applicants from educationally disadvantaged backgrounds who demonstrate the potential to succeed in law studies. It is strongly recommended that applicants write the English test (PTEEP) component of the Alternative Admissions Research Project (AARP) tests. See the Undergraduate Prospectus for further details.*
3. *In respect of the two year postgraduate stream, applicants who have an undergraduate degree in law from UCT are given preference. Senate's current policy is to guarantee admission to the Intermediate Level to UCT graduates who have achieved an overall average of at least 60% in the six law courses prescribed for the undergraduate degree. UCT graduates who do not meet this average may be admitted nevertheless at the Dean's discretion. Graduates from other universities are not guaranteed places. Such applicants compete for the limited number of places which are allocated in terms of academic merit.*
4. *The closing date for applications is 30 September for International applicants and 31 October for South African applicants annually.*
5. *Because of the strong competition for places, it is unlikely that an applicant who lists law as a second choice of study will be successful in gaining admission.*
6. *Mature age in itself is not a basis for admission.*

Admission to the three year postgraduate LLB stream

- FP1 A person will not be admitted as a candidate for this stream of the Basic Legal Education Programme unless he or she is a graduate of UCT or of any other university or institution recognised by Senate for the purpose.
- FP2 An applicant's suitability for admission to this stream will be assessed on his/her academic record in the first degree together with information furnished in the prescribed questionnaire, with due regard to the need to provide places for applicants whose ability may not be reflected accurately in their academic record. Senate may require a candidate to extend the curriculum over four or more years. The candidate will be allowed to proceed on the four year curriculum as set out in handbook.
- FP3 Applicants must obtain an average of at least 60% in a standard undergraduate degree in order to be admitted to this stream.

Admission to the combined Law and Humanities and Law and Commerce LLB streams

Prospective candidates register in the Faculties of Humanities or Commerce and therefore must meet the admission requirements of those Faculties.

Note:

- *In order to gain admission to major in Law in the Faculty of Humanities, candidates must complete (pass) and obtain an average of at least 65% in a standard first year programme. A full course load (16 points) is used in this calculation.*
- *Candidates must complete (pass) and obtain an average of at least 65% in a standard first year programme in the Commerce Faculty in order to be admitted to the Law and Commerce stream.*
- *Candidates must complete (pass) 34 course credits and obtain an average of at least 65% by the end of the second year of their BBusSc degree in the Commerce Faculty, in order to be admitted to the BBusSc Law stream.*

*Results in supplementary examinations are **not** included when calculating the average. Deferred examination results are included.*

A student must pass the examination requirement in all of the above at the first attempt.

Admission to the two year postgraduate LLB Stream

FP4 An applicant's suitability for admission to the Intermediate Level will be assessed on his/her academic record in all law courses taken towards the first degree. An applicant's performance in non-law courses may also be considered in cases of doubt. Senate may require an applicant to submit testimonials in support of the application and/or attend an interview. Senate has no duty to give any additional hearing to a graduate who has applied for admission to the Intermediate Level. Senate may require a candidate to extend the curriculum over three or more years. The candidate will be allowed to proceed on the three year curriculum as set out in the Handbook.

FP5 An applicant who has a degree including law subjects from UCT will be given preference, provided such applicant has obtained an overall average of at least 60% in the six law courses prescribed for that degree.

Admission to the four year undergraduate LLB Stream

Minimum formal admission requirements

FP6 An applicant will not be admitted as a candidate for this stream of the Basic Legal Education Programme unless he or she holds

- (a) a matriculation certificate issued by the Joint Matriculation Board; or
- (b) a senior or school leaving certificate with a matriculation endorsement issued by the secretary of the Joint Matriculation Board; or
- (c) a senior certificate with a matriculation or university admission endorsement issued by the South African Certification Council; or
- (d) a certificate of full or conditional exemption from the matriculation examination issued by the Joint Matriculation Board; or
- (e) a certificate of exemption or a certificate of conditional exemption issued by the Matriculation Board.

10 RULES FOR LLB DEGREE STREAMS

FP7 In addition, except in exceptional circumstances approved by Senate, an applicant will not be admitted as a candidate unless he or she has, in the senior certificate or equivalent examination passed in at least four of the following subjects on either the Higher or the Standard Grade:

African Languages, Afrikaans, Arabic, Art, Biblical Studies, Biology, Drama, Economics, English, French, Geography, German, Greek, Hebrew, Hindi, History, Italian, Latin, Mathematics, Music, Netherlands, Physical Science, Portuguese and Spanish.

Specific criteria for admission to the four year stream

- FP8
- (i) An applicant must pass English 1st language Higher Grade with at least a D symbol or English 2nd language Higher Grade with at least a C symbol.
 - (ii) Subject to availability of places, an applicant who is a South African or permanent resident, who obtains 42 points or more, will be admitted.
 - (iii) Subject to availability of places, an international applicant, who obtains 45 points or more, will be admitted.
 - (iv) An applicant who obtains 37 - 41 points may be admitted to the 4 year LLB stream on special terms.
 - (v) An applicant who obtains fewer than 37 points is not normally eligible for admission to the 4 year LLB stream.
 - (vi) Two points will be added if an applicant passes two languages at first language Higher Grade level.

Note: It is strongly recommended that an applicant passes Mathematics in the matriculation examination. Applicants are strongly encouraged to write the PTEEP test.

Special terms:

Candidates will be admitted to the standard 4 year LLB curriculum at the start of the academic year; ie they will register for Foundations of South African Law, Law of Persons and Marriage and Comparative Legal History as well as for the non-law components required. During the course of the first semester, specific benchmarks in respect of progress in the law courses must be met, failing which, at the discretion of Senate, the candidate may be required to withdraw from Law of Persons and Marriage and Comparative Legal History at the end of the first semester. The candidate will be allowed to proceed on the 5 year curriculum as set out in the Handbook.

Matriculation results are scored on the following rating system:

SYMBOL	HG	SG
A	8	6
B	7	5
C	6	4
D	5	3
E	4	2
F	3	1

FP9 An applicant's suitability for admission will be assessed on his/her school leaving record, PTEEP test results where available, together with information furnished in the prescribed questionnaire, with due regard to the need to provide places for applicants whose ability may not be reflected accurately in their academic record.

Senate may require an applicant to submit testimonials in support of the application and/or attend an interview. Senate has no duty to give any additional hearing to an applicant who has applied for admission to this stream.

Transferring Students

- FP10 A student, who has not been excluded from another faculty, may be considered for admission to the Faculty of Law for the purpose of taking the LLB degree, provided that such student satisfies the requirements for admission as an applicant for that degree programme. Senate may grant credit or exemption or both for up to a maximum of four full courses (or the equivalent) towards the LLB degree.
- FP11 A student from another university's Faculty of Law may be considered for admission to the Faculty of Law, provided that he or she satisfies the requirements for admission. Senate may grant credit or exemption or both for up to a maximum of four full courses (or the equivalent) towards the LLB degree. Such transferring student will be required to complete the remaining courses prescribed for the degree at this University over a period of not less than two years.

Duration of the streams of the Basic Legal Education programme

- FP12 Subject to the provisions that follow, the curriculum for the four year undergraduate stream of the Basic Legal Education programme will extend over four years; the curriculum for the extended stream will extend over five years.
- FP13 Subject to the provisions that follow, the curriculum for the three year postgraduate stream of the Basic Legal Education programme will extend over three years; the curriculum for the extended stream will extend over four years.
- FP14 Subject to the provisions that follow, the curriculum for the two year postgraduate stream of the Basic Legal Education programme will extend over two years; the curriculum for the extended stream will extend over three years.

CURRICULUM REQUIREMENTS:

Three-Year Postgraduate LLB Stream

- FP15.1 The courses prescribed for the LLB degree programme are:

PRELIMINARY LEVEL

RDL1002H	Law of Persons and Marriage
RDL1003W	Foundations of South African Law
RDL1004H	Comparative Legal History
PBL2000W	Constitutional Law
PBL2001H	International Law
RDL2002H	Law of Property
MAM1013F/S	Law That Counts: Quantitative Literacy for Lawyers (unless the candidate has passed the numeracy test – attempted once only – administered by the Law Faculty during the February registration period)

INTERMEDIATE LEVEL

CML3001W	Corporation Law
CRJ3001W	Criminal Law
CRJ3002H	Criminal Procedure
PBL3000F	Interpretation of Statutes

12 RULES FOR LLB DEGREE STREAMS

RDL3003H	Law of Delict
RDL3001H	Law of Succession
RDL3005W	Law of Contract
RDL3008H	Civil Procedure
FINAL LEVEL	
CML4006W	Commercial Transactions Law
CRJ4001H	Evidence
PBL4001W	Administrative Law
RDL4005H	African Customary Law
RDL4006H	Jurisprudence
DOL4000H	Integrative Assessment Project Research Component Options

- FP15.2 The research component is a compulsory requirement for the degree, and is weighted two points.
- FP15.3 Optional courses in the Final Level of the degree are weighted two points or one point each.
- FP15.4 A candidate must choose optional courses totalling five points. Although a candidate may register for more than one moot option, only one of the required five points may be acquired by completing a moot option. Students may also write independent research papers in fulfilment of the required total of five optional points. These research papers would be in addition to the paper completed for the research component of the degree. Each research paper counts two points.
- FP15.5 A candidate may undertake additional optional courses amounting to not more than two points.
- FP15.6 The maximum number of points for optional courses is seven points, subject to the exception created by FP15.7.
- FP15.7 Intermediate Level students may register for RDL5030H Legal Practice (previously Legal Aid and Legal Practice) if -
- they have achieved an average of 65 per cent in the Preliminary Level law courses; and
 - the Director of UCT Law Clinic has admitted them into the course.
- FP15.8 A student from the University of Cape Town coming into the Postgraduate stream of the LLB may be exempted from MAM1013F/S if he or she
- shows in a test prescribed by Senate that he or she has an ability to deal with the numerical problems that arise in law: or
 - shows evidence that he or she has received credit or tested out for MAM1014/1015/1016 course or its equivalent.

Students who have successfully completed RDL5030H Legal Practice at Intermediate Level may register for optional courses up to seven points at Final Level but would fulfil the optional course requirement by completing optional courses totalling three points only.

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

14 RULES FOR LLB DEGREE STREAMS

Four Year Undergraduate LLB Stream

- FP16.1 The curriculum for the four-year, undergraduate LLB stream requires a candidate to complete prescribed law courses and a minimum number of non-law courses as set out below.
- FP16.2 A candidate must –
- (a) show in a test prescribed by Senate that he or she has an ability to deal with the numerical problems that arise in law; or
 - (b) if he or she fails this test, complete the course MAM1013F/S Law That Counts: Quantitative Literacy for Lawyers.
- A candidate may not attempt the numeracy test a second time.*
- FP16.3 The courses prescribed for the first (Preliminary) year are:
- | | |
|------------|--|
| RDL1002H | Law of Persons and Marriage |
| RDL1003W | Foundations of South African Law |
| RDL1004H | Comparative Legal History |
| | One English (ELL) course OR SLL1002S Word Power |
| MAM1013F/S | Law That Counts: Quantitative Literacy for Lawyers |
- AND two other courses offered in another Faculty.

- FP16.3.1 A candidate who has passed the numeracy test must complete an additional semester course offered in another Faculty.
- FP16.3.2 A candidate who wishes to take a course in Economics must take both ECO1010F Microeconomics and ECO1011S Macroeconomics, must have obtained a minimum D symbol for Mathematics (SG), at senior certificate or equivalent, and must complete BUS1010F Thinking About Business 1.

***Note:** Students are advised to ascertain the prerequisites for all courses they wish to take in another faculty. In the second year, a candidate is required to take two courses in another faculty at second year level. Usually one course (semester) (e.g. in History) is sufficient for admission to second year courses in a field.. However, if he or she wishes to take English courses in the second year, he or she must take two courses in English, one of which must be ELL1013F English Literary Studies, in the first year.*

- FP16.4 The courses prescribed for the second (Preliminary) year are:
- | | |
|----------|--------------------|
| PBL2000W | Constitutional Law |
| PBL2001H | International Law |
| RDL2002H | Law of Property |

Two semester courses in a single language, or a whole course in a language.
Two second-year level semester courses offered in another Faculty.

- FP16.5 The courses prescribed for the third (Intermediate) year are:
- | | |
|----------|----------------------------|
| CML3001W | Corporation Law |
| CRJ3001W | Criminal Law |
| CRJ3002H | Criminal Procedure |
| PBL3000F | Interpretation of Statutes |
| RDL3001H | Law of Succession |
| RDL3003H | Law of Delict |
| RDL3005W | Law of Contract |
| RDL3008H | Civil Procedure |
- FP16.6 The courses prescribed for the fourth (Final) year are:
- | | |
|----------|---|
| CML4006W | Commercial Transactions Law |
| CRJ4001H | Evidence |
| PBL4001W | Administrative Law |
| RDL4005H | African Customary Law |
| RDL4006H | Jurisprudence |
| DOL4000H | Integrative Assessment Project
Research Component
Options |

All streams: Skills Component

- FP17.1 All streams of the curriculum for the LLB degree have a skills component which forms part of each level of the degree programme. The skills component is compulsory. Candidates in the respective levels of the degree must comply with the requirements of the skills component tasks. For the purposes of design and co-ordination, the four-year LLB stream pattern is used.
- FP17.2 In each academic year the following are included:
- writing skills (including essay work, opinion work and drafting)
 - computer skills
 - problem solving
 - analysis
 - research (including library skills)
 - oral presentation (including preparation for debates, seminars and moots)
- FP17.3 In the FIRST year, there should be emphasis on:
- writing skills
 - problem solving
 - reading skills
- FP17.4 In the SECOND year, there should be emphasis on:
- problem solving
 - analysis including critical analysis
 - oral presentation
- FP17.5 In the THIRD year, every student must, in addition to fulfilling course-specific requirements such as submitting assignments and writing tests:
- Write two essays and one opinion
 - Participate in a moot
 - Attend all 32 tutorials (or submit written work in lieu thereof)

16 RULES FOR LLB DEGREE STREAMS

- FP17.6 In the FOURTH year, there should be:
- interviewing
 - an Integrative Assessment Project. This project will test the accumulated skills and ability of students to demonstrate an overall grasp of South African law and how it operates in real life situations by posing a problem which integrates a variety of areas of law taught as separate subjects earlier in the curriculum.

Note:

LLB Community Service work: Every student registered for the LLB degree must, in order to qualify, complete a stipulated number of hours of unremunerated community service during the Intermediate/Final years of study, the duration and nature of which will be prescribed by the Dean, on the advice of the Faculty Board.

PROGRESS RULES FOR LLB DEGREE STREAMS

Three year postgraduate LLB stream

- FP18.1 Except with permission of Senate, a candidate may not register for any course prescribed for the Intermediate Level of study unless he or she has completed all the courses prescribed for the Preliminary Level of study.
- FP18.2 Except with the permission of Senate, a candidate may not register for any course prescribed for the Final Level of study unless he or she has completed all courses prescribed for the Preliminary and Intermediate Levels of study.

Note: *However, with the permission of the relevant course convenor and provided he or she is representing the Faculty at a national, regional or international moot court competition, a student at Intermediate Level may register for DOL3000X Moot Competition. The credit obtained will not count towards the fulfilment of the requirements of the degree, nor will the mark obtained be considered for purposes of calculating the Intermediate Level average. The mark will be taken into account, however, for purposes of calculating the overall degree average, in accordance with the normal principles governing this calculation.*

- FP18.3 Notwithstanding the provisions of Rules FP18.1 and FP18.2, a candidate who has only *one half course* outstanding from the Preliminary Level may proceed to the Intermediate Level of study and repeat the outstanding half course in that year; and a candidate who has only *one course* (or two half courses) outstanding from the Intermediate Level may proceed to the Final Level of study and repeat the outstanding course (or two half courses) in that year.

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

- FP18.4 In addition to the provisions of Rules FP18.1 and FP18.2, a candidate who has failed more than one half course for the Preliminary Level or one course (or two half courses) for the Intermediate Level, may register for not more than four full courses or the equivalent, which must include all the courses outstanding from the previous year of study.

Combined undergraduate/postgraduate stream

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

Four year undergraduate LLB stream

- FP19.1 Except with permission of Senate, a candidate may not register for any course prescribed for the second year of study unless he or she has completed all the courses prescribed for the first year of study.
- FP19.2 Except with permission of Senate, a candidate may not register for any course prescribed for the third year of study unless he or she has completed all courses prescribed for the second year of study.
- FP19.3 Except with permission of Senate, a candidate may not register for any course prescribed for the fourth year of study unless he or she has completed all course prescribed for the third year of study.

Note: However, with the permission of the relevant course convenor and provided he or she is representing the Faculty at a national, regional or international moot court competition, a student at Intermediate Level may register for DOL3000X Moot Competition. The credit obtained will not count towards the fulfilment of the requirements of the degree, nor will the mark obtained be considered for purposes of calculating the Intermediate Level average. The mark will be taken into account, however, for purposes of calculating the overall degree average, in accordance with the normal principles governing this calculation.

- FP19.4 Notwithstanding the provisions of Rules FP19.1, FP19.2 and FP19.3, a candidate who has only *one half course* outstanding from the first or second year may proceed, with the permission of Senate, to the second or third year respectively and repeat the outstanding half course in that year. *This provision applies in respect of non-law and law courses inclusively.*

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

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

- FP19.5 In addition to the provisions of Rules FP19.1 FP19.2 and FP19.3, a candidate who has failed more than one half course in the first or second year, and a candidate who has failed more than one course (or two half courses) in the third year, may register for not more than four full courses or the equivalent, which must include all the courses outstanding from the previous year of study.

Extended LLB streams

- FP20.1 Except with permission of Senate, a candidate may not register for any course prescribed for the second year of study unless he or she has completed all the courses prescribed for the first year of study.
- FP20.2 Except with permission of Senate, a candidate may not register for any course prescribed for the third year of study unless he or she has completed all the courses prescribed for the second year of study.
- FP20.3 Except with permission of Senate, a candidate may not register for any course prescribed for the fourth year of study unless he or she has completed all the courses prescribed for the third year of study.
- FP20.4 Except with permission of Senate, a candidate may not register for any course prescribed for the fifth year of study unless he or she has completed all the courses prescribed for the fourth year of study.

Note: However, with the permission of the relevant course convenor and provided he or she is representing the Faculty at a national, regional or international moot court competition, a student at Intermediate Level may register for DOL3000X Moot Competition. The credit obtained will not count towards the fulfilment of the requirements of the degree, nor will the mark obtained be considered for purposes of calculating the Intermediate Level average. The mark will be taken into account, however, for purposes of calculating the overall degree average, in accordance with the normal principles governing this calculation.

- FP20.5 Notwithstanding the provisions of Rules FP20.1, FP20.2, FP20.3 and FP20.4, a candidate who has only one half course outstanding from the first, second or third year may proceed, with permission of Senate, to the second, third or fourth year respectively and repeat the outstanding half course in that year. This provision applies in respect of non-law and law courses inclusively.
- A candidate who has only one course (or two half courses) outstanding from the fourth year may proceed, with permission of Senate, to the fifth year of study and repeat the outstanding course (or two half courses) in that year.

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

- FP20.6 In addition to the provisions of Rules FP20.1, FP20.2, FP20.3 and FP20.4, a candidate who has failed more than one half course in the first, second or third year, and a candidate who has failed more than one course (or two half courses) in the fourth year, may register for not more than four full courses or the equivalent, which must include all the courses outstanding from the previous year of study.

GENERAL PROGRESS RULES FOR ALL STREAMS

Maximum number of courses in any year

- FP21.1 Except with permission of Senate, a candidate may not register for more than the equivalent of:
- (i) eight half courses at the Preliminary Level
 - (ii) twelve half courses at the Intermediate Level
 - (iii) fourteen half courses at the Final Level.

Note: For the purposes of this rule, year 3 of the extended stream is regarded as Preliminary Level.

- FP21.2 Notwithstanding FP21.1 a student may take Humanities courses offered in the summer term.

Minimum requirements for re-admission

- FP22.1 Except with permission of Senate, a candidate may not be permitted to renew his/her registration in the Faculty if he/she fails:
- (i) the equivalent of four half courses or more at any level; or
 - (ii) to complete all the courses prescribed for the degree within the prescribed time plus two years; or
 - (iii) to complete a course after two years of registration for the course.

- FP22.2 A student on an extended stream shall not be permitted to renew his/her registration in the Faculty if he or she fails the equivalent of three half courses.

Note: Rule FP27.1 Supplementary examinations rule applies before the Rule FP22 Minimum requirements for re-admission.

- FP23 A student who is refused permission to re-register in the Faculty may appeal to the Faculty Readmission Review Committee in accordance with procedures laid down by Senate. The decision of the Faculty Readmission Review Committee will be final and will not be subject to further review or appeal.

Absence from Examinations

- FP24 A student who fails to write the examination in a course for which he or she is registered will be deemed to have failed the course for the purposes of the minimum requirements for re-admission.

Application for Exemption from Tests

Senate may grant permission to a student to write tests where he or she is unable to write for medical reasons, or has religious objections, or political objections, or other good cause for not writing on the scheduled day or days. The granting of this permission is entirely at the discretion of Senate, irrespective of the grounds (including medical) on which the application is made. The application must be made to the Dean within 7 days of the test.

Subminimum Mark in Final Examinations

- FP25 A candidate must obtain a sub-minimum of 50% in each University examination in a course in order to be credited for that course, subject to Rule FP26.

Oral Examinations

- FP26.1 A candidate in the final year of study has the right to an oral examination in any course where:
- (i) he or she has scored between 47% and 49% overall in that course; or

20 RULES FOR LLB DEGREE STREAMS

- (ii) he or she has scored 50% or higher in the final examination in that course but has failed the course overall as a result of a poor year mark; or
- (iii) he or she has scored between 45% and 49% in the examination but has passed the course overall; or
- (iv) he or she has scored 75% or higher in the final examination in that course but has scored less than 75% overall as a result of a poor year mark (in which case the purpose of the oral examination will be to determine whether or not the student should pass the course in the first grade).

FP26.2 Notwithstanding FP26.1 the Dean of the Faculty of Law may afford any other student the opportunity of an oral examination. In exercising his or her discretion under rule FP26.2, the Dean is to be guided by the following:

Note:

- (i) *The mark obtained by the applicant in the examination.*
- (ii) *The applicant's overall performance in the course.*
- (iii) *The existence of exceptional circumstances which may have contributed to the applicant's poor performance in the examination.*
- (iv) *Any other factors the Dean may deem relevant.*

FP26.3 Candidates must be advised of the purpose of any oral examination, which may include possible promotion to a higher grade or the award of the class medal.

FP26.4 A candidate must be given at least three days' (72 hours) notice of any oral examination.

FP26.5 Where possible, the external examiner will be present at an oral examination. If the external examiner is not able to be present, another examiner external to the course, who may be a member of staff, must be present.

FP26.6 Notwithstanding FP26.1 the following transitional arrangements will apply for 2006 – 2008. This rule will cease to operate in 2009. FP26.3 to FP26.5 will apply mutatis mutandis to cases under this rule.

FP26.6.1 In 2006 a candidate has the right to an oral examination in any course, except Foundations of South African Law, Law of Persons and Marriage, and Comparative Legal History, where:

- (i) he or she has scored between 47% and 49% overall in that course; or
- (ii) he or she has scored 50% or higher in the final examination in that course but has failed the course overall as a result of a poor year mark; or
- (iii) he or she has scored between 45% and 49% in the examination but has passed the course overall; or
- (iv) he or she has scored 75% or higher in the final examination in that course but has scored less than 75% overall as a result of a poor year mark (in which case the purpose of the oral examination will be to determine whether or not the student should pass the course in the first grade).

FP26.6.2 In 2007 a candidate will have the right to an oral examination in any course, except Foundations of South African Law, Law of Persons and Marriage, Comparative Legal History, Constitutional Law, International Law and Law of Property where:

- (i) he or she has scored between 47% and 49% overall in that course; or
- (ii) he or she has scored 50% or higher in the final examination in that course but has failed the course overall as a result of a poor year mark; or
- (iii) he or she has scored between 45% and 49% in the examination but has passed the course overall; or

- (iv) he or she has scored 75% or higher in the final examination in that course but has scored less than 75% overall as a result of a poor year mark (in which case the purpose of the oral examination will be to determine whether or not the student should pass the course in the first grade).

FP26.6.3 In 2008 a candidate will have the right to an oral examination in any course, except Foundations of South African Law, Law of Persons and Marriage, Comparative Legal History, Constitutional Law, International Law and Law of Property, Corporation Law Criminal Law, Criminal Procedure, Interpretation of Statutes, Law of Delict, Law of Contract, Law of Succession and Civil Procedure where:

- (i) he or she has scored between 47% and 49% overall in that course; or
- (ii) he or she has scored 50% or higher in the final examination in that course but has failed the course overall as a result of a poor year mark; or
- (iii) he or she has scored between 45% and 49% in the examination but has passed the course overall; or
- (iv) he or she has scored 75% or higher in the final examination in that course but has scored less than 75% overall as a result of a poor year mark (in which case the purpose of the oral examination will be to determine whether or not the student should pass the course in the first grade).

Note: Oral examinations may be held over a weekend.

Supplementary Examinations

FP27.1 Senate may permit a candidate to write supplementary examinations in the equivalent of three half courses in any one year, provided that:

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

Note: The decision on whether to award a supplementary examination will normally be taken by Senate on the recommendation of the Head of Department in which the course is offered and be based on the student's academic performance in the course concerned, except that Senate may decide to award, or refuse to award, a supplementary examination in a course or courses taking account of the student's overall academic record.

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

Deferred Examinations

FP28.1 Deferred examinations on medical or compassionate grounds are considered by a committee established by Senate for this purpose in terms of the general university rules. (See G25.1 in "General Rules for Degrees", Handbook 3 *General Rules and Policies*) If the deferred examination is granted, the candidate will be required to write only those portions of the original examination which he or she missed.

FP28.2 Application must be made on the prescribed form obtainable at the Records Office in the Wilfred and Jules Kramer Building, within seven days from the first examination (written, oral, or practical) which the student missed or was unable to complete.

FP28.3 A student who becomes ill during an examination must proceed directly from the examination venue to the Student Health Service unless the nature of the illness makes this impossible.

FP28.4 Misreading of the examination timetable will not be condoned or accepted; neither is it a ground for a deferred examination. (See G18.9 in "General Rules for Degrees",

22 RULES FOR LLB DEGREE STREAMS

Handbook 3 *General Rules and Policies.*)

Distinction

FP29 The degree may be awarded *cum laude or magna cum laude*.

FP29.1 For the degree to be awarded *cum laude* a candidate must:

- (i) complete the curriculum in the minimum time without failing any course, unless such failure is condoned by Senate;
- (ii) obtain an average of 70% in all law courses completed at this University; and
- (iii) obtain a First Class pass in at least six full law courses or the equivalent.

FP29.2 For the degree to be awarded *magna cum laude* a candidate must:

- (i) complete the curriculum in the minimum time without failing any course, unless such failure is condoned by Senate;
- (ii) obtain an average of 75% in all law courses completed at this University; and
- (iii) obtain a First Class pass in at least nine full law courses, or the equivalent.

FP29.3 In the case of a candidate who has transferred from another university, Senate may in exceptional circumstances depart from the Rules relating to the number of courses for which a First Class pass must be obtained and award a degree *cum laude or magna cum laude*. Senate may do so only if, after having reviewed the academic record of the candidate at such other university, Senate is satisfied that the candidate would have fulfilled the requirements for the degree to be so awarded if he or she had completed the degree at this University.

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

Concurrent Registration

FP30 Except with permission of Senate, a student may not register for any course taken at another university in the same year during which such student is registered at the University of Cape Town.

Exemption from or modification of rules

FP31 Save as specifically provided in these rules, any exemption from or modification of the above rules must be approved by Senate.

Concessions

FP32 The rules for the award of degrees allow for exceptions to be made in individual cases on application. Such exceptions are made by way of concession: the following procedures apply for LLB students:

Procedures:

All applications for concessions will be considered on their merits. Concessions will be allowed only in exceptional circumstances: the onus of establishing these circumstances is on the student.

- (i) Applications must be made on concession application forms obtainable from the Faculty Office and must be submitted timeously.
- (ii) Concessions will be considered by the Dean who will be advised by a Faculty committee consisting of the Deputy Dean, the Student Advisers of the Faculty and the Faculty Officer.
- (iii) Appeals against the decision of the Dean may be made to the Vice-Chancellor or a Deputy Vice-Chancellor as the nominee of the Vice-Chancellor acting on behalf of Senate in terms of the General Rules.

In considering each application the committee will have regard to academic and personal considerations as follows:

Academic considerations:

- (i) past academic record;
- (ii) performance in the course, if any, which he or she has failed, and
- (iii) work load which he or she will carry if the concession is granted.

Personal considerations:

Personal circumstances which may explain the poor performance of the student in a particular course are of direct academic significance. The consequences of refusing to grant a concession will be considered as well.

RULES FOR RESEARCH DEGREES

Master of Laws (LLM) by Thesis

Admission

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

1. he or she has a law degree of the University or an equivalent degree of another University recognised by the Senate for this purpose; or
2. he or she has in any other manner attained a level of competence which in the opinion of Senate, on the recommendation of the Faculty of Law, is adequate for the purposes of admission as a candidate for the degree.

Note: Returning candidates must renew their registration not later than the last Friday in March every year. A late penalty fee is charged for registration after that date.

Obtaining the Degree

FMD2 Under the guidance of a supervisor appointed by Senate a candidate must undertake research at an advanced level for the purpose of writing a thesis.

Examination

FMD3 The examination consists of –

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

Dates for submission

FMD4.1 Candidates may submit their theses for examination at any time.

FMD4.2 When candidates intends to submit their theses for examination in the hope of the degree being awarded at either the June or December graduation ceremonies, they must inform the Registrar in writing by no later than 1 February or 20 June, as the case may be.

FMD4.3 The final dates for submitting theses to the Registrar of 1 March or 15 August, as the case may be.

Written or oral examinations

FMD5 A candidate may be required to undergo a written or oral examination on the subject matter of any thesis.

Part-time students

FMD6 A part-time student must be registered for a minimum of two academic years.

The Thesis

FMD7 Theses may not exceed 40 000 words in length, they must be satisfactorily arranged and they must be typewritten or printed. A candidate must submit five copies in (temporary bindings), together with five copies of a brief summary of the contents of the argument.

Publication

FMD8 Without the prior permission of the University, no publication flowing from the thesis may contain a statement that it was or is to be submitted in part or in full for the degree.

Distinction

FMD9 The degree may be awarded with distinction.

Note: Initial application for registration for this degree should be accompanied by a research proposal set out according to the guidelines determined by the Faculty Higher Degrees Committee, obtainable from the Faculty Office. This proposal is considered by the Higher Degrees Committee. Candidates may be required to undertake further work of a preparatory nature.

Master of Philosophy (MPhil) by Thesis

Admission

FMP1 A person may be considered as a candidate for the degree of Master of Philosophy if

- (i) he or she has at least an LLB or an Honours degree from the University, or an equivalent degree from another University recognised by Senate for this purpose; or
- (ii) he or she has in any other manner attained a level of competence which, in the opinion of Senate, on recommendation by the Faculty of Law, is adequate for purposes of admission as a candidate for the degree.

Note: Returning candidates must renew their registration not later than the last Friday in March every year. A late penalty fee is charged for registration after that date.

Obtaining the degree

FMP2 Under the guidance of the supervisor appointed by Senate a candidate must undertake research at an advanced level for the purpose of writing a thesis.

Examination

FMP3 The examination consists of a thesis or a series of short theses on cognate topics, on a subject of inter-faculty interest.

The topic

FMP4 Although the thesis must have a law component, it must be also be on the subject of inter-faculty interest.

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

Doctor of Laws (LLD)

Note: Until 2004 different rules applied to the award of this doctorate.

The Degree of Doctor of Laws may be obtained:

FD1 For a substantial and original body of work that has already been published. Such work must constitute an original contribution to, or a substantial advance on, the knowledge in the subject. This degree is the senior doctorate in the Faculty of Law. It is awarded rarely, as a mark of respect, for work only normally undertaken over a period of many years, which has established the applicant as the leading authority in his or her field.

FD2 The rules for the degree of Doctor of Philosophy, other than the admission rules, and the rule regulating the standing required prior to admission, will apply mutatis mutandis.

Application for Admission

FD3 Application for the LLD degree is governed by procedures set out by the Doctoral Degrees Board of the University in a document entitled *Procedures for the Administration of the LLD by Published Work*.

26 RULES FOR RESEARCH DEGREES

Note: A copy of these procedures is obtainable from the Faculty Office. They include the following rules:

- (i) the candidate must provide copies of the body of work, as the Higher Degrees Committee specifies
- (ii) a preliminary screening procedure must be undertaken by a Committee of Assessors, appointed by the Doctoral Degrees Board, to consider whether the work is of the standard and maturity required for this senior Doctorate, and
- (iii) registration and examination will take place only when the Doctoral Degrees Board has accepted the application, and only after receiving the opinion of the Committee of Assessors.

Requirements for Award of the Degree

FD4.1 A candidate must submit published work in some area of law which must constitute a substantial, original and important contribution to or an advance on the current body of scholarship. A candidate may submit other published and unpublished work as collateral testimony of his/her fitness for the degree.

FD4.2 No work will be accepted which has been accepted by this or any other University for the purpose of obtaining a degree.

FD4.3 The examination will consist primarily of an assessment of the published work, but, if required by Senate, the candidate must present him or herself for an additional written or oral examination on the subject of the work presented.

Doctor of Philosophy (PhD)

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

DEPARTMENTS IN THE FACULTY

The Departments of the Faculty are located in the Wilfred and Jules Kramer Law School Building, Middle Campus. There are also Research units attached to these departments: Institute of Development and Labour Law (Commercial Law), Institute of Marine and Environmental Law (Public Law); and the Law, Race and Gender Research Unit (Public Law).

The Institute of Criminology offers courses in both the Faculty of Law and the Faculty of Humanities. The Institute is a research unit with strong community links, and is situated in the Department of Criminal Justice. The Centre for Socio-Legal Research and the School for Legal Practice (previously Legal Aid and Legal Practice) falls under the Private Law Department. The UCT Law Clinic falls under the Department of Private Law.

** Denotes on leave for part or all of the 2007 academic year.*

Honorary Professors:

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

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

Y Ghai BA *Oxon* LLM *Harvard* DCL *Oxon* Barrister at Law

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

Y Mokgoro LLB LLM BJuris *Bophuthatswana* LLM *Pennsylvania* Justice of the Constitutional Court.

W Nagan BA Law *South Africa* BA (Honoris Juris) MA (Juris) *Oxon* LLM MCL *Duke* JSD *Yale*

C O'Regan BA LLB LLM *Cape Town* LLM *Sydney* PhD *London* Judge of the Constitutional Court.

C Saunders BA LLB (Hons) PhD *Melbourne* Barrister of Supreme Court of Queensland Australia

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

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

W Trengove BCom LLB *Pretoria*

B van Heerden MA BA *Oxon* LLB BA *Stell* Judge of the High Court.

DEPARTMENT OF COMMERCIAL LAW

Professor, Chair and Head of Department:

MP Larkin BCom LLB HDip Company Law *Witwatersrand*

Professors:

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

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

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

Associate Professors:

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

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

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

Research Associates:

RH Christie QC MA LLB *Cantab*

N Rubin BA LLB *Cape Town* Advocate of the High Court.

28 DEPARTMENTS IN THE FACULTY

Adjunct Professors:

PS Benjamin BA LLB *Cape Town* LLM *Warwick*
W Horak BA LLB *Stell* HDip Tax Law *Witwatersrand*
D Kruger BCom LLB *Natal* LLM *Harvard* Advocate of the Supreme Court.
CD Nupen BA LLB *Natal* Attorney of the High Court.
NDB Orleyn BJuris *Fort Hare* BProc LLB *Unisa* Attorney of the High Court.
W Scholtz BA (Hons) *Rhodes* LLB *Cape Town* Advocate of the Supreme Court.
CR Thompson BA(Hons) *Stell* LLB *Cape Town* Attorney of the High Court.

Senior Lecturers:

D Collier BA LLB *Rhodes* LLM *Cape Town* Attorney of the High Court.
*K Lehmann BA LLB *Cape Town* LLM *Nottingham* Attorney and Conveyancer of the High Court.

Lecturers:

W Amien BA LLB *Cape Town* LLM *Western Cape* Attorney of the High Court
G Bradfield BCom LLB *Natal* LLM *Cape Town* Attorney of the High Court.
L Draai BSoSc LLB *Cape Town* Attorney and Notary Public of the High Court.
J Franco BA LLB *Cape Town* Attorney and Notary Public and Conveyancer of the High Court.
(Part-time)
TL Gutuza BSoSc LLB *Cape Town* BA (Hons) LLM *Unisa* LLM *London* Attorney of the High Court.
J Knopp BSocSc *Natal* LLB HDipTax LLM *Cape Town*
C Ncube LLB *Zimbabwe* LLM *Cantab*
CH Rademeyer BJuris LLB LLM *UOVS* MBA *Cape Town* Attorney of the High Court.
R van Voore BA LLB *Cape Town* LLM *London* Attorney of the High Court. (Part-time)
J Yeats BA LLB LLM *Stell* Attorney of the High Court

Administrative Assistant:

B Pillay (Commerce/Law service courses)

Senior Secretary:

D Lucejko (LLB, PG/LLM courses)

Institute of Development and Labour Law

Founding Director:

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

Director and Professor:

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

Acting Director:

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

Deputy Director and Associate Professor:

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

Senior Researcher:

S Godfrey MA *Cape Town*

Labour and Enterprise Project Co-ordinator:

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

Research Associates:

C Bosch BA LLB *Stell LLM Cape Town*

SH Christie BA (Hons) LLB *Rhodes* Attorney of the High Court.

M Clarke MA *Toronto*

K Dingake LLB *Botswana* PhD *Cape Town*

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

B Thaver BA PHD *Western Cape* MA *York*

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

Administrator:

S Wright

The Institute was established at the beginning of 1996 through the merger of the Labour Law Unit (established in 1987) and the Institute of Development Law (established in 1992). It is situated in the Faculty of Law.

The objectives of the Institute are to promote research into the law relating to development and labour in Southern Africa, foster links and provide a reference point for scholarship and policy. It convenes conferences, seminars and workshops. It is also produces, either independently or as part of joint projects, several publications, including the *Industrial Law Journal* and the *Southern African Development and Labour Monographs*. The Institute also runs postgraduate diplomas in Conciliation & Arbitration; Employment Law; and Dispute Resolution as part of the School of Advanced Legal Studies programme.

Shipping Law Unit**Head:**

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

Visiting Teacher:

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

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

DEPARTMENT OF CRIMINAL JUSTICE

Emeritus Professor:

I Leeman BA LLB *Stell*

Professor and Head of Department:

PJ Schwikkard BA *Witwatersrand* LLB LLM *Natal* LLD *Stell* Attorney of the High Court.

Professors:

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

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

Associate Professors:

W Schärf BCom LLB *Witwatersrand* MSocSc *Cape Town* Advocate of the High Court

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

Senior Lecturer:

E Steyn BJuris *South Africa* LLB *Western Cape* LLM *Cape Town* Advocate of the High Court.

Honorary Research Associate:

ME Bennun LLB *Cape Town* LLM *London*

Part-time lecturer:

K Phelps BA BSocSc (Hons) *Cape Town* LLB *Cambridge*

Administrative Assistant:

R Geswindt

Institute of Criminology

Professor and Director:

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

Co-ordinator Social Justice Resource Project (SJR):

E Atkins Dip SocSc BA MBibl *Cape Town* (part-time).

Researchers:

J Berg MSocSc *Cape Town*

R Röntsch BA *Unisa* (part-time)

DEPARTMENT OF PUBLIC LAW

Professor and Head of Department:

CM Murray BA LLB *Stell* LLM *Michigan*

Professors:

TW Bennett BA LLB *Rhodes* PhD *Cape Town*

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

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

Senior Lecturers:

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

*A Pillay BA LLB *Natal* LLM *London*

*C Powell BA LLB *Cape Town* LLM *Humboldt*

Lecturers:

SA Nakhjavani BCL LLB *McGill* LLM *Cantab*

AE Tshivhase BJuris LLB *Venda* LLM *Pretoria* Advocate of the High Court.

Honorary Research Associates:

LWH Ackermann BA LLB *Stell* MA *Oxon* LLD (hc) *Stell* Honorary Fellow Worcester College, Oxford

R Manjoo BA LLB LLM *Natal* Advocate of the High Court.

Administrative Assistant:

D Mwambala

Law, Race and Gender Research Unit**Director:**

Vacant

Project Co-ordinator:

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

Project Staff:

S Chisala (Hons) *Malawi* LLM *Pretoria*

Stefanie Rohrs Voll Juris PhD *Wilerzburg*

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

32 DEPARTMENTS IN THE FACULTY

Institute of Marine and Environmental Law

Emeritus Professor:

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

Professor and Director of the Institute:

JN Gibson BA MA *Oxon*

Professor:

JI Glazewski BCom LLB MA LLD *Cape Town* LLM *Lond* Attorney of the High Court.

Honorary Research Associate:

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

Senior Lecturer

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

Secretary:

Vacant

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

DEPARTMENT OF PRIVATE LAW

Emeritus Professor:

W de Vos SC BA LLB *Stell* Drs Jur *Leiden* LLD *Cape Town* Advocate of the High Court.

WP Schreiner Chair and Head of Department:

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

Professors:

DL Cornell BA *Antioch* JD *UCLA*

FG du Bois BA LLB *Stell* BA BCL *Oxon*

CN Himonga LLB *Zambia* LLM PhD *London*

DB Hutchison BCom LLB *Cape Town* PhD *Cantab* Advocate of the High Court (part-time)

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

Honorary Research Associate:

ML Hewett BA (Hons) BEd *Cape Town*

Visiting Professor:

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

Honorary Senior Lecturer:

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

Senior Lecturers:

AJ Barnard BCom LLB LLDPretoria

A Pope LDipLib *Stell* BA LLB *Rhodes* PGDipInt Res Ethics *Cape Town*

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

H Scott BA LLB *Cape Town* BCL DPhil *Oxon*

Lecturer:

L Tong BA (Hons) LLB *Cape Town* LLM *London* LLM *Turin* Attorney of the High Court.

Administrative Assistant:

M Bedin

Senior Secretary:

P Allen

Centre for Socio-Legal Research (Inter-Faculty Research Unit)

Professor and Director:

SB Burman BA LLB *Cape Town* MA DPhil *Oxon* Advocate of the High Court.

Research Associate:

TW Bennett BA LLB *Rhodes* PhD *Cape Town*

CN Himonga LLB *Zambia* LLM PhD *London*

T Nhlapo; BA LLB *UBLS*, LLB (Hons) *Glasgow* DPhil *Oxon*

Honorary Consultant:

Judge B van Heerden MA BA *Oxon* LLB BA *Stell* Advocate of the High Court

Researchers:

G Groenewald BA Hons *Cape Town*

Y Hoffmann-Wanderer, LLB LLM *Jerusalem*

C Malherbe, BA *Wesley* MA PhD *Cape Town*

Librarian:

Jennifer Bremer, BA HDLIS *Cape Town*

Administrator:

W Parker

The staff of the Centre for Socio-Legal Research consists of the Director, Professor Sandra Burman, and a team of research assistants whose training will have useful consequences beyond the projects themselves. Researchers include mainly graduates in law and social studies, and come from all sections of South African society. As the majority of researchers are women, the Centre also increases women's opportunities for training in this area.

UCT Law Clinic

Director:

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

Litigation Attorneys:

Vacant

Refugee Project:

F Khan BA HDE LLB LLM *Cape Town* Attorney of the High Court.

Y Moodley BA HDE LLB *Cape Town*

T Schreier BA LLB *York*

Candidate Attorneys:

S Ally LLB *Western Cape*

Administrative Assistant:

P Norris BA *Unisa*

The UCT Law Clinic provides outstanding practical legal training to senior law students while at the same time rendering free legal assistance to impoverished communities who would not otherwise have access to professional legal services.

The Clinic operates as a fully functioning law practice and employs a professional staff of several practising attorneys.

The Clinic has two sections: a litigation practice, which offers students their first opportunity of dealing directly with clients and gaining first-hand experience of court procedures, and a refugee office, which gives students the chance of assisting asylum seekers with their legal problems.

Senior law students may register for the Legal Practice (previously Legal Aid and Legal Practice) course (RDL5030H) which allows them to work in the Clinic as legal advisors under supervision of the Clinic's attorneys. Many students who have completed the course in recent years have recommended that every law student should consider doing the course.

School for Legal Practice

Director:

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

Administrative Assistant:

M Boltman

Secretary:

E Pieters

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

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

Candidates at the School register as UCT students for the semester course DOL6000F or S Legal Practice, and may elect either to follow that course alone, or to complete a minor dissertation as well in order to complete the requirements for a Postgraduate Diploma in Law in Legal Practice. A further option is for candidates who have completed DOL6000F or S to apply for admission to LLM studies which will entail the completion of an additional three courses and a 25,000 words dissertation.

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

The School is situated at 28 Main Road, Rondebosch but will move to other premises mid year. Further details on the School for Legal Practice (previously Legal Aid and Legal Practice) may be obtained from either the Faculty Office or from the Director of the School for Legal Practice, University of Cape Town, Private Bag X3, Rondebosch, 7701. Telephone 650 1055 or 650 1057.

BRAND VAN ZYL LAW LIBRARY**Law Librarian:**

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

Deputy Law Librarian:

P Nyman Lib Cert *Cape Town* BBibI LLB LLM *Unisa*

Reference Librarians:

D Brey BSoc Sc HDLIS BBibI (Hons) *Cape Town*.

LB Booï BSoc Sc PGDLIS *Cape Town*

Short Loan Library Assistant:

J Skade BA *Western Cape*

Library Assistant:

Z Jaffer

Departmental Assistants:

R de Wet

J Ismail

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

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

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

COMPUTER LABORATORY

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

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

The Law Faculty has a comprehensive World Wide Web homepage which gives details about degrees and courses offered in the Faculty, about the staff and their teaching and research and about the Brand van Zyl Law Library. The Law Faculty homepage also supports the Constitutional Assembly Database of information relating to the drafting of South Africa's 1993 and 1996 Constitutions. Visit the Law Faculty's homepage at <http://www.uct.ac.za/law>

COURSES AND CURRICULA

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

DDD	first 3 letters of the code denote the name of the Department offering the course
1	is a number representing the year of study in which the course is usually taken
nnn	is a 3 character number that identifies the course uniquely
S	is a single alpha character, specifying the time period during which the course is offered
	The following are used:
F	1st semester course
S	2nd semester course
H	half course taught over whole year
W	full course, year long
X	Final Level research paper.
Z	Non standard period

The following examples show how this works:

RDL2002H	Law of Property
RDL	designates a Private Law course
2	designates a second year course
002	character number unique to course
H	designates a half course, over the whole year
PBL3000F	Interpretation of Statutes
PBL	designates a Public Law course
3	designates a third year course
000	character number unique to course
F	Designates a first semester course

LECTURE SLOTS

1	08h00--08h45	Meridian	13h00--13h45
2	09h00--09h45	6	14h00--14h45
3	10h00--10h45	7	15h00--15h45
4	11h00--11h45	8	16h00--16h45
5	12h00--12h45	9	17h00--17h45

COURSES OFFERED IN THE FACULTY OF LAW IN 2007

Dean of Law

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

Department of Commercial Law

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

Research Components

CML5001X	Independent Research Paper
CML5002X	RFG: Development and Labour and Social Policy (<i>Not on offer in 2007</i>)
CML5025X	RFG: Commercial Law
CML5026X	RFG: Social Security (<i>Not on offer 2007</i>)

Optional Courses: Final Level LLB

CML5003F	Maritime Law (Examination) (<i>Not on offer in 2007</i>)
CML5009H	Revenue Law
CML5012F	Insurance Law (<i>Not on offer in 2007</i>)
CML5013H	Labour Law
CML5016S	Trusts and Estate Planning
CML5021X	Moot Caput
CML5022S	Electronic Law (Examination)
CML5022X	Electronic Law (Paper)
CML5023S	Competition Law
CML5028F	Global Economic Law (Examination) (<i>Not on offer in 2007</i>)
CML5028X	Global Economic Law (Paper) (<i>Not on offer in 2007</i>)
ACC1013S	Introduction to Accounting

Higher postgraduate courses

CML6001F	Advanced Company Law: Securities
CML6013S	Collective Bargaining and Strike Law
CML6016F	International and Comparative Labour Law
CML6019F	Law of International Trade
CML6022S	Social Security Law
CML6024S	Admiralty Jurisdiction and Practice
CML6025F	Maritime Law and Marine Insurance
CML6026S	Carriage of Goods by Sea
CML6031S	Conciliation and Arbitration
CML6032F	Labour Economics, Labour Relations and Human Resource Development (<i>Not on offer in 2007</i>)
CML6035S	Sports Law (<i>Not on offer in 2007</i>)
CML6036W	Income Tax Law
CML6037W	Capital Transfer and Transactions Tax Law (<i>Not on offer in 2007</i>)
CML6040S	International Economic Law

CML6041S	Commercial Arbitration
CML6051F	Individual Labour Law
CML6052W	Law of Advanced Income and Capital Taxes (<i>Not on offer in 2007</i>)
CML6053W	Capital Transfer and International Tax Law
CML6054S	Competition Law
CML6055S	Advanced Company Law: Corporate Governance
CML6056F	Telecommunications Law
CML6057S	Electronic Intellectual Property Law (<i>Not on offer in 2007</i>)
CML6058S	Electronic Transactions Law
CML6059F	Issues in Information Communication Technology Law (<i>Not on offer in 2007</i>)

Department of Criminal Justice

CRJ3001W	Criminal Law
CRJ3002H	Criminal Procedure
CRJ4001H	Evidence

Research Components

CRJ4006X	Research Project (<i>for Humanities Honours students only</i>)
CRJ5006X	Independent Research Paper
CRJ5016X	RFG: Punishment and the Constitution (<i>Not on offer in 2007</i>)
CRJ5020X	RFG: Youth Justice
CRJ5021X	RFG: International Criminal Law

Optional Courses: Final Level LLB

CRJ5004F	Criminology
CRJ5012H	Specific Offences (Examination) (<i>Not on offer in 2007</i>)
CRJ5013X	Specific Offences (Paper) (<i>Not on offer in 2007</i>)
CRJ5011F	Conflict Resolution
CRJ5018X	Moot Caput
LAB5000S	Medicina Forensis

Higher postgraduate courses:

CRJ4004F	Crime and Criminology (<i>for Humanities Honours students only</i>)
CRJ4007W	Criminal Process (<i>for Humanities Honours students only</i>)
CRJ4008S	Victims & Victimology (<i>for Humanities Honours students only</i>)
CRJ6001S	Advanced Criminal Law (<i>Not on offer in 2007</i>)
CRJ6007F	International Criminal Law
CRJ6010F	Criminal Justice in Transition (<i>Not on offer in 2007</i>)
CRJ6015S	Punishment and Human Rights (<i>Not on offer in 2007</i>)
CRJ6016S	Advanced Criminal Procedure and Evidence
CRJ6019S	Prisoners' Rights and Comparative Prison Systems
CRJ6020F	Theories of Crime & Social Order
CRJ6021F	Trends in the Governance of Security

Exchange programme courses:

CRJ3001F	Criminal Law (Part A)
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Department of Private Law

RDL1002H	Law of Persons and Marriage
RDL1003W	Foundations of South African Law
RDL1004H	Comparative Legal History
RDL2002H	Law of Property

40 LLB COURSE OUTLINES

RDL3001H	Law of Succession
RDL3003H	Law of Delict
RDL3005W	Law of Contract
RDL3008H	Civil Procedure
RDL4005H	African Customary Law
RDL4006H	Jurisprudence

Research Components

RDL5006X	Independent Research Paper
RDL5023X	RFG: Private Law
RDL5033X	RFG: Intellectual Property Law

Optional Courses: Final Level LLB

RDL5000F	Conflict of Laws
RDL5012S	Law in History (<i>Not on offer in 2007</i>)
RDL5018X	Moot Caput
RDL5026F	Unjustified Enrichment
RDL5030H	Legal Practice
RDL5031H	Current Issues in Private Law
RDL5032H	Intellectual Property Law
RDL5071F	HIV/Aids, Bioethics and the Law

Exchange programme courses:

RDL1003F	Foundations of South African Law (Part A)
RDL1003S	Foundations of South African Law (Part B)
RDL5032S	Intellectual Property Law (Part B)

Higher postgraduate courses:

RDL6000F	Comparative Law
RDL6008F	The Law in Operation and the South African Family (<i>Not on offer in 2007</i>)
RDL6009S	Comparative Private Law
RDL6011S	Comparative Family Law and Human Rights in Africa (<i>Not on offer in 2007</i>)

Department of Public Law

PBL2000W	Constitutional Law
PBL2001H	International Law
PBL3000F	Interpretation of Statutes
PBL4001W	Administrative Law

Research Components

PBL5001X	Independent Research Paper
PBL5039X	RFG: Public Law
PBL5040X	RFG: Women and the Legal System

Optional Courses: Final Level LLB

PBL5014F	Environmental Law (Examination)
PBL5014X	Environmental Law (Paper)
PBL5028F	European Union Law
PBL5030F	Refugee and Immigration Law
PBL5032X	Moot Caput
PBL5034S	Constitutional Litigation
PBL5035S	Dignity, Equality and Freedom – Fundamental Rights and Fundamental

	Values
PBL5042F	Current Issues in Constitutional Law
PBL5043S	International Human Rights Law and the Constitution

Higher postgraduate courses:

PBL6002F	International Law of the Sea
PBL6003F	Coastal Zone Law (<i>Not on offer in 2007</i>)
PBL6008F	Marine Resources Law
PBL6012S	Environmental Law
PBL6015F	Principles of Public International Law
PBL6018S	International Law on Disputes & the Use of Force
PBL6019F	International Environmental Law
PBL6020F	Refugee and Immigration Law and Policy in South Africa (<i>Not on offer in 2007</i>)
PBL6022S	Legal Writing
PBL6023F	Governing under the Constitution: Law and Practice
PBL6028F	International Rights of the Child (<i>Not on offer in 2007</i>)
PBL6030S	Marine Pollution Law
PBL6031F	International Protection of Human Rights
PBL6033S	Litigating the Bill of Rights
PBL6034S	Human Rights Law
PBL6035S	Administrative Justice (<i>Previously Advanced Administrative Law PBL6010S</i>)

Exchange programme courses:

PBL2000F	Constitutional Law (Part A)
PBL2001F	International Law (Part A)
PBL4001F	Administrative Law (Part A)

Pattern of courses for the LLB degree streams

Three Year Postgraduate LLB Stream

Year 1	Year 2	Year 3
Foundations of SA Law: RDL1003W	Law of Contract: RDL3005W	Administrative Law: PBL4001W
Law of Persons and Marriage: RDL1002H	Law of Succession: RDL3001H	African Customary Law: RDL4005H
Comparative Legal History: RDL1004H	Law of Delict: RDL3003H	Commercial Transactions Law: CML4006W
Constitutional Law: PBL2000W	Criminal Law: CRJ3001W	Evidence: CRJ4001H
International Law: PBL2001H	Criminal Procedure: CRJ3002H	Jurisprudence: RDL4006H
Law of Property: RDL2002H	Civil Procedure: RDL3008H	Research Component
Law That Counts: Quantitative Literacy for Lawyers: MAM1013F/S	Corporation Law: CML3001W	Options
	Interpretation of Statutes: PBL3000F	Integrative Assessment Project: DOL4000H

42 LLB COURSE OUTLINES

Three Year Postgraduate LLB Extended Stream

Preliminary A	Preliminary B	Intermediate	Final
Foundations of SA Law: RDL1003W	Criminal Law: CRJ3001W	Civil Procedure: RDL3008H	Administrative Law: PBL4001W
Law of Persons & Marriage: RDL1002H	Criminal Procedure: CRJ3002H	Law of Contract: RDL3005W	African Customary Law: RDL4005H
Comparative Legal History: RDL1004H	International Law: PBL2001H	Corporation Law: CML3001W	Commercial Transactions Law: CML4006W
Constitutional Law: PBL2000W	Law of Property: RDL2002H	Law of Delict: RDL3003H	Evidence: CRJ4001H
Law That Counts: MAM1013F/S	Interpretation of Statutes: PBL3000F	Options = 3 points	Jurisprudence: RDL4006H
	Law of Succession: RDL3001H		Options = 2 points
			Research Component
			Integrative Assessment Project: DOL4000H

Combined Undergraduate / Postgraduate LLB Stream

Year 1	Year 2	Year 3	Year 4	Year 5
Non - Law components	Non - Law components	Non - Law components	Law of Contract: RDL3005W	Administrative Law: PBL4001W
	Foundations of SA Law: RDL1003W	International Law: PBL2001H	Law of Succession: RDL3001H	African Customary Law: RDL4005H
	Law of Persons and Marriage: RDL1002H	Constitutional Law: PBL2000W	Law of Delict: RDL3003H	Commercial Transactions Law: CML4006W
	Comparative Legal History: RDL1004H	Law of Property: RDL2002H	Criminal Law: CRJ3001W	Evidence: CRJ4001H
			Criminal Procedure: CRJ3002H	Jurisprudence: RDL4006H
			Civil Procedure: RDL3008H	Research Component
			Corporation Law: CML3001W	Options
			Interpretation of Statutes: PBL3000F	Integrative Assessment Project: DOL4000H

Note: Admission to the postgraduate part of this stream is NOT automatic and it is subject to the admission requirements as set out at the beginning of this booklet. (See rules FP4 and FP5.)

Students in the BBusSc stream of the Law and Commerce Programme would do law courses in the third and fourth years of study.

Non-law components (in years one, two and three) are chosen from the Law and Humanities or Law and Commerce programmes in the Humanities and Commerce Faculties respectively.

Two Year Postgraduate LLB Extended Stream

Preliminary completed in BA, BCom etc.	Intermediate A	Intermediate B	Final
Foundations of SA Law: RDL1003W	Law of Contract: RDL3005W	Corporation Law: CML3001W	Administrative Law: PBL4001W
Law of Persons & Marriage: RDL1002H	Criminal Law: CRJ3001W	Civil Procedure: RDL3008H	African Customary Law: RDL4005H
Comparative Legal History: RDL1004H	Interpretation of Statutes: PBL3000F	Criminal Procedure: CRJ3002H	Evidence: CRJ4001H
Constitutional Law: PBL2000W	Law of Succession: RDL3001H	Law of Delict: RDL3003	Jurisprudence: RDL4006H
International Law: PBL2001H		Options = 3 points	Commercial Transactions Law: CML4006W
Law of Property: RDL2002H			Options = 2 points
			Research Component
			Integrative Assessment Project: DOL4000H

Four Year Undergraduate LLB Stream

Year 1	Year 2	Year 3	Year 4
Foundations of SA Law: RDL1003W	Constitutional Law: PBL2000W	Criminal Law: CRJ3001W	Administrative Law: PBL4001W
Law of Persons and Marriage: RDL1002H	International Law: PBL2001H	Criminal Procedure: CRJ3002H	African Customary Law: RDL4005H
Comparative Legal History: RDL1004H	Law of Property: RDL2002H	Civil Procedure: RDL3008H	Commercial Transactions Law: CML4006W
ECO/TAB ** Non-law	Option 1 non-law (F&S)	Corporation Law: CML3001W	Evidence: CRJ4001H
ELL course(s) * Word Power	Option 2 non-law (F&S)	Interpretation of Statutes: PBL3000F	Jurisprudence: RDL4006H
Option non-law		Law of Contract: RDL3005W	Research Component
Law That Counts: Quantitative Literacy for Lawyers: MAM1013F/S		Law of Succession: RDL3001H	Options
		Law of Delict: RDL3003H	Integrative Assessment Project: DOL4000H

Note: Non-law components are drawn from the Law and Humanities programme. In the second year of study one of the non-law components must be taken at the second year level. See Rule FP16 for details.

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

** Candidates who wish to take Economics and who meet the entrance requirements for Economics courses (minimum D symbol SG Mathematics), take BUS1010F (TAB) and ECO1010F/ECO1011F.

44 LLB COURSE OUTLINES

Four Year Undergraduate LLB Extended Stream

Year 1	Year 2	Year 3	Year 4	Year 5
Foundations of SA Law: RDL1003W	Comparative Legal History: RDL1004H	Constitutional Law: PBL2000W	Administrative Law: PBL4001W	African Customary Law: RDL4005H
ECO/TAB** Non-law	Law of Persons & Marriage: RDL1002H	Criminal Law: CRJ3001W	Corporation Law: CML3001W	Commercial Transactions Law: CML4006W
ELL course(s)* Word Power F/S	Option 1: non-law (F&S)	International Law: PBL2001H	Civil Procedure: RDL3008H	Evidence: CRJ4001H
Option non-law (F/S)	Option 2: Language (F&S)	Interpretation of Statutes: PBL3000F	Criminal Procedure: CRJ3002H	Jurisprudence: RDL4006H
Law That Counts: MAM1013F/S		Law of Property: RDL2002H	Law of Contract: RDL3005W	Research Component
		Law of Succession: RDL3001H	Law of Delict: RDL3003H	Options
				Integrative Assessment Project: DOL4000H

Note: In the absence of compelling circumstances a student may not register for the following optional courses in Intermediate Level:

Revenue Law, Trusts & Estate Planning, Competition Law, Constitutional Litigation, Current Issues in Constitutional Law, Conflict of Laws, Unjustified Enrichment and Cession, Moot Option.

COURSE OUTLINES

PRELIMINARY LEVEL LLB

ECO1011F MACROECONOMICS

Second year, first semester, 5 lectures and 1 double tutorial per week.

NOTE: No student may be concurrently registered for ECO1010F and ECO1011F.

Entrance requirements:

This course is open to second year BCom (CADP) SIM and Humanities (Gateway) special admissions students. A minimum mark of 50% for ECO1010H Microeconomics, or for ECO1010S in the case of SIM students on the five-year B Bus Sci programme.

Prerequisites:

ECO1010S/H

Course outline:

The course covers the following areas: circular flow; national income accounting; aggregate demand and supply; money, interest rates and exchange rates; inflation, monetary, fiscal and balance of payments policy.

Lectures:

Monday to Friday, 7th period.

DP requirements:

All class tests and assignments to be completed. Only students who have obtained DP certificates may write the final examination. An average year mark of at least 35% must be attained for ECO1011F.

Assessment:

Tests	45%
June examination	55%

Additional information

Details of course content, the dates, times and venues of lectures, tutorials and tests, and of the prescribed and recommended books will appear on the School of Economics notice board at the beginning of the first semester.

ELL1013F ENGLISH LITERARY STUDIES

First-year, first-semester course, 3 lectures and 1 tutorial per week.

Convenor: Dr M Beatty.

Entrance requirements: None.

Course outline:

This course aims to introduce students to literary and rhetorical terms, and to basic issues in literary and linguistic theory. Different literary genres will be explored and analysed, including the novel, poetry and drama. Students will be introduced to different kinds of critical writing and will engage in honing their own writing skills.

DP requirements:

All written work to be handed in and at least 75% attendance at tutorials.

Assessment:

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

ELL1016S ENGLISH LITERARY STUDIES II

First-year, second-semester course, 3 lectures and 1 tutorial per week.

Convenor: Dr M Beatty.

Entrance requirements: ELL1013F.

Course outline:

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

DP requirements:

All written work to be handed in and at least 75% attendance at tutorials.

Assessment:

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

PHI1025F CRITICAL THINKING

First-year, first-semester course, 3 lectures and 1 tutorial per week.

Convenor: Associate Professor B Weiss.

Entrance requirements: As for PHI1010S.

Course outline:

Why do we value our beliefs? We value them because we take them to be true and, as true, they are good guides. But how can we tell when a belief is true? Our only handle here is whether or not the belief is justified. So we aim to have beliefs that are justified. The course concentrates on the practical business of appraising justifications. Of course, we all routinely attempt to justify our beliefs and arrive at new beliefs on the basis of supposed justifications. But almost as routinely we are hoodwinked. The course aims to make you a better believer by making you more aware of the nature of justification, of the different sorts of justification and the pitfalls of each. At the end of it you will be less gullible and more able to explain just why a particular argument does or doesn't convince you.

DP requirements:

Regular attendance at lectures and tutorials; completion of all written tests, and submission of all essays and assignments by due dates.

Assessment:

Coursework	50% of the year mark:
One 3-hour examination in June	50%

MAM1013F/S LAW THAT COUNTS: QUANTITATIVE LITERACY FOR LAW

First year, first or second semester course, three lectures and one tutorial per week.

Course co-ordinator(s): Mr R Prince and Ms P Lloyd.

Course outline:

1. Numbers and Arithmetic applied to Law and Society. (Fractions, percentages, rates, conversions, ratios, percentage change, interest, loan repayments, inflation)
2. Graphical representations of data: their use and misuse. A critical understanding of data representations and their use for argument. (Tables, bar charts, pie charts, frequency distributions, time series)
3. Statistics in law and society. (Sampling; mean, median and mode; spread and standard deviation; coefficient of variation; quantities; correlation, probability)
4. A project in which what has been learned in Phases 1 – 3 is applied to an appropriate context.

DP requirements: Achieve an average yearmark of 40%.

NOTE: Students who do not meet requirements for passing may be required to register for "Academic Literacy in the Humanities" (see entry for DOH1004S).

Assessment:

Projects and tests	50% of the year mark:
Class tests	37.5%
Projects	12.5%
One 3Hour examination in June or October/November	50%

SLL1002S WORD POWER

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

Convenor: Mrs G Solomons.

Entrance requirements: None.

Course outline:

The course consists of three components:

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

DP requirements:

Students must attend all tutorials, submit all tutorial assignments, and write all tests.

Assessment:

One examination at the end of the semester (2Hour)	50% of the final mark
Coursework	50%

RDL1002H LAW OF PERSONS AND MARRIAGE

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

Course co-ordinator(s): Professor C Himonga

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

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

Course outline:

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

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

Assessment:

April test	10%
June test (1 Hour)	20%
Two essays	5% each
One two-hour examination in October/November	60%

Students are required to complete one practical exercise in the first semester and one integrated

48 LLB COURSE OUTLINES

assessment task in the second semester. In each case 5% will be deducted from the yearmark of a student who failed to produce satisfactory work.

RDL1003W FOUNDATIONS OF SOUTH AFRICAN LAW

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

Course co-ordinator(s): Professor FG du Bois and Ms L Tong.

Prerequisites: Undergraduate LLB students: concurrent registration with RDL1004H Comparative Legal History and RDL1002H Law of Persons and Marriage.

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

Course outline:

1. General introduction to the study of South African Law
2. The sources of South African Law
3. Legal reasoning, with special attention to the doctrine of precedent
4. Introduction to legal history in South Africa
5. The judiciary and courts
6. The legal profession
7. Law, society and justice

Assessment:

April test	5%
June test	25%
Two essays	5% each
One two-hour examination in October/November	60%

5% will be deducted **from** the yearmark of a student who failed to produce satisfactory work for EVERY tutorial assignment.

Students are required to complete one practical exercise in the first semester and one integrated assessment task in the second semester. In each case 5% will be deducted from the yearmark of a student who failed to produce satisfactory work.

RDL1004H COMPARATIVE LEGAL HISTORY

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

Course co-ordinator(s): Professor DP Visser and Dr H Scott

Prerequisites: Undergraduate LLB students: concurrent registration with RDL1003W Foundations of South African Law and RDL1002H Law of Persons and Marriage.

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

Course outline:

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

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

course is to demonstrate the temporal contingency of legal rules as well as the importance of understanding the background of a modern legal rule. As far as possible the development of the relevant legal rules are compared with those in related legal systems.

Assessment:	5%
April test	
June test	25%
Essays and/or assignments	10%
One two-hour examination in October/November	60%

Students are required to complete one practical exercise in the first semester and one integrated assessment task in the second semester. In each case 5% will be deducted from the yearmark of a student who failed to produce satisfactory work.

PBL2000W CONSTITUTIONAL LAW

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

Course co-ordinator(s): Professor CM Murray

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

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

Course outline:

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

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

Assessment:

November examination (3 Hour)	60%
The yearmark contributes the remaining 40% of the mark:	
June test	20%
Four assignments	5% each

PBL2001H INTERNATIONAL LAW

Preliminary Level, half course, whole year, two lectures per week for twelve weeks; three lectures per week for twelve weeks; tutorials.

Course co-ordinator(s): Ms C Powell

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

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

Course outline:

History and sources of international law; sovereignty and jurisdiction; the relationship between international and municipal law; international legal personality; objects, treaties; sovereign immunity; human rights; protection of aliens; self-determination; state responsibility; state succession; settlement of disputes; use of force; the UN; and international criminal law.

50 LLB COURSE OUTLINES

Assessment:

Multiple choice tests	5%
One assignment	5%
June test	10%
Essay	20%
November examination	60%

RDL2002H LAW OF PROPERTY

Preliminary Level, half course, whole year, two lectures per week for twelve weeks; three lectures per week for twelve weeks; tutorials.

Course co-ordinator(s): Ms A Pope

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

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

Course outline:

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

Assessment:

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

INTERMEDIATE LEVEL LLB

CML3001W CORPORATION LAW

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

Course co-ordinator(s): Professor MP Larkin

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

Course outline:

The principles of company law with a critical analysis of the Companies Act of 1973; the Close Corporation Act of 1984, and the law relating to other business forms.

Assessment:

Optional Essay/Moot/Opinion	20%
Test(s) and/or Assignment(s)	20%
November Examination (2Hour)	60% (if essay/moot/opinion) 80% (if no essay/moot/opinion)

CRJ3001W CRIMINAL LAW

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

Course co-ordinator(s): Professor PJ Schwikkard and Ms K Phelps.

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

Course outline:

Introduction: The course covers the general principles of criminal law. Students are introduced to these principles by a brief examination of the nature of criminal law and punishment, the principle of legality and the operation of the Bill of Rights on the rules of criminal law. A brief overview of the general principles places each of the elements of criminal liability in context and demonstrates its role in deciding criminal liability.

Analysis of principles:

The course focuses on an analysis of the case law and legal principles governing the elements of

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

DP requirements: The tutorial style of teaching is favoured and students are given all of the tutorial problems and readings, in the order in which they will be covered in classes, at the beginning of the semester and are required to prepare in advance of lectures and tutorials. Class participation is essential.

Assessment:

Optional Essay/Moot/Opinion	20%
June Test	20%
Assignment	10%
November Examination (2Hour)	50% (if essay/moot/opinion) 70% (if no essay/moot/opinion)

CRJ3002H CRIMINAL PROCEDURE

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

Course co-ordinator(s): Ms E Steyn.

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

Course outline:

The general principles of criminal procedure both in the Magistrates' Courts and in the High Court. Particular attention will be paid to the impact of constitutional rights on criminal procedure.

Assessment:

Optional Essay/Moot/Opinion	20%
June Test	15%
Assignment	10%
November Examination (2Hour)	55% (if essay/moot/opinion) 75% (if no essay/moot/opinion)

PBL3000F INTERPRETATION OF STATUTES

Intermediate Level, half course, first semester. Three tutorials and 36 lectures.

Course co-ordinator(s): Associate Professor J Hofman

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

Course outline:

Students will be given a detailed course outline. There is no prescribed textbook for this course but the course outline will refer to the following books: J R de Ville Constitutional and Statutory Interpretation (2000) and Lourens du Plessis Re-Interpretation of Statues (2002), CHouristo Botha Statutory Interpretation 4th Edition (2005).

The course will deal with the following topics:

1. Legislators and legislation
2. The ordinary meaning of language
3. The anatomy of legislation
4. The Interpretation Act 33 of 1957
5. The context for reading legislation
6. Constitutional and legal values
7. Rectifying legislation
8. Acts contrary to legislation (Topic 8 only if time allows)

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

Assessment:

Optional Essay/Moot/Opinion	20%
Optional class test	20%
June examination (3 hours 15 minutes)	60% (if essay/moot/opinion and test) 80% (if essay/moot/opinion or test) 100% (if neither essay/moot/opinion nor test)

RDL3001H LAW OF SUCCESSION

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

Course co-ordinator(s): Mr M Paleker.

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

Course outline:

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

Assessment:

Optional Essay/Moot/Opinion	20%
June Test	20%
November Examination (2Hour)	60% (if essay/moot/opinion) 80% (if no essay/moot/opinion)

RDL3003H LAW OF DELICT

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

Course co-ordinator(s): Professors AG Fagan and DP Visser

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

Course outline:

The course deals with iniuriae (injuries), damnum iniuria datum (loss wrongfully caused), and vicarious liability.

Assessment:

Optional Moot/Essay/Opinion	20%
June Test	30%
November Examination (2 hours)	50% (if essay/moot/opinion) 70% (if no essay/moot/opinion)

RDL3005W LAW OF CONTRACT

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

Course co-ordinator(s): Professor DB Hutchison.

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

Course outline:

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

54 LLB COURSE OUTLINES

Assessment:

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

DOL3008H CIVIL PROCEDURE

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

Course co-ordinator(s): Mr M Paleker.

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

Course outline:

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

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

Assessment:

Assignments	15%
June Test	20%
November Examination (2Hour)	65%

DOL3000X MOOT COMPETITION

Intermediate year students selected to participate in national or international moot competitions may register for this course. To complete it successfully, students must submit adequate heads of argument and participate in a national or international moot competition presided over by more than one person.

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

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

FINAL LEVEL LLB

CML4006W COMMERCIAL TRANSACTIONS LAW

Final Level, whole course, six tutorials and 72 lectures. Refer to the Final Level Year Plan for details regarding the tutorial dates.

Course co-ordinator(s): Mr G Bradfield.

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

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

Assessment:

One compulsory class test in June. (1Hour)	20%
One optional oral presentation	10%
Two optional written assignments	10% each
One November Examination (2Hour)	50% or 60% or 70% or 80%

General Notes:

- The material tested in June will not be examined directly in the final examination but students will be expected to be familiar with that material for the final examination.
- If a student elects to do one or more of the year mark options, the proportion of that student's examination mark to the overall final mark for the course will be adjusted accordingly.

Refer to the course outline distributed at the beginning of the year for further details.

CRJ4001H EVIDENCE

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

Course co-ordinator(s): Professor PJ Schwikkard.

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

Course outline:

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

Assessment:

Coursework	40%
November examination (2Hour)	60%

PBL4001W ADMINISTRATIVE LAW

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

Course co-ordinator(s): Dr D Chirwa

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

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

56 LLB COURSE OUTLINES

course focuses mainly on the grounds of review which have been developed by the courts, most of which are found in s 6 of the Promotion of Administrative Justice Act.

Assessment:

Assessment during the year counts	50%
Class test (1 Hour 45 mins) in the first semester or an oral in the second semester	10%
June test	20%
Essay submitted in second semester	20%
One November Examination (3Hour)	50%

RDL4005H AFRICAN CUSTOMARY LAW

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

Course co-ordinator(s): Professor C Himonga.

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

Course outline:

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

Assessment:

One essay	20%
June test (1 Hour)	20%
November Examination (2 Hour)	60%

RDL4006H JURISPRUDENCE

Final Level, half course, whole year, 36 lectures and 4 tutorials.

Course co-ordinator(s): Professors DL Cornell, FG du Bois, AG Fagan and Dr AJ Barnard

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

Course outline:

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

Assessment:

Four essays/tests	10% each
November Examination (3 Hour)	60%

DOL4000H INTEGRATIVE ASSESSMENT PROJECT

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

Course co-ordinator(s): Ms E Steyn.

Prerequisites: All course of Preliminary and Intermediate Level to have been completed.

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

Course outline:

The Integrative Assessment Project is set as a six-hour project to be completed in the library under

open-book examination conditions during the mid-semester break in the second semester.

Students registered for the project are divided into groups. Each group is allocated to a day and time in the assessment period. The group is assigned a project question and has a five-hour preparation period followed immediately by a one-hour oral examination. During the preparation period, the group has the opportunity to discuss the project question to identify the legal issues raised by it and then to research an answer to it. In the oral examination, members of the group will be asked questions about the project. Each student is assessed individually based on the answers they provide to questions put to them. Each student is graded as a pass/fail. The grading is done by a panel comprising academic staff members.

Further information about the Project is provided at Registration.

OPTIONAL COURSES: FINAL LEVEL

DEPARTMENT OF CRIMINAL JUSTICE

TWO (2) POINT OPTIONAL COURSES

CRJ5012H	Specific Offences (Examination) (<i>Not on offer in 2007</i>)
CRJ5013X	Specific Offences (Paper) (<i>Not on offer in 2007</i>)

ONE (1) POINT OPTIONAL COURSES

CRJ5004F	Criminology
CRJ5011F	Conflict Resolution
CRJ5018X	Moot
LAB5000S	Medicina Forensis

DEPARTMENT OF COMMERCIAL LAW

TWO (2) POINT OPTIONAL COURSES

ACC1013S	Introduction to Accounting
CML5009H	Revenue Law
CML5013H	Labour Law LLB

ONE (1) POINT OPTIONAL COURSES

CML5003F	Maritime Law (Examination) (<i>Not on offer in 2007</i>)
CML5012F	Insurance Law (<i>Not on offer in 2007</i>)
CML5016S	Trusts & Estate Planning
CML5022S	Electronic Law (Examination)
CML5022X	Electronic Law (Paper)
CML5023S	Competition Law
CML5021X	Moot
CML5028F	Global Economic Law (Examination) (<i>Not on offer in 2007</i>)
CML5028X	Global Economic Law (Paper) (<i>Not on offer in 2007</i>)

DEPARTMENT OF PRIVATE LAW

TWO (2) POINT OPTIONAL COURSES

RDL5000F	Conflict of Laws
RDL5030H	Legal Practice (previously Legal Aid and Legal Practice)
RDL5031H	Current Issues in Private Law
RDL5032H	Intellectual Property Law

ONE (1) POINT OPTIONAL COURSES

RDL5012S	Law in History (<i>Not on offer in 2007</i>)
RDL5018X	Moot
RDL5026F	Unjustified Enrichment
RDL5029F	HIV/AIDS, Bioethics and the Law

DEPARTMENT OF PUBLIC LAW

ONE (1) POINT OPTIONAL COURSES

PBL5014F	Environmental Law (Examination)
PBL5014X	Environmental Law (Paper)
PBL5028F	European Union Law
PBL5030F	Refugee & Immigration Law
PBL5032X	Moot
PBL5034S	Constitutional Litigation
PBL5035S	Dignity, Equality and Freedom – Fundamental Rights and Fundamental Values
PBL5042F	Current Issues in Constitutional Law
PBL5043S	International Human Rights Law and the Constitution

ACC1013S INTRODUCTION TO ACCOUNTING

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

Course co-ordinator(s): Professor Mark Graham.

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

Course outline:

Selected topics from: Introduction/Nature of accounting; and context of accounting generating accounting information, financial statements, analysis and interpretation of Annual financial statements, evaluations.

DP requirements: A minimum of 80% submission and attendance at tutorials and 40% the test.

Assessment:

Test	25%
Project	15%
Examination (3Hour)	60%

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

CML5009H REVENUE LAW

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

Course co-ordinator(s): Professor R Jooste.

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

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

60 LLB COURSE OUTLINES

Assessment:

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

CML5013H LABOUR LAW LLB

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

Course co-ordinator(s): Ms D Collier.

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

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

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

Assessment:

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

CRJ5012H SPECIFIC OFFENCES (EXAMINATION) (*Not on offer in 2007*)

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

Course co-ordinator(s): Ms E Steyn.

Prerequisites: All courses of the Preliminary and Intermediate years to have been completed.

Course outline:

1. Introduction
2. Crimes against the person, including murder, culpable homicide, assault, rape, incest and abduction.
3. Crimes against property, including theft, robbery, receiving stolen property, fraud, malicious injury to property and housebreaking.
4. Crimes against the State and the administration of justice, including contempt of court, perjury and bribery.
5. Organised crime and corruption.
6. Terrorism.

DP requirements: Students must complete the practical component to the course. Students will be required to hand in a written report on a case docket that they have examined and will have to identify the specific crime or crimes that has or have been committed by the offender. Written reasons will have to be submitted for their opinion and legal arguments must be presented to the rest of the class at a later stage.

Assessment:

Practical work	40%
One written examination in November (1½ Hour)	60%

Examination requirements: Practical work counts 40% and one one-and-a-half hour written examination in October/November counts for 60%.

CRJ5013X SPECIFIC OFFENCES (PAPER) (*Not on offer in 2007*)

Students attend the lectures offered in CRJ5012H: Specific Offences, but instead of writing the final examination in October/November, they are required to submit a research paper based on some aspect of the course, to be submitted by mid-September annually. A student may NOT register for CRJ5012H and CRJ5013X concurrently.

RDL5000F CONFLICT OF LAWS

Final Level, first semester, three lectures per week, two points.

Course co-ordinator(s): Professor TW Bennett.

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

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

Assessment:

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

RDL5030H LEGAL PRACTICE

Final Level half course, full year, two lectures per week, two points.

Course co-ordinator(s): Ms BA Bird.

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

Course outline:

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

Students attend 2 lectures per week on practical subjects and also complete some drafting assignments and practical exercises relating to the practice of law. In addition, each student participates in a Mock Trial conducted before a practising magistrate.

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

At the end of this course students will be able to

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

Assessment:

Clinic Work	40%
Assignments	30%
Examination in October/November	30%

RDL5026F UNJUSTIFIED ENRICHMENT

Final Level, first semester, two lectures per week, one point.

Course co-ordinator(s): Professor D Visser and Dr H Scott

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

62 LLB COURSE OUTLINES

Course outline:

This is an advanced course on unjustified enrichment. It ensures that the students have a sophisticated understanding of the law of enrichment. To this end the current developments in England, Scotland and certain European countries are also taken into account.

Assessment:

One 2 Hour written examination in June 100%

RDL5031H CURRENT ISSUES IN PRIVATE LAW

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

Course co-ordinator(s): Dr AJ Barnard.

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

The course deals with current issues in private law from a comparative and theoretical perspective.

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

Assessment:

Seminar presentation 10%
An essay of 4000 – 5000 words 90%

RDL5032H INTELLECTUAL PROPERTY LAW

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

Course co-ordinator(s): Ms L Tong.

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

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

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

Assessment:

One Written examination in June (2 Hour) 50%
One written examination in November (2 Hour) 50%

ONE (1) POINT OPTIONAL COURSES

FIRST SEMESTER

CML5003F MARITIME LAW (EXAMINATION) (*Not on offer in 2007*)

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

Course co-ordinator(s): Mr G Bradfield.

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

The course provides a general introduction to a selection of topics in maritime law.

1. Admiralty Jurisdiction and Practice;
2. Carriage of goods by sea;
3. Limitation of liability;
4. Marine pollution;
5. Marine insurance;
6. Salvage;
7. Wreck;
8. Ship registration and safety.

Assessment:

One compulsory class test in April (1 Hour) 40%

June Examination (1½ Hour) 60%

See the course outline distributed at the beginning of the semester for further details.

CML5012F INSURANCE LAW (*Not on offer in 2007*)

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

Course co-ordinator(s): Professor JE Hare.

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

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

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

Assessment:

June Examination 40%

Course work 60%

CML5028F GLOBAL ECONOMIC LAW (EXAM) (*Not on offer in 2007*)

Final level one point option, one seminar of one and a half hours per week, first semester, one point.

Course co-ordinator(s): Ms K Lehmann

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

Course outline:

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

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

64 LLB COURSE OUTLINES

etc.

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

Weeks Nine - Ten: The IMF

Assessment:

One written examination in June

100%

CML5028X GLOBAL ECONOMIC LAW (PAPER) *(Not on offer in 2007)*

Course outline:

Students attend the lectures offered in CML5028F Global Economic Law but instead of writing the final examination in June, they are required to submit a research paper based on some aspect of the course, to be submitted by mid September annually. A student may NOT register for CML5028F and CML5028X concurrently.

CRJ5004F CRIMINOLOGY

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

Course co-ordinator(s): Associate Professors E van der Spuy and W Schärf.

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

The landscape of criminal justice has been changing - both internationally and locally. For example, the growth of private security companies suggests that an increasing numbers of citizens rely on the market - rather than the state - for protection of their safety. Such developments provide proof of a new division of labour between the state, the private sector (the market) and communities (civil society) in the delivery of criminal justice.

This course sets out to examine - with particular reference to South African experiences - the form, content and implications of recent political changes on crime and the way the police, courts and prisons operate. We will focus our discussion on a number of select themes such as: crime patterns/statistics, policing, youth crime/youth justice, gender violence, masculinities, gangs and organised crime, popular and community courts. In each instance we will discuss the shifts in social discourse, examine legislative and procedural changes and consider the impact thereof on operational practice. Field visits to reformatories, youth custodial facilities and prisons will be organised.

Assessment:

Essays / tests

50%

June examination (2 Hour)

50%

CRJ5011F CONFLICT RESOLUTION

Final Level, half course, first semester, one double lecture per week, one point.

Course co-ordinator(s): Associate Professors E van der Spuy and W Schärf

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

The course aims to achieve three goals:

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

rights issues, youth justice and restorative justice. Guest experts to teach some seminars.

Assessment:

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

Essays / Tests	40%
One 1½ Hour written examination in June	60%

PBL5014F ENVIRONMENTAL LAW (EXAMINATION)

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

Numbers may be limited at the lecturer's discretion.

Course co-ordinator(s): Mr S Paterson.

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

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

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

Assessment:

June Examination (1½ Hour)	100%
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PBL5014X ENVIRONMENTAL LAW (PAPER)

Students attend the lectures offered in PBL5014F Environmental Law but instead of writing the final examination in June, they are required to submit a research paper based on some aspect of the course, by mid-September. A student may NOT register for PBL5014F and PBL5014X concurrently.

PBL5028F EUROPEAN UNION LAW

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

Course co-ordinator(s): Professor DJ Devine.

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

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

Assessment:

June Examination (1½ Hour)	100%
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PBL5030F REFUGEE AND IMMIGRATION LAW

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

Course co-ordinator(s): Ms F Khan

Prerequisites: International Law PBL2001H and Constitutional Law PBL2000W.

Course outline:

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

66 LLB COURSE OUTLINES

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

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

Assessment:

One 2 Hour written examination in June 100%

PBL5042F CURRENT ISSUES IN CONSTITUTIONAL LAW

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

Course co-ordinator(s): Professor C Murray

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

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

Assessment:

An essay submitted in the last week of teaching in the first semester 100%

RDL5029F HIV/AIDS, BIOETHICS AND THE LAW

Final Level course, first semester, one point.

Course co-ordinator(s): Dr AJ Barnard, Ms A Pope and Mr Terry Fleischer (Bioethics Centre, Dept of Medicine)

Prerequisites: All preliminary and intermediate level courses completed.

Course outline:

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

Assessment:

Satisfactory attendance and completion of course work that consists of seminars and short papers 30%
June Examination Assignment 70%

ONE (1) POINT OPTIONAL COURSES

SECOND SEMESTER

CML5016S TRUSTS AND ESTATE PLANNING

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

Course co-ordinator(s): Professor RJ Jooste.

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

Course outline:

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

Assessment:

One written examination in November (1½ Hour) 100%

CML5022S ELECTRONIC LAW (EXAMINATION)

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

Course co-ordinator(s): Ms D Collier

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

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

Course outline:

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

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

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

Practical instruction consists of the following:

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

Assessment:

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

CML5022X ELECTRONIC LAW (PAPER)

Students attend the lectures offered in the CML5022S Electronic Law course. Instead of writing the final examination students are required to submit a research paper based on some aspect of Electronic Law. A student may not register for CML5022S and CML5022X concurrently.

Assessment:

Participation in lectures	20%
Research Paper	80%

CML5023S COMPETITION LAW

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

Course co-ordinator(s): Judge D Davis

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

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

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

Assessment:

Coursework	40%
One written Examination in November (2 Hour)	60%

LAB5000S MEDICINA FORENSIS

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

Course co-ordinator(s): Dr LJ Martin, Dr D Lourens.

Lecturers: Dr D Lourens, Dr LJ Martin, Dr Y van der Heyde, Dr L Liebenberg.

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

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

Assessment:

One written examination in November (1½ Hour)	100%
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Twenty minutes oral examinations for pass/fail and borderline candidates will be held.

PBL5034S CONSTITUTIONAL LITIGATION

Final Level, half course, second semester, one point.

Course co-ordinator(s): Judge DM Davis

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

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

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

PBL5035S DIGNITY, EQUALITY AND FREEDOM – FUNDAMENTAL RIGHTS AND FUNDAMENTAL VALUES

Final Level, second semester, two lectures per week, one point.

Course co-ordinator(s): Professor DL Cornell

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

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

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

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

Assessment:

Satisfactory attendance and the completion of course work that consists of seminars and short papers (1 000 to 1 500 words)	60%
An essay (3 000 words)	40%

PBL5043S INTERNATIONAL HUMAN RIGHTS LAW AND THE ONSTITUTION

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

Course co-ordinator(s): Mr A Tshivhase

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

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

Assessment:

One written Examination in November (2 Hour)	60%
Written assignments and class participation	40%

RDL5012S LAW IN HISTORY (*Not on offer in 2007*)

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

Course co-ordinator(s): Dr K Hughes.

Prerequisites: All courses of Preliminary and Intermediate Levels to have been completed.

Course outline:

This course aims to explore the relationship between law and society concretely through examining some episodes from the history of law as seen through the eyes of some noted historians who have written about law, and of some lawyers who have written about history. Some topics which may be included are: the impact of the Reception of Roman Law; State formation; resisting or appeasing an oppressor, Family law; the development and decline of judicial torture; juries and democracy; Liberalism and the Rule of Law; the transition from Feudalism to Capitalism; the American Law of Slavery; the rise and fall of capital punishment, Max Weber, Roberto Unger, and the writing of history.

Assessment:

One hour written examination in November (2½ Hour)

100%

MOOT OPTIONS

CML5021X	Moot	Department of Commercial Law
CRJ5018X	Moot	Department of Criminal Justice
DOL3000X	Moot	Moot Competition
RDL5018X	Moot	Department of Private Law
PBL5032X	Moot	Department of Public Law
One point		

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

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

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

RESEARCH COMPONENT: FINAL LEVEL

- Each student must complete a research paper. Students can prepare their papers in two ways -
 - by working individually under the supervision of a member of the Faculty; or
 - by participating in one of the research focus groups listed below. The purpose of these groups is to draw together students with similar research interests and to provide them with an opportunity to discuss their work in the group under the guidance of a member of the Faculty.
- Independent research papers should be between 5 000-8 000 words in length.
- The final title of research done under the individual supervision of a member of staff must be approved, by registration day.
- All papers must be completed by the end of the mid-term vacation in the second semester of the final LLB year (i.e. mid-September).
- Students may be expected to attend a number of general lectures on writing and structuring research papers.
- Research focus groups are limited to 15 students each.
- Students may do more than one research paper (subject to the usual conditions). Each research paper counts 2 points. All research papers must comply with the requirements for the research papers written in fulfilment of the Final Level research component of the LLB.

Codes for Independent Research Papers

CML5001X	Commercial Law
CRJ5006X	Criminal Justice
PBL5001X	Public Law
RDL5006X	Private Law

Codes for Research Focus Groups

CML5002X	Law Development, Labour and Social Policy (<i>Not on offer in 2007</i>)
CML5025X	Commercial Law
CML5026X	Social Security (<i>Not on offer in 2007</i>)

72 LLB COURSE OUTLINES

CRJ5016X	Punishment and the Constitution (<i>Not on offer in 2007</i>)
CRJ5020X	Youth Justice
CRJ5021X	International Criminal Law
PBL5039X	Public Law
PBL5040X	Women and the Legal System
RDL5023X	Private Law
RDL5033X	Intellectual Property

CML5002X RESEARCH FOCUS GROUP: LAW DEVELOPMENT, LABOUR AND SOCIAL POLICY (*Not on offer in 2007*)

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

Course co-ordinator(s): Professor ER Kalula

Course outline:

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

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

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

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

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

Assessment:

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

CML5025X RESEARCH FOCUS GROUP: COMMERCIAL LAW

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

Course co-ordinator(s): Professor M P Larkin

Objective: The object of this course is to provide a discussion group for students who wish to examine particular aspects of commercial law. The Department of Commercial law will offer one or more seminar groups each with a specific focus.

Course outline:

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

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

Students will thereafter be supplied with reading material that is relevant to the subject matter of the

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

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

Assessment:

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

CML5026X RESEARCH FOCUS GROUP: SOCIAL SECURITY (*Not on offer in 2007*)

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

Course co-ordinator(s): Professor E R Kalula

Course outline:

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

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

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

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

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

Assessment:

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

CRJ5016X RESEARCH FOCUS GROUP: PUNISHMENT AND THE CONSTITUTION (*Not on offer in 2007*)

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

Course co-ordinator(s): To be advised.

Course outline:

The object of the course is to provide a discussion group for students who wish to consider the way in which the Constitution influences the imposition and implementation of punishment. In the first semester introductory seminars consider the traditional justifications for punishment and the impact of the Constitution on them. The introductory seminars also deal with the law on prisons and community penalties.

In seminars in the second semester students present their research papers, from a constitutional

74 LLB COURSE OUTLINES

perspective, on specific punishments that have been imposed or on aspects of the treatment of prisoners, such as medical care or the right to vote.

Assessment:

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

CRJ5020X RESEARCH FOCUS GROUP: YOUTH JUSTICE

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

Course co-ordinator(s): Associate Professor E van der Spuy and Ms E Steyn.

Course outline:

This course straddles the terrain of criminology, criminal law and criminal procedure. The object of the course is to provide a discussion group for students who are interested in the rights of children with specific reference to youth who come into conflict with the law and young children as victims and perpetrators of crime. Our discussions focus on recent South African developments in the field of youth justice, against the backdrop of international debates. Furthermore, we consider the challenges facing the implementation of a youth justice system, based among others on the principles of *restorative justice*, in a developing context such as our own.

In dealing with the child as a witness in the criminal justice system special attention given to recent developments relating to the trial process and other specific provisions within the Criminal Procedure Act, Act 51 of 1977, that deal with vulnerable witnesses, *inter alia*, those that restrict the freedom of an accused person to cross-examine the child victim personally, and provisions that govern the manner in which a child witness should give testimony in court. Others include restrictions upon the relevance of evidence about an alleged child victim's sexual behaviour in a sexual offences case as well as other measures within the Act aimed at the evidence of children in court. Consideration given to international conventions, more specifically the European Convention, and the protection of children in criminal justice systems.

The course is divided into three parts: The first part consists of a number of introductory seminars in which we consider the link between youth and crime from a criminological point of view. The position of not only young offenders and the law but also youth victims and the law in South Africa reviewed. Furthermore particular attention is paid to *restorative justice* and diversion within youth justice systems. For these seminars students are required to read certain prescribed texts and participate in discussion. During these seminars attention is also be paid to research skills, research ethics and research methodology.

In the second part of the course, students present their independent research papers to the group. Under the guidance of the convenor, students can select a topic of their choice. Possible topics include children's rights; developing juvenile justice; child victims; constitutional protection of children; child witnesses and the criminal process; the child victim as a witness in a sexual offences case; critical evaluation of youth justice in an international context; the law relating to child abuse; violence and children; protecting child witnesses; South Africa's response to youth justice; restorative justice and its applicability, children in detention; reforms in the law relating to children in South Africa, rites of passage programmes.

During the third part of the course no seminars are conducted but students have an opportunity to rewrite their papers, taking into account the group discussions.

Assessment:

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

CRJ5021X RESEARCH FOCUS GROUP: INTERNATIONAL CRIMINAL LAW

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

Course co-ordinator(s): Ms C Powell and Mr S Nakhjavani.

Course outline:

The object of the course is to provide a discussion group for students who wish to do independent research papers on international criminal law. Students wishing to research in any area that broadly falls under the rubric of international criminal law may join this group. The course is divided into three parts. The first part consists of five broad introductory seminars in which we consider the debates around: what is international criminal law; the substantive generic offences such as genocide, crimes against humanity and war crimes compared to the specific crimes of torture and forced disappearances; the various mechanisms for enforcement through international, particularly the ICC, mixed tribunals and domestically; general principles of international criminal law; and crimes of international concern and the modalities of international cooperation. For these seminars students are required to read certain prescribed texts and participate in discussion. In addition, during these seminars, attention is also paid to research skills and research methodology. During this period students also write their research proposals independently or in consultation with the convenor.

During the second part of the series of seminars, students will present their independent research proposals to the group for discussion.

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

Assessment:

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

PBL5039X RESEARCH FOCUS GROUP: PUBLIC LAW

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

Course co-ordinator(s): Professor C Murray.

Course outline:

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

Assessment:

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

PBL5040X RESEARCH FOCUS GROUP: WOMEN AND THE LEGAL SYSTEM

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

Course co-ordinator(s): Ms D Smythe.

Course outline:

The object of the course is to provide a discussion group for students who wish to examine aspects of South African law in the light of feminist theory for their independent research paper. The course

is divided into three parts. In the first four seminars, to provide background, we consider feminist theories of law and the position of women in South Africa. For these seminars students are required to read certain prescribed texts and participate in discussion. During these seminars attention is also paid to research skills and research methodology.

During the second part of the series of seminars, students present their independent research papers to the group. With the guidance of the convenor, students can select a subject of their choice. Possible subjects include feminist and social theory; the constitutional protection of women; family law including divorce, maintenance, adoption and custody, abortion and surrogate motherhood; the law relating to violent crimes against women, including rape and battery; employment law, including sex discrimination, equal pay, maternity benefits, sexual harassment and domestic workers; and the law governing censorship and pornography. During the third part of the course no seminars are conducted but students have an opportunity to rewrite their papers, taking into account the group discussion.

Assessment:

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

RDL5023X RESEARCH FOCUS GROUP: PRIVATE LAW

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

Course co-ordinator(s): Professor S Burman

Course outline:

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

In South Africa's rapidly changing and multi-cultural society, social and administrative factors affect the operation of the law to produce many diverse and unforeseen effects. Using socio-legal research, this course focuses on the role of the courts, legal and helping professions, law, and bureaucracy in relation to issues of family, gender, race, and social control. The relevance of foreign models will be evaluated for legislation and legal institutions currently being framed. The course will make extensive use of practical case studies, to teach students how to undertake socio-legal research.

The group starts with a series of seminars that provide a background to socio-legal research in private law. During this period students also write and discuss their research proposals. In the remaining seminars students present their papers to the group for discussion. The convenor or another member of the Faculty marks these papers and students will then be expected to revise them for final submission in September.

Assessment:

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

RDL5033X RESEARCH FOCUS GROUP: INTELLECTUAL PROPERTY LAW

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

Course co-ordinator(s): Ms L Tong

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

Course outline:

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

During Phase I there will be a series of introductory seminars to introduce students to the range of topical issues in intellectual property law, such as geographical indications, protection of indigenous knowledge, international trade, pharmaceutical patents, human rights aspects of intellectual

property, the effects of digitization and the internet, biotechnology patents and the challenges faced by developing countries to implement intellectual property protection. During this period, students will refine their research proposals in consultation with an appropriate supervisor.

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

Assessment:

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

EXCHANGE, INTERNATIONAL AND SEMESTER STUDY ABROAD STUDENTS

General Information

1. An 'undergraduate' student is any student who does not yet hold a law degree from a tertiary institution. Students who are already in possession of a degree from a tertiary institution, and who are attending law school, but have yet to be awarded a law degree, are still undergraduate students for the purposes of study at UCT.
2. A 'postgraduate' student is a student who is already in possession of a law degree from a tertiary institution.
3. Both undergraduate and postgraduate exchange and semester study abroad students may do no more than 12 lectures per week. In other words, you may register for between two and six courses, provided the total number of contact lectures does NOT exceed 12 lectures per week. In this regard, please note that we do not use a credit point system per course, so we cannot advise you on how many credits you will receive from your home institution. All we can advise is that we a full semester load for our students is the equivalent of 12 lectures per week.
4. One LLM lecture 'counts' 6 contact lectures (even though students do not actually meet for 6 lectures per week). Students registered for a full LLM degree are permitted to do no more than 2 LLM courses per semester, and therefore exchange and semester study abroad students are only permitted to do a maximum of two LLM courses per semester also.
5. The number of contact lectures for each LLB course is contained in the Law Faculty Handbook, available from the Law Faculty Office (email requests for a handbook should be addressed to Ms Sheryl Ronnie at (sronnie@law.uct.ac.za). Much of the information regarding courses is available online also, under the Law Faculty's website.
6. Undergraduate exchange and semester study abroad students may do no more than one LLM course, and any number of LLB courses, provided the combined contact lectures do not exceed twelve. Naturally, undergraduate exchange and semester study abroad students do not need to do an LLM course, but may limit their course selections to LLB subjects only.
7. Should an undergraduate student wish to do an LLM course, he or she must obtain the permission of the individual convenor of that course, and provide Ms Sheryl Ronnie of the law faculty office with the convenor's permission, which must be given in writing. A signature by the convenor on the registration form is sufficient, if such permission can be obtained at the time of registration. If not, written confirmation must be given to the faculty office at the earliest available date thereafter.
8. Postgraduate exchange and semester study abroad students may do up to two LLM courses per semester. No additional LLM or LLB courses may be taken.
9. Postgraduate students do not need to obtain the permission of the LLM course convenor in order to do any LLM course.
10. Exchange students who have come to study at UCT in terms of an exchange agreement between their law faculty and the UCT law faculty may only do courses offered by the UCT law faculty, and may not register for courses offered by other faculties. If they do wish to do courses offered by other faculties, they need to register as occasional students in respect of those additional courses with IAPO, for which they will need to pay the appropriate fees.
11. Exchange and semester study abroad students who register for a course are expected to complete all the assignments and examinations set for that course. Students do not receive a credit for a course merely for 'attending' lectures or seminars regularly.

Note: Information regarding the contact hours per course is contained in the course outlines in the handbook.

COURSE OUTLINES

CRJ3001F CRIMINAL LAW (PART A)

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

Course co-ordinator(s): Professor J Burchell

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

Course outline:

Introduction: This course covers the general principles of criminal law. Students are introduced to these principles by a brief examination of the nature of criminal law and punishment, the principle of legality and the operation of the Bill of Rights on the rules of criminal law. A brief overview of the general principles places each of the elements of criminal liability in context and demonstrates its role in deciding criminal liability.

Analysis of principles:

The course focuses on an analysis of the case law and legal principles governing the elements of

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

The tutorial style of teaching is favoured and students are given all of the tutorial problems and readings, in the order in which they will be covered in classes, at the beginning of the semester and are required to prepare in advance of lectures and tutorials. Class participation is essential.

Assessment:

Optional essay	50%
Compulsory Test	50%

PBL4001F ADMINISTRATIVE LAW (PART A)

First semester, three lectures per week. Occasional seminars and tutorials will be held at the convenor's discretion.

Course co-ordinator(s): Dr D Chirwa.

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

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

Course outline:

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

Assessment:

One written examination (3 Hour)	100%
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PBL2000F CONSTITUTIONAL LAW (PART A)

First semester course, four lectures per week, tutorials.

Course co-ordinator(s): Professor CM Murray.

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

Course outline:

The first part of this course provides an introduction to the history of South African constitutional law and basic concepts such as democracy, legitimacy, constitutionalism, federalism, separation of powers and the rule of law. It then considers the South African Constitution in detail. The second part of the course focuses on the protection of human rights in the Constitution. It examines the operation of the Bill of Rights and, using both SA cases and the jurisprudence of constitutional courts in other jurisdictions as well as the European Court of Human Rights, considers aspects of the Bill of Rights such as freedom of speech and equality, and affirmative action.

Assessment:

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

PBL2001F INTERNATIONAL LAW (PART A)

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

Course co-ordinator(s): Ms C Powell.

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

Course outline:

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

Assessment:

One assignment	20%
One written examination (2 Hour)	80%

RDL1003F FOUNDATIONS OF SA LAW (PART A)

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

Course co-ordinator(s): Professor FG du Bois and Ms L Tong.

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

Course outline:

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

Assessment:

One written examination (3 Hour) counts	100%
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RDL1003S FOUNDATIONS OF SA LAW (PART B)

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

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

Course co-ordinator(s): Professor FG du Bois and Ms L Tong.

Course outline:

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

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

Assessment:

One written examination (3 Hour) counts 100%

RDL5032S INTELLECTUAL PROPERTY (PART B)

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

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

Course co-ordinator(s): Ms L Tong.

Course outline:

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

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

Assessment:

One written examination in November (2 Hour) 100%

SCHOOL FOR ADVANCED LEGAL STUDIES

The Faculty of Law at the University of Cape Town has been offering approved courses for Master of Laws and Postgraduate Diploma purposes since the early 1980s. These courses have been introduced and expanded to meet the particular demands of and to complement the research work undertaken by specialised institutes and units associated with the Faculty. To date, most students have been drawn from the greater Cape Town area and have been involved on a part-time basis.

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

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

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

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

RULES AND REQUIREMENTS FOR DEGREES AND DIPLOMAS

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

For Postgraduate Diploma purposes, students must select and complete two courses or their equivalent and submit a dissertation of not more than 12 500 words by 15 February of the year following first registration for students who have completed their coursework in December and 15 September of the same year for students who have completed their coursework in June. Diploma students may, subject to relevant admission criteria, apply to convert their registration to the LLM programme.

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

The Postgraduate Centre

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

Rules for the Degree of Master of Laws (LLM) in Approved Courses and a Minor Dissertation

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

FMC1 The Faculty offers a Masters of Laws (LLM) degree which is examined by coursework and a minor dissertation, subject to these rules in particular.

Specialist areas

FMC2 The degree may be conferred without specialisation or in any of the following specialist areas:

- Commercial Law
- Constitutional and Administrative Law
- Criminal Justice
- Environmental Law
- Human Rights Law
- Information Communication Technology
- International Law
- Labour Law
- Marine & Environmental Law
- Marine Law
- Private Law
- Public Law
- Shipping Law
- Tax Law

The field of law in which the dissertation and three of four courses of the degree have been fulfilled will determine the area of specialisation.

Admission

FMC3 A person may be considered for admission as a candidate for the degree of Master of Laws if -

1. he or she has a law degree of the University or an equivalent degree of another University or institution recognised by the Senate for the purpose; or
2. he or she has in any other manner attained a level of competence, which, in the opinion of Senate, on the recommendation of the Faculty of Law, is adequate for the purposes of admission as a candidate for the degree.

Obtaining the Degree

FMC4 A candidate must undertake advanced study in four approved courses (or the equivalent) and complete a minor research dissertation under the guidance of a supervisor appointed by Senate. A candidate must obtain at least 50% for each course and at least 50% for the minor dissertation.

Examination

FMC5.1 The examination will consist of written papers, in the approved courses and a minor dissertation of not more than 25 000 words on a subject approved by Senate which must be of legal interest and related to one of the approved courses.

FMC5.2 Supplementary examinations are not set for any of the approved courses.

Credit and Exemption

FMC6.1 For the purpose of granting credit for and exempting a candidate from a maximum of two of the courses prescribed under FMC4, Senate may accept examinations in an appropriate course of equivalent weight passed at this or another university or institution recognised for this purpose; provided that Senate may, in advance, approve a course or courses, which, if completed successfully, will allow credit for and exemption from a course or courses prescribed for the degree. Such approval will be valid for one year but may be renewed on the recommendation of the Faculty of Law.

FMC6.2 Notwithstanding Rule FMC6.1, a candidate will not be admitted to the degree in terms of Rule FMC4 unless he or she has completed at least the majority of the prescribed courses and the minor dissertation at this University.

FMC6.3 Except with the permission of Senate, no student may be granted credit towards the LLM degree for courses successfully completed towards the Postgraduate Diploma in Law, after the Diploma has been conferred on that student.

Date for submission of minor dissertation

FMC7.1 The proposal for the minor dissertation must be submitted to your supervisor no later than the time at which half the coursework requirements of your degree have been fulfilled.

FMC7.2 The minor dissertation must be submitted at the latest by 15 February of the year following the Final Level of registration for approved courses (see Rule FMC11) for students who have completed their coursework in December and 15 September of the same year for students who have completed their coursework in June. Should a longer period be required to complete a dissertation, a formal application for extension must be submitted. This will have fee implications. Please also note that you have to re-register in February each year while completing your degree.

Written or oral examinations

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

Exclusion from a course

Minimum requirements for readmission to the Degree

FMC9.1 A candidate must pass three of the four courses in order to qualify for readmission.

FMC9.2 Should a candidate fail a course he or she may only continue by taking another course, unless Senate gives permission to repeat the course failed or study for a longer period.

FMC9.3 A candidate who fails the minor dissertation may only revise if recommended by the Supervisor, with the permission of Senate.

Exclusion from the degree

- FMC10.1 A candidate who fails two courses or the same course twice will not be allowed to re-register for any other LLM course, except with the permission of Senate.
- FMC10.2 A candidate who fails the minor dissertation twice or does not submit the dissertation timeously, having been given an extension of time, see FMC7, will not be allowed to re-register for either the Degree nor any further postgraduate study, except with the permission of Senate.

Duration of programme

- FMC11 Except with the permission of Senate:
1. a full-time candidate must complete the approved coursework required for the degree in one academic year (two courses per semester) and the dissertation in accordance with Rule FMC7; and
 2. a part-time candidate must complete the approved coursework required for the degree within two academic years (one course per semester) and the dissertation in accordance with Rule FMC7.

Minor dissertation

- FMC12 The minor dissertation must be satisfactory in arrangement and expression and must be typewritten or printed. A candidate must submit three copies (temporary bindings) and an electronic version directly to the School for Advanced Legal Studies office.

The following statement must appear on the title page:

Research dissertation presented for the approval of Senate in fulfilment of part of the requirements for the (*qualification for which a student is registered*) in approved courses and a minor dissertation. The other part of the requirement for this qualification was the completion of a programme of courses.

I hereby declare that I have read and understood the regulations governing the submission of (*qualification for which student is registered*) dissertations, including those relating to length and plagiarism, as contained in the rules of this University, and that this dissertation conforms to those regulations.

Note: One unbound copy is lodged with Jagger Library, Special Collections.

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

Publication of minor dissertation

- FMC13 No publication may, without the prior permission of the University, contain a statement that the published material was or is to be submitted in part or in full for the degree.

Distinction

- FMC14.1 The degree may be awarded with distinction.
- FMC14.2 For the degree to be awarded with distinction a candidate must:
1. complete the coursework in one year if full-time or in two years if part-time;
 2. submit the minor dissertation no later than 15 February next following the completion of the coursework for students who have completed their coursework in December and 15 September of the same year for students who have completed their coursework in June;
 3. not be permitted to count work for which he or she may have been granted credit towards the degree in respect of work completed towards another degree or diploma; and
 4. obtain an average mark of at least 75%, the minor dissertation counting for 50% of the examination.

Exemption from or modification of rules

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

NOTES:

- a *Courses on offer may be added to from time to time or a particular course may not be offered in a particular year.*
- b *Candidates for the degree must at the time of application indicate which courses they intend to pursue. Certain courses have distinct admission criteria so that admission to the LLM programme does not necessarily signify acceptance for such courses. Foreign students should note that some of the courses assume detailed knowledge of South African law as the basis for further study: it is therefore unlikely that they would be admitted to such a course.*
- c *The following general policy exists currently with regard to applicants: a good LLB (average mark in the 60% to 70% range) is the minimum qualification. Subsequent study and /or related work experience is a recommendation. For those with a BProc degree, an average mark greater than 70% is required, unless there is evidence of additional/subsequent work experience appropriate to the courses chosen.*

Rules For The Master of Philosophy (MPhil) Degree in Approved Courses and a Minor Dissertation

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

- FMR1 The Faculty offers a Master of Philosophy degree which is examined by coursework and a minor dissertation, in the following circumstances:
- i. where a law graduate wishes to pursue Masters level studies in law as well as in inter-Faculty cognate topics, such that the award of an LLM degree would be inappropriate; or
 - ii. where a non-law graduate wishes to pursue Masters level studies either in law as well as in inter-Faculty cognate topics or entirely in law.

Specialist areas

FMR2 The degree may be conferred without specialisation, in Law or in any of the specialist areas listed in Rule FMC2 above.

Admission

FMR3 In addition to those who may be considered for admission as candidates for the LLM degree (see Rule FMC3.1 and FMC3.2 above), graduates with an Honours degree of the University or an equivalent degree of another university or institution recognised by Senate for this purpose may be considered for admission as candidates for a degree of Master of Philosophy.

Further rules

Rules FMC4 to FMC15 for the LLM degree (above) apply unchanged to the MPhil degree by coursework, except that 'MPhil / Master of Philosophy' is substituted for 'LLM / Master of Laws' where it appears.

Rules for the Postgraduate Diplomas in Law

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

FG1 The Faculty offers a Postgraduate Diploma in Law which is examined by coursework

and minor dissertation, subject to these rules.

Specialist areas

FG2 The Postgraduate Diploma in Law may be conferred without specialisation or in the following specialist areas:

Commercial Law
 Company Law
 Conciliation and Arbitration
 Constitutional Law
 Criminal Justice
 Dispute Resolution
 Employment Law
 Environmental Law
 Human Rights Law
 Information Communications Technology
 International Law
 Labour Law
 Marine Law
 Marine and Environmental Law
 Private Law
 Public Law
 Shipping Law
 Tax Law

The area of specialisation will be determined by the field of law in which the dissertation and one course for the Postgraduate Diploma have been fulfilled. Rules regarding areas of specialisation, in addition to those below, appear in the “Programmes and Course Outlines” section of this book.

Admission

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

1. he or she has a law degree of the University, or an equivalent degree of another university or institution recognised by Senate for this purpose;
2. he or she is a graduate of this University, or of any other university or institution recognised by Senate for this purpose, who has completed such course or courses as in the opinion of Senate on the recommendation of the Faculty of Law, qualify him/her for admission to the Diploma;
3. he or she is an enrolled advocate or attorney of the High Court of South Africa;
4. in the case of the Diploma in Tax Law, a person who has passed the final professional chartered accountancy examination of the Public Accountants and Auditors Board of South Africa, or an examination which, in the opinion of the Board and of Senate, is of equivalent standard, or a Bachelor of Commerce graduate of the University who has completed a course in taxation;
5. he or she holds any other academic or professional qualification which Senate has approved as a ground for admission to the Diploma; or
6. a person who has satisfied Senate, by means of such test as may be prescribed, that his/her qualifications are equivalent to any one of those enumerated in FG3.1, 3.2, 3.3, 3.4 and 3.5 above.

NOTES:

1. *With regard to the Postgraduate Diploma in Law in Shipping Law, and with reference to Rule FG3 above,*
 - (a) *in principle, a Master's certificate together with sufficient appropriate experience in the Shipping field, may serve as a ground for admission*

- (b) *the essential requirement for admission in the absence of a degree is the possession of sufficient appropriate experience in the field in question, whether evidenced by possession of a Master's certificate or not.*
2. *The following general policy exists currently with regard to applicants: a good LLB (average mark in the 60% to 70% range) is the minimum qualification. Subsequent study and /or related work experience is a recommendation. For those with a BProc degree, an average mark greater than 70% is required, unless there is evidence of additional/subsequent work experience appropriate to the courses chosen.*

Obtaining the Diploma

FG4 A candidate must undertake advanced study in two approved courses (or the equivalent) and complete a minor research dissertation on an approved topic under the guidance of a supervisor appointed by Senate. A candidate must obtain at least 50% for each course and at least 50% for the dissertation.

Examination

FG5.1 The examination will consist of written papers in the approved courses and a minor dissertation of not more than 12 500 words on a subject approved by Senate which must be of legal interest and related to one of the approved courses.

FG5.2 Supplementary examinations are not set for any of the approved courses.

Credit and exemption

FG6.1 Senate may accept examinations in an appropriate course of equivalent weight passed at this or another university recognised for the purpose of exempting a candidate from one course of the work prescribed in Rule FG5; provided that Senate may, in advance, approve an individual course or courses offered by another university, as a course which, if completed, will allow credit for and exemption from a course prescribed for the Postgraduate Diploma in Law. Such approval will be valid for one year but may be renewed on the recommendation of the Faculty of Law.

FG6.2 Notwithstanding Rule FG6.1, a candidate will not be admitted to the Diploma unless he or she has completed at least one course and the minor dissertation at this University.

Date for submission of minor dissertation

FG7.1 The proposal for the minor dissertation must be submitted to your supervisor no later than the time at which half the coursework requirements of your degree have been fulfilled.

FG7.2 The minor dissertation must be submitted at the latest by 15 February of the year following the year of registration for the Postgraduate Diploma in Law for students who have completed their coursework in December and 15 September of the same year for students who have completed their coursework in June.

Written or oral examinations

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

Exclusion from a course

Minimum requirements for readmission to the Diploma

FG9.1 A candidate must pass one of the two courses in order to qualify for readmission.

- FG9.2 Should a candidate fail a course he or she may only continue by taking another course, unless Senate gives permission to repeat the course failed or study for a longer period.
- FG9.3 A candidate who fails the minor dissertation may only revise if recommended by the Supervisor, with the permission of Senate.

Exclusion from the Diploma

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

Duration

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

Minor dissertation

- FG12 The minor dissertation must be satisfactory in arrangement and expression and must be typewritten or printed. A candidate must submit three copies (temporary bindings) and an electronic version directly to the School for Advanced Legal Studies office.

The following statement must appear on the title page:

Research dissertation presented for the approval of Senate in fulfilment of part of the requirements for the (*qualification for which a student is registered*) in approved courses and a minor dissertation. The other part of the requirement for this qualification was the completion of a programme of courses. I hereby declare that I have read and understood the regulations governing the submission of (*qualification for which student is registered*) dissertations, including those relating to length and plagiarism, as contained in the rules of this University, and that this dissertation conforms to those regulations.

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

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

Publication of minor dissertation

- FG13 No publication may, without the prior permission of the University, contain a statement that the published material was or is to be submitted in part or in full for the Diploma.

Distinction

- FG14.1 The Diploma may be awarded with distinction.
- FG14.2 For the Diploma to be awarded with distinction, a candidate must:
- (a) submit the minor dissertation no later than 15 February next following the completion of the coursework for students who have completed their coursework in December and 15 September of the same year for students who have completed their coursework in June; and
 - (b) obtain an average mark of at least 75%, the minor dissertation counting for 50% of the examination.

Exemption from or modification of rules

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

NOTE: Conversion to LLM degree

Candidates who have registered for the Postgraduate Diploma in Law may, subject to the requisite qualifications and acceptability, upgrade their registration to the LLM programme. Such candidates should apply in writing to change their registration by no later than 31 AUGUST. They will be informed whether their application has been accepted or not. Candidates who have had the Diploma conferred on them may NOT convert to registration for the LLM retrospectively (see Rule FMC6.3). Students are referred to the Notes which appear immediately below the LLM degree rules, which are applicable to the Diploma in equal measure.

STUDY PROGRAMMES

Teaching contact periods vary from course to course: details must be obtained from the course convenor in each instance. In principle, each double course carries the weight of 100 contact periods per annum, while each course carries the weight of 50 contact periods. Because of the wide range of courses on offer, a draft timetable has been drawn up for each semester. This might mean that certain combinations of courses are not possible, although the School for Advanced Legal Studies (SALS) will try to accommodate as much freedom of choice as possible. Please consult the timetable when choosing courses.

Various groupings of subjects are set out below as 'programmes', as the issues which are dealt with form a coherent whole. If a student elects such a 'programme', he or she will be awarded with the degree/diploma in the specialist area concerned. Please refer to the Rules for LLM and MPhil Degrees, and the Postgraduate Diplomas in Law for further information.

The following 'programmes' are described:

- Marine Law
- Company Law
- Environmental Law
- Shipping Law
- Public Law
- Human Rights Law
- Constitutional and Administrative Law
- International Law
- Labour Law
- Conciliation and Arbitration
- Employment Law
- Tax Law
- Criminal Justice
- Information Communication Technology Law
- Commercial Law
- General

This does not mean that the courses listed under specific 'programme' headings may not freely be chosen as part of a 'general' diploma/degree, or as components of a field of study (e.g. commercial law) which is wider than a 'programme' but narrower than 'general'.

A. MARINE AND SHIPPING LAW PROGRAMMES

Courses in both the private law and public law aspects of Marine Law are offered jointly by the Departments of Commercial Law (Shipping Law division) and Public Law (Institute of Marine Law). (Refer to the Rules for LLM and MPhil Degrees, and Postgraduate Diplomas in Law).

A.1 MARINE LAW, MARINE & ENVIRONMENTAL LAW AND ENVIRONMENTAL LAW

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

Masters Degree in Marine Law

- (a) To qualify for the speciality Marine Law a candidate must complete four courses including: either:
- (i) at least three of the following:
International Law of the Sea (PBL6002F);
Coastal Zone Law (PBL6003F) (*not on offer in 2007*);
Marine Resources Law (PBL6008F);
Marine Pollution Law (PBL6030S).
or:
 - (ii) the courses:
Admiralty Jurisdiction and Practice (CML6024S);
International Law of the Sea (PBL6002F);
- and at least one of the following:*
Coastal Zone Law (PBL6003F) (*not on offer in 2007*);
Marine Resources Law (PBL6008F);
Marine Pollution Law (PBL6030S).

The minor dissertation must in all cases be in the field of Marine Law.

Masters Degree in Marine and Environmental Law

- (b) To qualify for the speciality Marine and Environmental Law a candidate must complete four courses including at least three of the following:
International Law of the Sea (PBL6002F);
Coastal Zone Law (PBL6003F) (*not on offer in 2007*);
Marine Resources Law (PBL6008F);
Environmental Law (PBL6012S);
International Environmental Law (PBL6019F);
Marine Pollution Law (PBL6030S).
but the candidate must do either Environmental Law or International Environmental Law and may do both. The minor dissertation must relate to one or more of the six courses listed above.

Masters Degree in Environmental Law

- (c) To qualify for the speciality Environmental Law a candidate must complete both Environmental Law (PBL6012F), and International Environmental Law (PBL6019F), and must select two further courses, including at least one of the following:
Coastal Zone Law (PBL6003F) (*not on offer in 2007*);
Marine Resources Law (PBL6008F);
Marine Pollution Law (PBL6030S).
The minor dissertation must relate to Environmental Law and/or International Environmental Law.

Postgraduate Diploma in Law in Marine Law

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

FGD1.2 A candidate must complete the following courses:

- (i) International Law of the Sea (PBL6002F); and
- (ii) one of the following:
Coastal Zone Law (PBL6003F) (*not on offer in 2007*);
Marine Resources Law (PBL6008F);

Marine Pollution Law (PBL6030S).

FGD1.3 A candidate must complete a dissertation of not more than 12 500 words on an approved topic of legal interest related to one or more of the above courses.

Postgraduate Diploma in Law in Marine and Environmental Law

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

FGD8.2 A candidate must complete the following courses:

- (i) either:
Environmental Law (PBL6012S); or
International Environmental Law (PBL6019F);
and:
- (ii) one of the following:
International Law of the Sea (PBL6002F);
Coastal Zone Law (PBL6003F) (*not on offer in 2007*);
Marine Resources Law (PBL6008F);
Marine Pollution Law (PBL6030S).

FGD8.3 A candidate must complete a dissertation of not more than 12 500 words on an approved topic of legal interest related to Marine Environmental Law.

Postgraduate Diploma in Law in Environmental Law

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

FGD9.2 A candidate must complete the following courses:

- Environmental Law (PBL6012S); and
International Environmental Law (PBL6019F).

FGD9.3 A candidate must complete a dissertation of not more than 12 500 words on an approved topic of legal interest related to Environmental Law and/or International Environmental Law.

A.2 SHIPPING LAW PROGRAMME

A Masters degree in Shipping Law may be obtained by successful completion of:

Admiralty Jurisdiction & Practice (CML6024S)
Maritime Law & Marine Insurance (CML6025F)
Carriage of Goods by Sea (CML6026S)

A fourth course in a cognate area of the law, and a minor dissertation related directly to one of the three courses in this section.

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

B. PUBLIC LAW PROGRAMMES

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

B.1 CONSTITUTIONAL AND ADMINISTRATIVE LAW PROGRAMMES

Students can specialise in the above by taking the following courses and completing a minor dissertation on a related topic:

Administrative Justice (PBL6035S)

Environmental Law (PBL6012S)

Governing Under the Constitution: Law & Practice (PBL6023F)

Human Rights Law (PBL6032S)

International Environmental Law (PBL6019F)

Legal Writing (PBL6022S)

Refugee & Immigration Law & Policy in South Africa (PBL6020F) (*Not on offer in 2007*)

Litigating the Bill of Rights (PBL6033S)

The minor dissertation must be on a related topic

B.2 INTERNATIONAL LAW PROGRAMME

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

Coastal Zone Law (PBL6003F) (*Not on offer in 2007*)

International Criminal Law (CRJ6007F)

International Economic Law CML6040S)

International Law of the Sea (PBL6002F)

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

International Protection of Human Rights (PBL6031F)

International Rights of the Child (PBL6028F) (*Not on offer in 2007*)

Law of International Trade (CML6019F)

Marine Pollution Law (PBL6030S)

Marine Resources Law (PBL6008F)

Principles of Public International Law (PBL6015F)

The minor dissertation should be on a related topic.

C. HUMAN RIGHTS LAW PROGRAMME

Students who wish to specialise in this area of law may select their courses from:

Administrative Justice (PBL6035S)

Comparative Family Law and Human Rights in Africa (RDL6011S)
(*Not on offer in 2007*)

Criminal Justice in Transition (CRJ6010F) (*Not on offer in 2007*)

Environmental Law (PBL6012S)

Human Rights Law (PBL6032S)

International Criminal Law (CRJ6007F)

International Environmental Law (PBL6019F)

International Protection of Human Rights (PBL6031F)

International Rights of the Child (PBL6028F) (*Not on offer in 2007*)

Litigating the Bill of Rights (PBL6033S)

Punishment and Human Rights (CRJ6015S) (*Not on offer in 2007*)

Refugee and Immigration Law and Policy in South Africa (PBL6020F) (*Not on offer in 2007*)

Theories of Crime and Social Order (CRJ6020F)

Trends in the Governance of Security (CRJ6032F)

The minor dissertation must be in the area of Human Rights Law.

D. LABOUR LAW PROGRAMME

The Universities of Cape Town, Stellenbosch and the Western Cape offer a co-ordinated postgraduate programme in labour law. The joint-university postgraduate labour law programme consists of the following courses, the five of which are offered by the University of Cape Town and the rest by the Universities of Stellenbosch and the Western Cape.

A candidate will only be allowed to register for the following courses if he or she has, in the opinion of Senate, attained a sufficient level of competence in the field of labour law.

University of Cape Town courses

Collective Bargaining & Strike Law (CML6013S)

International & Comparative Labour Law (CML6016F)

Conciliation and Arbitration (CML6031S)

Social Security Law (CML6022S)

Individual Labour Law (CML6051F)

University of Stellenbosch courses: Employment Equity and Labour Law under the Constitution.

University of the Western Cape courses: Labour Law in the New Global Market and Unfair Dismissal Law.

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

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

D.1 POSTGRADUATE DIPLOMA IN LAW IN CONCILIATION AND ARBITRATION

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

- FGD5
- a. A candidate for this diploma must complete the courses Conciliation and Arbitration (CML6031S), and Labour Economics, Labour Relations and Human Resource Development (CML6032F) (*Not on offer in 2007*),
 - b. the 12 500-word minor dissertation, or the equivalent at the discretion of Senate in accordance with the Rules for the Postgraduate Diplomas in Law.
 - c. Labour Economics, Labour Relations and Human Resource Development (CML6032F) (*Not on offer in 2007*) is only available to students studying for the Diploma in Conciliation and Arbitration.

D.2 POSTGRADUATE DIPLOMA IN LAW IN EMPLOYMENT LAW

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

- FGD4.1 A candidate for this Diploma must complete the following approved courses: Individual Labour Law (CML6051F), and Collective Bargaining and Strike Law (CML6013S), and a Minor Dissertation (CML6023W)

- FGD4.2 A candidate for this Diploma must fulfil all the following requirements:
- a. attend all prescribed classes.

- b. written assignments prescribed throughout the year;
- c. a minor dissertation comprising not more than 12 500 words on an approved topic to be submitted in accordance with rule FG7; and

D.3 POSTGRADUATE DIPLOMA IN LAW IN DISPUTE RESOLUTION

(Not on offer in 2007)

FGD10.1 A person may be considered for admission as a candidate for the Postgraduate Diploma in Law if:

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

FGD10.2 Obtaining the Diploma

1. A candidate must undertake advanced study in five core courses and 3 minor approved courses (or the equivalent) and complete an Arbitration Award in lieu of a minor research dissertation.
2. A candidate must obtain at least 50% for each course and at least 50% for the minor dissertation in order to pass the program and obtain the diploma.
3. The Arbitration Award in lieu of a minor dissertation shall not be more than 4000 words in length.

FGD10.3 Core Courses and Minor Courses

1. The following shall be the core courses of the Post Graduate Diploma in Law in (Dispute Resolution) namely: National and Generic Labour Law (CML6043F), the Law of Evidence (CML6044F), Arbitration (CML6045F), Conciliation (CML6046F), and the Award (CML6050F).
2. The following are considered as the minor courses of the Postgraduate Diploma in Law in (Dispute Resolution) namely: Labour Economics (CML6047F), Human Resource Management (CML6048F) and Labour Relations (CML6049F) and are subject to change from time to time.

FGD10.4 Duration

The minimum duration of the course shall be the equivalent of one academic year for full-time candidates and two years for part-time students.

FGD10.5 Examination Regulations

1. The final examinations shall consist of written assignments, moots and an award.
2. In Arbitration the moots shall count for 40% of the final mark in the course/subject to which they relate.
3. A candidate who has passed all of the other courses but has failed to attain a mark of at least 50% in the Arbitration Award shall be deemed to have failed the program.

FGD10.6 Minimum requirements for Readmission to the Postgraduate Diploma Programme

1. A candidate must pass at least 3 of the 5 core courses and 2 of the 3 minor courses in order to qualify for readmission.
2. Should a student fail a course he or she may only repeat the course once, unless Senate gives permission for a longer period of study.

FGD10.7 Supplementary Examinations

1. A candidate must obtain a mark between 45% and 49% in any subject, course or the award in order to qualify for a supplementary examination in any such subject, course or award.
2. A candidate, who fails the minor dissertation (Award) or does not submit the minor dissertation timeously, will not be allowed to re-register for either the Diploma or any further postgraduate study, except with the permission of Senate.

FGD10.8 Credit and Exemption

1. Senate may accept examination results in an appropriate course of equivalent weight obtained at this or another university recognised for the purpose of exempting a candidate from one course of the work prescribed as requirements for this programme.
2. Senate may, in advance, approve an individual course or courses offered by another university, as a course or courses which, if completed, will allow credit for and exemption from a course or courses prescribed for the Postgraduate Diploma in Law. Such approval will be valid for one year but may be renewed on the recommendation of the Faculty of Law.
3. Course exemption will not be granted for a major course or the practical components of the course, such as moots, passed at another institution.

FGD10.9 Exclusion from the diploma

A candidate who fails to satisfy the 80% class attendance record will be excluded from sitting for examinations in the affected course or courses and will be deemed to have failed the course.

FGD10.10 The award

1. The Award must be satisfactory in arrangement and expression and must be typewritten or printed.
2. The following statement must appear on the title page: Research dissertation presented for the approval of Senate in partial fulfilment of the in approved courses and minor dissertation. The other part of the requirement for this qualification was the completion of a programme of courses.
3. As a standard practice, every thesis/dissertation/award shall be accompanied by declaration that reads as follows: "I hereby declare that I have read and understood the regulations governing the submission of postgraduate dissertations, including those relating to length and plagiarism, as contained in the rules of this University, and that this award conforms to those regulations. I further declare that this award has not been submitted for a similar degree/diploma in any other university or institution".

FGD10.11 Class Attendance

98 SCHOOL FOR ADVANCED LEGAL STUDIES

1. A candidate will be expected to maintain an 80% class attendance record in all of the taught courses that comprise the Diploma.
2. A failure by a candidate to attend all scheduled role-plays in the moot component of the programme may also lead to the deduction of marks and or the failure of that candidate in his or her own particular moot.

FGD10.12 Classification

1. The Diploma may be awarded with distinction if an average mark of 75% is achieved.
2. The award shall count for 30% of the overall mark.

E. TAX LAW PROGRAMME

The following forms of higher postgraduate study in Tax Law will be available:

1. A Postgraduate Diploma in Law in Tax Law comprising Income Tax Law (CML6036W) or Capital Transfer Tax Law (CML6037W) (*Not on offer in 2007*) and a dissertation of not more than 12 500 words.
2. An LLM/ MPhil Degree in Tax Law comprising Law of Advanced Income and Capital Taxes (CML6052W), Capital Transfer and International Tax Law (CML6053W) and a dissertation of not more than 25 000 words. This is a two-year programme. Please note that the successful completion of CML6052W is a pre-requisite for entrance into CML6053W.

Postgraduate Diploma students who are eligible may, within the constraints of the rules, elect to upgrade their registration to an MPhil or LLM Degree in Commercial Law (but not Tax Law) should they decide to continue their studies. However, students may not use either CML6036W or CML6037W toward an MPhil or LLM Degree after having had a Postgraduate Diploma conferred on them, depending on which course was used toward that Postgraduate Diploma in Law.

Income Tax Law (CML6036W) or Capital Transfer and Transactions Tax Law (CML6037W) or Law of Advanced Income and Capital Taxes (CML6052W) may also be taken as a double-course, in combination with other courses, toward an MPhil or LLM Degree. The required dissertation of not more than 25 000 words may be in either field of study.

F. CRIMINAL JUSTICE

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

- Advanced Criminal Law (CRJ6001S) (*Not on offer in 2007*)
- Advanced Criminal Procedure and Evidence (CRJ6016S)
- Criminal Justice in Transition (CRJ6010F) (*Not on offer in 2007*)
- International Criminal Law (CRJ6007F)
- Prisoners' Rights and Comparative Prison Systems (CRJ6019S)
- Punishment and Human Rights (CRJ6015S) (*Not on offer in 2007*)
- Theories of Crime & Social order (CRJ6020F)
- Trends in the Governance of Security (CRJ6021F)

The minor dissertation should be on a related topic.

Unless otherwise specified, a candidate for the two-year Honours/MPhil programme must achieve an average of not less than 60% in the first year (ie the Honours in Criminal Justice) to be accepted into the MPhil in Criminology and Criminal Justice.

A candidate for this Degree must complete:

Two Compulsory courses:

- Theories of Crime & Social order (CRJ6020F)
- Trends in the Governance of Security (CRJ6021F)

Two Optional Courses (choose 2 courses from the following list):

- Punishment and Human Rights (CRJ6015S) (*Not on offer in 2007*)
- Advanced Criminal Law (CRJ6001S) (*Not on offer in 2007*)
- Criminal Justice in Transition (CRJ6010F) (*Not on offer in 2007*)
- International Criminal Law (CRJ6007F)
- Conflict Resolution in Southern Africa (HST5010Z) *
- Comparative Transitional Justice (POL4032Z) *
- Prisoners' Rights and Comparative Prison Systems (CRJ6019S)
- Rights and Justice: Discourses, Theories and Critiques (POL4003X) * (*A background in Jurisprudence or Legal Philosophy is advisable for this course*)
- Advanced Interdisciplinary Research Methods (GHU5000X)*

And a minor dissertation of not more than 25 000 words

* These courses, offered by the Humanities Faculty, are available as options to the students participating in the MPhil in Law in Criminal Justice and Criminology programme only.

G. INFORMATION COMMUNICATION TECHNOLOGY LAW PROGRAMME

FGD6 A student will be able to obtain a Postgraduate Diploma in Law in Information Communication Technology Law by completing

- Electronic Transactions Law (CML6058S) and
- Either Telecommunications Law (CML6056F) or Electronic Intellectual Property Law (CML6057S) (*Not on offer in 2007*) or Issues in Information Communication Technology Law (CML6059F)

The minor dissertation of not more than 12 500 words on an approved topic in Information Communication Technology Law *Rules for the Postgraduate Diplomas in Law.*

A student will be able to obtain a Master's Degree in Information Communication Technology Law by completing 4 courses which must include any 3 of the following

- Electronic Transactions Law (CML6058S)
- Telecommunications Law (CML6056F)
- Electronic Intellectual Property Law (CML6057S) (*Not on offer in 2007*)
- Issues in Information Communication Technology Law (CML6059F) (*Not on offer in 2007*)

A dissertation of not more than 25 000 words on approved topic in Information Communication Technology Law

H. COMMERCIAL LAW PROGRAMME

A student will be able to obtain a Masters degree, or a Postgraduate Diploma in Commercial Law, by taking the required number of courses from this section and a dissertation in the same area. The courses offered are:

- Advanced Company Law: Securities (CML6001F)
- Advanced Company Law: Corporate Governance (CML6055S)
- Law of International Trade (CML6019F)
- Sports Law (CML6035S) (*Not on offer in 2007*)
- International Economic Law (CML6040S) (*Not on offer in 2007*)
- Commercial Arbitration (CML6041S)
- Competition Law (CML6054S)
- Legal Writing (PBL6022S)

or

100 SCHOOL FOR ADVANCED LEGAL STUDIES

courses under the International Communication Technology Law, Labour Law or Shipping Law programmes

The minor dissertation should be on a related topic.

H.1 POSTGRADUATE DIPLOMA IN LAW IN COMPANY LAW

A student will be able to obtain a Postgraduate Diploma in Law in Company Law by taking Advanced Company Law: Securities (CML6001F)

Advanced Company Law: Corporate Governance (CML6055S)

and completing a minor dissertation in the same area.

The minor dissertation of not more than 12 500 words in accordance with the *Rules for the Postgraduate Diplomas in Law*.

I. GENERAL COURSES

The courses in this section are:

Advanced Company Law: Securities (CML6001F)

Law of International Trade (CML6019F)

Sports Law (CML6035S) (*Not on offer in 2007*)

Commercial Arbitration (CML6041S)

International Economic Law (CML6040S) (*Not on offer in 2007*)

Comparative Law (RDL6000F)

The Law in Operation and the South African Family (RDL6008F) (*Not on offer in 2007*)

Comparative Private Law (RDL6009S)

Comparative Family Law and Human Rights in Africa (RDL6011S) (*Not on offer in 2007*)

COURSE OUTLINES

PBL6035S ADMINISTRATIVE JUSTICE

Higher postgraduate course, second semester, one seminar per week

Course co-ordinator(s): Professor HM Corder

Prerequisites: Competent academic and/or practical knowledge of South African administrative law.

Course outline:

There is no doubt that the organisational complexity of a modern democratic state demands of its executive branch that it be sophisticated, efficient, open and accountable. Most of such administrative process must be based on discretionary power in the hands of public officials. The challenge is to fashion legal rights, duties and procedures so that the subject has remedies to confront the abuse of public power, while leaving the executive sufficient space to govern legitimately.

South African administrative law is relatively undeveloped when compared with similar legal systems, yet it faces greater demands than exist in most countries. This is particularly the case as the Constitution develops to accommodate changing political reality. This course intends to enable students to become familiar with a responsive package of legal institutions and rules to regulate the administration. Current administrative law will be examined critically, with substantial reference to the way in which the law has developed in other jurisdictions, particularly in Europe and the British Commonwealth. The feasibility and form of constitutional protection of the right to administrative review and of alternative forums for achieving administrative justice (such as tribunals, ombuds and ADR) are two aspects which will receive some attention. While the course will be critical and forward-looking, it will naturally involve a detailed knowledge of current law and practice, equipping students to be practitioners in the forefront of developments in this field. Several guest lecturers will participate in teaching this subject.

Lectures: By arrangement, a three-hour seminar weekly.

DP requirements: Satisfactory attendance at and participation in seminars and completion of written assignments.

Assessment: An essay and an oral examination count for 40%; long paper or written examination counts for 60%.

CML6024S ADMIRALTY JURISDICTION & PRACTICE

Second semester, single module course, part of the specialised Masters or Postgraduate Diploma in Shipping Law.

Course co-ordinator(s): Professor JE Hare

Course outline:

Part I: Admiralty Jurisdiction:

A full introduction to the jurisprudence of admiralty in South Africa traces the history of the development of Admiralty in the civilian and common law systems; the development and prohibition of Admiralty causes in England, the reception of 19th century English Admiralty law into the Cape and Natal; The maritime lien as the cornerstone of English Admiralty law, and the statutory right in rem; The changes brought about by the Admiralty Jurisdiction Regulation Act, 1983; the law presently applicable to Admiralty disputes in SA; and the SA court structure.

Part II: Admiralty Practice:

A full examination of statutory Admiralty practice in SA today; the 'maritime claim' of the Admiralty Jurisdiction Regulation Act, and the manner in which it may be enforced; Arrest and attachment law and procedure; associated ship arrests, and the arrest and attachment of property other than a ship; security for claims and for costs; declining jurisdiction, stays and joinders; pre-trial evidence, inspection and discovery procedures; judicial sale ranking against funds in court; and

102 COURSE OUTLINES: SALS

an analysis of the Admiralty Court Rules.

A brief overview of the English and American systems is undertaken. Depending on the nationalities of participating students, other countries are compared.

Lectures: Evening classes twice weekly 17h30 - 19h00 for the duration of the second semester, provisionally on Tuesdays and Thursdays. Classes include regular seminar sessions at which students are required to participate in discussion and presentation. Where possible, guest sessions are presented by practitioners involved in admiralty litigation. Subject to the demands of his practice, Prof. Gys Hofmeyr SC will present part of the course. Although the content is primarily South African, comparisons are made with the law and practice of other jurisdictions, particularly those represented by foreign students in the class.

DP requirements: Satisfactory attendance at and participation in lectures and seminar sessions. Satisfactory completion of two written assignments during the semester.

Examination requirements: One four-hour examination, conducted during the morning or afternoon, at the end of the semester. Two written research assignments or one assignment and a moot will be set during the semester. Assignment and most marks collectively count 50% towards the year-end course evaluation.

CML6055S ADVANCED COMPANY LAW : CORPORATE GOVERNANCE

Higher postgraduate course, second semester, two double lectures per week.

Course co-ordinator(s): Mr C H Rademeyer

Prerequisites: Competent academic and/or practical knowledge of the general principles of South African company law.

Objective: To promote academic and practical expertise in the area of company law generally and to stimulate academic debate, critical thinking and possible advocacy around certain of the more complex and controversial areas, as well as areas which may be affected by the corporate law reform initiative currently underway.

Course outline: This course will be presented through a series of lectures. The areas which will be addressed are corporate governance and selected topical aspects of company law which may include corporate law reform, the corporate purpose and corporate stakeholders, auditors' liability, voting rights, shareholders' remedies, piercing the corporate veil, directors' duties and liability, statutory restrictions on directors and BEE.

DP requirements: Satisfactory attendance at and participation in lectures.

Assessment: One Examination in November counts for 60 % and the Yearmark counts 40% of final grade. Yearmark based on test(s) and assignment(s).

CML6001F ADVANCED COMPANY LAW: SECURITIES

Higher postgraduate course, first semester.

Course Co-ordinator(s): Ms JL Yeats

Prerequisites: Competent academic and/or practical knowledge of the general principles of South African company law.

Course outline:

This course will be presented through a series of lectures. The areas to be addressed will be: Share capital; repurchases; shares and debentures; alteration of shareholders' rights and schemes of arrangement; raising share capital; membership; transfer and dealing; uncertified shares; insider trading; takeovers; dividends; financial markets and their regulation and derivatives.

Lectures: Two double lectures per week, at times to be arranged.

DP requirements: Satisfactory attendance at and participation in lectures.

Assessment: One Examination in November counts for 60 % and the Yearmark counts 40% of final grade. Yearmark based on test(s) and assignment(s).

CRJ6001S ADVANCED CRIMINAL LAW (*Not on offer in 2007*)

Higher postgraduate course, second semester, double lecture/seminar per week.

Course co-ordinator(s): Professor J Burchell.

Prerequisites: A candidate is not permitted to register for this course unless he or she has completed at least the LLB course (or its equivalent) in criminal law and, preferably although not necessarily, a separate or combined course dealing with specific offences.

Course outline:

This course assumes a basic knowledge of the general principles of the criminal law, illustrated by reference to some specific offences. It will focus on:

- i. The Prevention of Organised Crime Act 121 of 1998, especially the interpretation and application of racketeering, money laundering and asset forfeiture provisions in South Africa.
- ii. Financial Intelligence Centre Act 38 of 2001.

DP requirements: Satisfactory attendance at and participation in seminars and the completion of the research papers and oral presentation.

Assessment: The presentation of at least one seminar and two research papers of not more than 5 000 words each. Marks given for the seminars and research papers comprise the entire mark for the course.

CRJ6016S ADVANCED CRIMINAL PROCEDURE AND EVIDENCE

Higher postgraduate course, second semester with a double lecture/seminar per week.

Course co-ordinator(s): Professor PJ Schwikkard

Prerequisites: A candidate is not permitted to register for this course unless he or she has completed LLB courses (or their equivalent) in Criminal Procedure and Evidence.

Course outline:

This course assumes that students have a basic knowledge of the rules and principles of Criminal Procedure and Evidence. It will examine the jurisprudential basis of these rules and principles. It will consider Constitutional and other recent developments in the field. Particular attention will be paid to the following: strict versus free systems of evidence, accusatorial versus inquisitorial systems of procedure; lay participation in the adjudication of criminal matters, the presumption of innocence, improperly obtained evidence; a constitutional evaluation of legislative facts, differential treatment on the basis of gender and/or youth.

Lectures: To be arranged.

DP requirements: The presentation of at least one seminar and 2 research papers of not more than 5 000 words each.

CML6053W CAPITAL TRANSFER AND INTERNATIONAL TAX LAW

Higher postgraduate double course, taught throughout the year.

Course co-ordinator(s): Judge D Davis and Ms T Gutuza.

Prerequisites: A candidate is not permitted to register for this course unless he or she has completed Law of Advanced Income and Capital taxes (CML6052W)

Objective: The objective of this course is to develop academic and professional proficiency in:

- South African capital transfer taxes, particularly value added tax law, donations tax and estate duty. This will be done by considering the tax legislation, its interpretation by the courts and its practical application in commerce.
- International tax law. This will be done by considering the unilateral and bilateral measures to prevent double taxation and international tax avoidance.

Course outline:

Part 1 of the course deals with Value added Tax, Donations tax and Estate Duty tax as levied in South Africa. The relevant legislation as interpreted by the courts, its practical application, both domestically and internationally will be examined.

104 COURSE OUTLINES: SALS

Part 2 deals with international taxation. The course will cover, inter alia, trading into and out of South Africa, methods of relieving international double taxation, the interpretation and application of double taxation conventions, the Organisation for Economic Co operation and Development's (OECD) Model Convention on Income and on Capital, the United Nations Model Convention on Income and on Capital, the allocation of taxing liability of various forms of income, international tax avoidance including transfer pricing and thin capitalisation and exchange control. Candidates are required to present papers, disseminated in advance to the class as a whole, on approved topics. Active participation is required in all seminars at which papers are presented. The number of papers to be presented will depend on the size of the class but will not be less than two. Prior to the presentation of seminars, a set of lectures will be presented.

Lectures: one two hour seminar per week save in the case of lectures (two double lectures per week).

DP requirements: Satisfactory attendance and presentation of seminar papers.

Assessment: The papers presented by the candidates, which is to be written up following criticism and comment during the presentation, will count for 50% and a further four hour examination counts for the remaining 50%. Both the papers and the examination must be passed.

CML6037W CAPITAL TRANSFER AND TRANSACTIONS TAX LAW (*Not on offer in 2007*)

Higher postgraduate double course, taught throughout the year.

Course co-ordinator(s): Professor Richard Jooste, Adjunct Professor Desmond Kruger, and Adjunct Professor Wouter Scholtz.

Prerequisites: See Rules for LLM, MPhil and Postgraduate Diplomas.

Course outline:

The course deals with the various capital transfer taxes that are levied in South Africa, and mainly with Capital Gains Tax, Value-Added Tax, Donations Tax and Estate Duty. The relevant legislation and case law will be examined in depth, and tax planning in relation thereto is also covered. The course is aimed at both lawyers and non-lawyers involved or intending to be involved in tax practice.

Lectures: Two lectures per week throughout the academic year.

DP requirements: Candidates are required to pass (a minimum result of 50%) both the following: one two-hour written test in June, which counts for 30%, and one three-hour final written examination in November which counts for 70%.

Note: *the Convenor of the course may, in his/her discretion, limit the size of the class for didactic reasons. CML6037W Capital Transfer Tax Law is the approved course for the award of the Postgraduate Diploma in Capital Transfer Tax Law; it is also a double-course for the award of the LLM degree in Commercial Law, but not Tax Law.*

CML6026S CARRIAGE OF GOODS BY SEA

Second semester single module course, part of the specialised Masters or Postgraduate Diploma in Shipping Law.

Course co-ordinator(s): Professor JE Hare and Mr RJ Knutzen.

Course outline:

Although the course focuses on South African law, comparisons are made with the laws of other jurisdictions, particularly those represented by foreign students on the course. The focus is on:

- (i) The business of carriage of goods by sea, including: shipping and international trade; carriage documents and their interaction; INCO Terms; other international attempts at standardisation in carriage; electronic commerce in shipping;
- (ii) General principles of carriage of goods by sea, including: applicable law; the common carrier; international carriage regimes: the Hague, Hague-Visby and Hamburg Rules; the SA Carriage of Goods by Sea Act; Title to Sue and the [draft] Sea Transport Documents & Title to Sue

Act; limitation of liability for cargo claims; Bills of lading; Charterparties Cargo claims and charter party seminars will be conducted, where possible in the presence of practising attorneys specialising in the field. These may take the form of moots.

Lectures: One four day full-time session during the second week of the second semester, followed by evening classes, Wednesdays 17h30 - 19h00, until the end of the semester when a second three day full-time session will be held.

DP requirements: Satisfactory attendance at, and participation in lectures and seminar sessions. Satisfactory completion of two written assignments during the semester. Attendance at both full-time (day) sessions is compulsory.

Examination requirements: One four-hour examination, conducted during the morning or afternoon, at the end of the semester. Two written research assignments, or one assignment and a moot, will be set during the semester. Assignment and moot marks collectively count 50% towards the year-end course evaluation.

PBL6003F COASTAL ZONE LAW (*Not on offer in 2007*)

Higher postgraduate first semester course. Offered at the discretion of the Institute of Marine and Environmental Law.

Course co-ordinator(s): Professor J I Glazewski.

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

A study of the South African law applicable to the Coastal Zone with reference to comparative material where appropriate. The course will cover the following topics:

- Introduction: physical components, ecological and legal definition of the coastal zone, legal problems relating to demarcation of boundaries;
- Planning and Administrative Law principles applicable in the coastal zone; Coastal Zone Management and Law;
- The law applying to conservation and exploitation of: cultural and scientific resources; living marine resources; non-renewable resources, particularly oil and gas;
- Pollution Law; pollution by oil, disposal of wastes and other forms.

DP requirements: Satisfactory attendance and completion of written assignments and class presentations.

Examination requirements: One three-hour written examination in June counts for 50%, oral and written assignments count for 50%.

Basic Textbook: *Environmental Law in South Africa*, J Glazewski (Butterworths) 2005.

Reference Book: *Environmental Laws of South Africa*, P Henderson (Juta & Co) 1997.

CML6013S COLLECTIVE BARGAINING AND STRIKE LAW

Higher postgraduate course, second semester, one seminar per week.

Course co-ordinator(s): Mr Randall van Voore. Presenters include Professors P Benjamin and. Halton Cheadle.

Prerequisites: See Rules for LLM and MPhil and Postgraduate Diplomas in Law. Candidates must have a sufficient level of competence in the field of labour law.

Course outline:

An examination of the statutory and extra-statutory forms of collective bargaining and worker participation in South Africa and the legal regulation of industrial action.

DP requirements: Satisfactory attendance at seminars and completion of written assignments.

Examination requirements: Essays and an examination.

CML6041S COMMERCIAL ARBITRATION

Higher postgraduate course, second semester. One two-hour lecture per week and one one-hour or two-hour tutorial or practical class per week. Limited to 24 students.

Course co-ordinator(s): Professor RH Christie.

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

The historical development, law and practice of commercial arbitration, domestic and international. Arbitral institutions and their rules. Practical exercises in the conduct of arbitrations.

DP requirements: Satisfactory attendance at tutorials and practical classes, completion of written assignments.

Examination requirements: Assignments counting 30% of the final mark, a three-hour written examination paper counting 70% of the final mark.

RDL6009S COMPARATIVE FAMILY LAW AND HUMAN RIGHTS IN AFRICA

(Not on offer in 2007)

Higher postgraduate course, second semester.

Course co-ordinator(s): Professor C Himonga

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. Additional reading will be prescribed for students who do not have a background in Family Law in African legal systems.

Course outline:

Human rights constitute an important form of international, regional and national protection of vulnerable people within the family, especially women and children. Human rights are, therefore, no longer the exclusive domain of public law. The course will examine the implementation of human rights affecting family law (including succession) in the economic, social and cultural contexts of African countries. Many African countries have ratified the international and regional conventions that affect relations within the family. Others, including South Africa, have adopted the relevant human rights in their constitutions. The course is intended to engage the students in a comparative study of these developments. The impact of the Constitution on the various systems of family law in South Africa will constitute an important part. The course will concentrate on legal texts for the provision of human rights affecting the family and the challenges of enforcing these rights in the economic, social and cultural contexts of Africa.

The areas of interests are:

1. International and regional human rights instruments relevant to family law
2. The Localisation of international human rights:
 - (i) Constitutions and other Legislation.
 - (ii) Judicial Decisions.
3. The Impact of Human Rights on Various Aspects of Family Law.
 - (i) Equality in the family.
 - (ii) The rights of children.
 - (iii) Domestic Violence.
 - (iv) Access to Resources.
 - (v) Any others topics of particular interest to students as time will allow.
4. The South African Scene: The impact of the Constitution on the various systems of Family Law i.e. Common Law, Muslim Law and Customary Law.
5. The Challenges of Enforcing the Rights.
 - (i) The cultural context.
 - (ii) Structural Problems: Access to justice and infrastructure issues.

Lectures: Evening classes twice a week 17h30 - 19h30 for the whole of the second semester. Provisionally Mondays and Thursdays. Otherwise by arrangement.

DP requirements: Satisfactory attendance at and participation in seminars and completion of two written assignments during the semester. One of the assignments will be a research assignment on a topic of one's choice. Attendance at and participation in seminars is obligatory. Participation in seminars means the students will have read the assigned materials for the topic(s) being discussed before coming to the seminar. Graduates with non-South African law degrees will be required to have read *The Law of Marriage* by June Sinclair Juta & Co. (1996) either before registration or simultaneously with the attendance of the course.

Examination requirements: Written assignments count for 50% (the research assignment counts 35%), and a two-hour written examination counts 50%.

RDL6000F COMPARATIVE LAW

Higher postgraduate course, first semester

Course co-ordinator(s): Professor DP Visser.

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

The realities of high-level Legal Practice and scholarship in the modern world demand an ever-increasing knowledge of foreign law. The quality of legal advice in cross-border transactions and litigation on the one hand and the development of domestic law on the other (through case law, legislation and academic comment) are influenced greatly by the level of sophistication at which those involved are able to penetrate different legal systems and bring them to bear on the issues at hand. This course, through a series of lectures and seminars, aims to provide a framework for the productive use of foreign law.

DP requirements: Satisfactory attendance at and participation in lectures and seminars and the completion of all written assignments.

Assessment: A 10 000-word research paper (to be handed in at the end of June).

RDL6009S COMPARATIVE PRIVATE LAW

Higher postgraduate course, second semester.

Course co-ordinator(s): Professor FG du Bois

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

1. Human rights and private law in comparative and introduction theoretical perspective: An introduction
2. The impact of human rights on the law of delict/torts.
3. The impact of human rights on the law of contract.
4. Impact of human rights on the law of property
5. The impact of human rights on family law.
6. One or two further topics to be covered by guest-lecturers.

Lectures: Two lecture/seminar hours per week for twelve weeks.

DP requirements: Satisfactory attendance of lectures and participation in seminars.

Assessment: There will be a compulsory test, counting 20% of the overall mark, about the work covered in the classes, and about the compulsory reading. Every student will have to submit a research paper of approximately 10 000 words, counting 80% of the overall mark.

a. a research proposal;

b. a draft of the research paper (or part thereof), of at least 5 000 words.

Failure to submit a satisfactory research proposal and draft will carry a penalty of 5% of the overall mark.

CML6054S COMPETITION LAW

Higher postgraduate course, second semester.

Course co-ordinator(s): Judge D Davis

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Objective: The course will focus on and will aim to develop an understanding of the law and principles of competition policy in countries and regions across the globe, including, specifically, South Africa, The United States and the European Union.

Course outline:

The course aims to develop an understanding of and critical discourse on, inter alia, the following:

- the role of markets and competition law in relation to the poor;
- the relationship between aggregate efficiency, economic opportunity for those without power, industrial policy and equity for the poor or powerless;
- the relationship between the common good and the national good;
- the tension between a country's right to regulate in the national interest and its obligation not to cause external harm.

Lectures: two double lectures per week.

DP requirements: Satisfactory attendance at lectures and presentation of seminars, and completion of projects.

Assessment: Assessment will be on a continuing basis.

Students will submit a mid-term seminar paper on a relevant topic and present a seminar in relation to the topic of the paper

50%

A written examination

50%

CML6031S CONCILIATION AND ARBITRATION

Higher postgraduate course, second semester.

Course co-ordinator(s): Mr R van Voore.

Lecturers: Ms S Christie

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Objective: The aim of the course is to develop academic and professional proficiency in labour law, conflict management, negotiation, arbitration, conciliation, dispute prevention and resolution, and relevant aspects of labour economics and human resource development. The course is principally targeted at persons who are either already practising as conciliators and arbitrators (and wish to further develop their academic and professional skills) or those who wish to gain proficiency in this area.

Course outline:

The course comprises the following modules:

Module 1: Conflict Management

Conflict definition; conflict sources; conflict management (dispute prevention, dispute settlement); approaches to conflict management; conflict path.

Module 2: Negotiation

Different forms of negotiations (interest based, competitive based (position based); developing negotiation skills (skills in problem solving, listening, paraphrasing, dealing with threats and anger,); case studies and role-plays.

Module 3: Conciliation

Definition (issues coming to conciliation, what is mediation, what is fact-finding, what is an advisory award); case studies/role play; conciliation procedures.

Module 4: Arbitration

Definition; issues coming before arbitration; dismissal (issues of right: operational requirements, misconduct, incapacity); interest issues (wages, job grading); interpretation issues; arbitration procedures (opening arguments, narrowing the issues, examination in chief, evidence, re-examination, interventions by the arbitrator, cross-examination, closing arguments, the award);

special focus on admissibility of evidence, assessment of evidence, dealing with representation, dealing with preliminary points, conciliating in arbitration.

Module 5: Dispute Prevention

Definition; codes of conduct; guidelines; ministerial / State's role; collective agreements; relationship building.

Module 6: Drafting

Awards; agreements; opinions.

DP requirements: Satisfactory attendance of lectures, presentations and practicals, and completion of written assignments.

Examination requirements: Prescribed assignments and written examination count for 100%.

CRJ6010F CRIMINAL JUSTICE IN TRANSITION (*Not on offer in 2007*)

Higher postgraduate course, first semester.

Course co-ordinator(s): To be advised.

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

This course examines how the South African criminal justice system is coping with the momentous changes that it has undergone in the democratisation processes. What are the dynamics of changing from one form of social control to another, and what role does the criminal justice system play in that process? Why is it that twelve years after 1994 we still have a weak criminal justice system? Students are expected to participate in an 'immersion project' during which they spend three weeks researching one aspect of, or structure in the criminal justice system. This involves spending research time in the chosen structure and writing a research report about it.

Comparative insights will be gathered from other countries also coping with post-cold-war transformations. In addition to the immersion assignment, day-visits will be made to select institutions in the field of criminal justice such as youth custodial institutions and prisons.

Topics covered by the course are, among others:

Models of criminal justice; The national crime prevention strategy and other policy documents; Transforming the policing institutions (both formal and informal); The prosecution; Informal justice; New approaches/responses to gender violence; Youth justice; Masculinities and crime; Street gangs and organised crime.

Seminar periods: 13 two-hour seminars, once weekly. Time by mutual agreement (usually after 16h30 to enable attendance by part-time students).

DP requirements: 80% attendance and submission of all written assignments.

Assessment:

Essays and immersion assignment	50%
June examination	50%

CML6057S ELECTRONIC INTELLECTUAL PROPERTY LAW (*Not on offer in 2007*)

Higher postgraduate course, fifty contact hours, second semester, two double lectures per week or two intense weeks teaching, 30 lectures in one week and the remainder in a second week.

Course co-ordinator(s): Associate Professor J Hofman.

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Objective: • The course aims at giving law graduates and non-law graduates with experience in telecommunications and postgraduate students in other disciplines an understanding of the domestic and international law that governs the ownership and use of intellectual property that is delivered and used electronically. The course will make extensive use of visiting lecturers, legal practitioners working in the area and technology experts.

110 COURSE OUTLINES: SALS

Course outline:

1. International and regional sources of the law governing electronic intellectual property
2. Domestic sources of the law governing electronic intellectual property
3. Copyright and digital reproduction
4. File sharing
5. Digital rights management
6. Database protection
7. Performers rights
8. Broadcasting rights
9. Linking, framing and hypertext
10. Trade marks and domain names
11. Computer software
12. Integrated circuit layouts
13. Business plans

Assessment:

One or two projects	25% or 50%
Examination	75% or 50%

CML6058S ELECTRONIC TRANSACTIONS LAW

Higher postgraduate course, fifty contact hours, second semester, two double lectures per week or two intense weeks teaching, 30 lectures in one week and the remainder in a second week.

Course co-ordinator(s): Associate Professor J Hofman.

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Objective: The course aims at giving law graduates and non-law graduates with experience in telecommunications and postgraduate students in other disciplines an understanding of the domestic and international law that regulates electronic transactions. The course will make extensive use of visiting lecturers, legal practitioners working in the area and technology experts.

Course outline:

1. Electronic transactions, their meaning and importance
2. International and regional sources of the law governing electronic transactions
3. Domestic sources of the law governing electronic transactions
4. Electronic transacting and the doctrine of functional equivalence
5. Electronic signatures
6. Electronic government
7. Electronic contracts including online gaming, online auctions, online dating services, online provisions of adult content, online sale of restricted substances
8. Electronic payment methods
9. Consumer protection
10. Spam
11. Data privacy
12. Communication privacy and workplace privacy
13. Electronic damage
14. Electronic crime
15. Security standards
16. ISPs and their liability
17. Online dispute resolution
18. Taxing electronic commerce

Assessment:

One or two projects	25% or 50%
Examination	75% or 50%

PBL6012S ENVIRONMENTAL LAW

Higher postgraduate second semester course. Offered in any year at the discretion of the Institute of Marine and Environmental Law.

Course co-ordinator(s): Mr S Paterson.

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

The course examines legal approaches to deal with South African and global environmental concerns. It does so in the context of traditional branches of the law such as international law, administrative law and criminal law. It also examines the legal regulation of specific areas of environmental concern such as renewable and non-renewable resource utilisation and conservation, waste management and pollution control and land-use planning and development.

Lectures: By arrangement.

DP requirements: Satisfactory attendance at and participation in seminars and completion of written assignments and oral presentation.

Examination requirements: The course will be evaluated according to the presentation and submission of at least one long essay (50%) and one three-hour written examination paper. Class attendance and participation is also obligatory.

PBL6023F GOVERNING UNDER THE CONSTITUTION: LAW AND PRACTICE

Higher postgraduate course, first semester, one seminar per week

Course co-ordinator(s): Professor CM Murray

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

South Africa's new constitution sets out the rights of citizens and establishes a framework for democratic governance and local government. In developing these institutions, along with a multi-level system comprising national, provincial and local government, South Africa's constitutional designers were responding to the needs and aspirations of contemporary South Africa. But they also had before them a rich array of alternatives from other countries. The central purpose of this course is to seek to understand the new framework for governance in South Africa, in light of this comparative experience.

Constitutions are complex mixtures of broad principles, and specific rules and institutions. Accordingly, we will be interested in two levels of analysis: first, what broad principles and values underpin the institutional framework, and how are these expressed in the institutions themselves? And, second, more practically, how do these institutions, and the interactions among them, actually work in shaping the process of policy-making and implementation? Thus we are interested in the values associated with democracy – participation, accountability, consensus, etc; and in those associated with what might be called 'effective governance', in light of the policy challenges which face the country.

The course will thus provide you with an understanding of how government works with a focus on-

- (i) the relationship between the executive and the legislature and what that means for lawyers and
- (ii) the relationship between national, provincial and local government.

Our study of multi level government and the powers of each sphere of government will provide the framework necessary for policy making and litigation in this area.

Lectures: By arrangement.

DP requirements: Satisfactory attendance at and participation in seminars and completion of written assignments.

112 COURSE OUTLINES: SALS

Assessment:

Written assignments count 30%, written examination counts 70%.

PBL6034S HUMAN RIGHTS LAW

Higher Postgraduate course, second semester, 2 lecture periods per week

Course co-ordinator(s): To be advised.

Prerequisites: See rules for LLM and MPhil degrees and Postgraduate Diplomas

Course outline:

The South African Bill of Rights expressly declares itself to be the 'cornerstone of democracy' and affirms the democratic ideals to which the post-apartheid society is committed. It represents a decisive break with the past and is a manifestly transformative document. The listed rights range from property rights to justifiable socio-economic rights; there are affirmative state duties to promote and protect rights; class actions and public interest litigation are permitted; and there is provision for 'horizontal' application of some of the rights. The courts have developed a significant body of case-law. The Constitutional Court has, for example, pronounced on issues as varied as the death penalty, housing and the provision of anti-retroviral drugs to HIV positive pregnant women.

This course will provide students with an understanding of the South African Bill of Rights. It will consider in detail the jurisprudence of the Constitutional Court, and where appropriate, the Supreme Court of Appeal and international and comparative human rights law.

The course will begin with a discussion of judicial review and the success of human rights litigation. A general overview of the operational provisions of the Bill of Rights, including the provisions dealing with application, interpretation and limitation of rights, will follow. The focus here will be the extent to which the courts are developing a theory of deference which balances protection of rights with the principle of separation of powers. This part of the course will also consider the record of the courts in developing the common law in the light of the Bill of Rights.

A critical analysis of the jurisprudence of the courts on selected rights will follow. The focus will depend on the interests of the class, but core rights such as equality, dignity, freedom of expression and religion will be generally be considered. There will also be a discussion of the jurisprudence of the courts on socio-economic rights and the extent to which the inclusion of socio-economic rights in a Bill of Rights has influenced judicial rights discourse.

DP requirements: Satisfactory attendance at all lectures and participation in class seminars.

Examination requirements: Participation in seminars and written assignments count for 50% of the mark and the final exam counts for 50%.

CML6036W INCOME TAX LAW

Higher postgraduate double-course, taught throughout the year.

Course co-ordinator(s): Associate Professor Trevor Emslie SC.

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Objective: The objective of the course is to nurture tax lawyers and to provide non-lawyers with an insight into tax law and the rights of taxpayers in regard to liability for taxation. The accent is on the practical application of tax legislation as interpreted by the courts. The aim is to produce commercial lawyers who will be able to achieve tax efficiency when drafting agreements, negotiating contracts and advising their clients, and to foster a similar awareness of tax issues in other professionals.

Course outline:

The course commences with a brief introduction to interpretation of statutes. This is followed by a study of selected provisions of the Income Tax Act as interpreted by the courts, with the emphasis on gross income, certain exemptions, deductions and allowances. Attention is paid to topical issues of importance to tax practitioners, including the administrative powers of the Commissioner for Inland Revenue and the taxpayer's remedies of objection, appeal and review. In the latter part of the

course the emphasis shifts to principles of tax planning based on the material already covered. Using the cases as pointers, tax planning is examined by identifying the various factors giving rise to liability for taxation and possible methods of neutralising one or more of them. This exercise takes place in the context of, inter alia, contracts of sale, lease and employment.

Lectures: two lectures per week throughout the year, on Tuesday and Thursday evenings.

DP requirements: Candidates are required to pass (a minimum result of 50%) both the following: one two-hour written test in June, which counts for 30% and one three-hour final written examination in November which counts for 70%.

Note: *the Convenor of the course may, in his/her discretion, limit the size of the class for didactic reasons. CML636W Income Tax Law is the approved course for the award of the Postgraduate Diploma in Income Tax Law: it is also a double-course for the award of the LLM degree in Commercial Law, but not Tax Law.*

CML6051F INDIVIDUAL LABOUR LAW

Higher postgraduate course, first semester.

Course co-ordinator(s): Ms D Collier.

Lecturers: Ms D Collier, Mr R van Voore and Mr Graham Giles

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. Non-law graduation and students admitted on the basis of Rule FG3 (6) will be required to attend a two-day seminar prior to the commencement of the course. Dates will be provided during registration.

Course outline:

This course is designed to give, among others, legal practitioners, human resource and industrial relations practitioners, trade unionists and para-legals a working knowledge of individual labour law. The course seeks to examine and analyse legal rules and institutions in context, emphasising the practical application of labour law. The course will focus on the following major areas: Definition and scope of labour law; Individual labour relations; Dismissal; Employment Equity; Basic conditions of employment; Skills development; Dispute resolution.

DP requirements: Satisfactory attendance, presentation and successful completion of written assignments. Students may be required to attend a weekend workshop.

Assessment: By way of written assignments and an examination.

CML6016F INTERNATIONAL AND COMPARATIVE LABOUR LAW

Higher postgraduate course; first semester, one triple-period seminar per week, provisionally Mondays, 17h00 - 20h00.

Course co-ordinator(s): Professor Halton Cheadle

Prerequisites: See Rules for LLM and MPhil and Postgraduate Diplomas in Law. Candidates must have a sufficient level of competence in the field of labour law.

Course outline:

This is an advanced course which focuses on selected topics in relation to other national and international jurisdictions as points of reflection for developments in South African labour law. Topics to be covered will be prescribed from year to year and will be chosen from the following, among others:

Comparative method and labour law;

International Labour Standards and other sources of international labour law;

Prospects for regional integration and labour law harmonisation in Southern Africa Discrimination and equity in employment;

Freedom of Association;

Workers' participation;

The public sector;

Social Security.

DP requirements: Satisfactory attendance and presentation at seminars, and completion of written assignments.

Examination requirements: Seminar presentations, written assignments and long paper (externalised) count for 100%.

CRJ6007F INTERNATIONAL CRIMINAL LAW

Higher postgraduate course, second semester.

Course co-ordinator(s): Mr S Nakhjavani

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Successful completion of a course in international law. The course convenor may make an exception to this rule for students who show an adequate understanding of the principles of international law.

Course outline:

The first part of this course considers the development of international criminal law with an emphasis on the emergence of crimes in international law and of international tribunals that try offenders who commit these crimes. Particular attention is paid to the international military tribunals of Nuremberg and Tokyo and to the tribunals dealing with offences committed in Rwanda and the former Yugoslavia. The Statute of Rome, which is to provide the basis of the International Criminal Court, is analysed as well.

The second part of the course considers other aspects of international criminal law such as extradition, mutual assistance between States and measures to deal with international crimes such as money laundering which are not within the ambit of the proposed International Criminal Court.

Lectures: To be arranged.

DP requirements: Attendance at and participation in seminars.

Examination requirements: Essays and/or assignments.

CML6040S INTERNATIONAL ECONOMIC LAW (*Not on offer in 2007*)

Higher postgraduate course, second semester.

Course co-ordinator(s): Ms K Lehmann

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

International Economic Law complements the first semester Law of International Trade course. International Economic Law examines the public law aspects of international trade, the international regulatory framework within which private traders operate. In the course we will examine the principles and practices of the 'big three' international economic organisations, the World Bank, the International Monetary Fund and the World Trade Organisation, and the link between each of the three and the promotion of international trade. We will consider the World Bank's role in facilitating development, the IMF's role in maintaining global economic stability, and the WTO's role as a forum for trade negotiations. We will consider, specifically, why it is that these organisations have become the target of considerable criticism amongst so-called "anti-globalisers". The perspective from which we will look at these issues is that of a Sub Saharan developing country.

Assessment:

One assignment counts 40% and the examination counts 60% of the year's mark.

PBL6019F INTERNATIONAL ENVIRONMENTAL LAW

Higher postgraduate course, first semester, two double lectures a week (parts of the course may be intensified into short periods to accommodate visiting lecturers).

Course co-ordinator(s): Professor J I Glazewski

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

The course will cover the major sources of international environmental law, with particular

emphasis on their actual or possible application to South Africa, the SADC and the African continent as a whole. The course will cover both terrestrial and marine components and will include:

- Principles of international customary law relevant to the environment.
- Marine conventions relating to the conservation and exploitation of natural and non-natural resources.
- Terrestrial conventions relating to trans-boundary movement and disposal of waste.

- Conventions on HNS and nuclear matters.
- Conventions relating to marine pollution, atmospheric pollution and climate change.
- Conventions relating to the conservation of nature, including biodiversity.
- Conventions on cultural heritage.

DP requirements: Satisfactory attendance at and participation in seminars and completion of written assignments.

Examination requirements: One (or more) written assignments account for 50% of the year mark and the final examination 50%.

PBL6002F INTERNATIONAL LAW OF THE SEA

Higher postgraduate first semester course. Offered in any year at the discretion of the Institute of Marine and Environmental Law.

Course co-ordinator(s): Professor J Gibson.

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

- History and sources of the Law of the Sea.
- Baselines.
- Territorial Water Zones: Internal Waters; Territorial Sea; Archipelagic waters.
- Non-Territorial Water Zones: Contiguous Zone; Continental Shelf; Exclusive Economic Zone; Exclusive Fishing Zone.
- Zones Beyond Particular National Jurisdiction: High Seas; International Sea-Bed Area.
- Settlement of disputes.

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

Examination requirements: One or more written assignments count for 40% and a written examination counts for 60%.

PBL6018S INTERNATIONAL LAW ON DISPUTES AND THE USE OF FORCE

Higher postgraduate course, second semester. Maximum number of 20 students.

Course co-ordinator(s): Professor T W Bennett

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. Although students will find PBL6015F Principles of Public International Law helpful, this preliminary course is not essential. Successful completion of a course in international law. The course convenor may make an exception to this rule for students who show an adequate understanding of the principles of international law.

Course outline:

This course will examine the international laws regulating inter-state disputes, paying particular attention to the use of force and the role of international organisations.

1. Peaceful Settlement of International Disputes
 - (a) Self-help: retorsion, reprisals and pacific blockades
 - (b) Negotiations, inquiries, good offices, conciliation, mediation, arbitration
 - (c) Adjudication by the ICJ

116 COURSE OUTLINES: SALS

2. War and the Use of Force
 - (a) Historical overview of laws regulating the use of force, leading to the UN Charter
 - (b) Definition of key concepts: war, force, threat to the peace, breach of the peace, act of aggression
 - (c) Intervention in domestic conflicts
 - (d) Individual and collective self-defence and regional arrangements
3. United Nations
 - (a) Historical background, structure of the Organisation and its relationship with Member States
 - (b) Powers of the Security Council, General Assembly, Secretary General and ICJ
 - (c) Peace-keeping and peace enforcement
4. Application of International Humanitarian Law

Lectures: By arrangement.

Assessment: Final written examination counts for 60% and class work for 40%.

PBL6031F INTERNATIONAL PROTECTION OF HUMAN RIGHTS

Higher postgraduate course, first semester, two ninety minute seminars a week.

Course co-ordinator(s): Dr D Chirwa

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

The aim of the course is, on the one hand, to provide a solid understanding of the international rules and principles that are aimed at protecting human rights, as well as the structures and methods that have been established to realise this protection. On the other hand, the course aims to encourage inquiry into and discussion of the questions that arise within this context.

The course covers:

- (a) The jurisprudential and philosophical bases of human rights in international law.
- (b) The institutional context of international human rights: this section will cover the various institutions through which human rights are protected in the international community.
- (c) International human rights standards and standard setting.
- (d) The implementation of human rights standards.
- (e) Specific topics in international human rights law.

Lectures: To be arranged.

DP requirements: Satisfactory attendance at and participation in seminars and completion of written assignment.

Assessment: Seminar presentation counts 10%. Written assignment counts 30%. Written examination counts 60%.

PBL6028F INTERNATIONAL RIGHTS OF THE CHILD (*Not on offer in 2007*)

Higher postgraduate course, first semester.

Course co-ordinator(s): Vacant

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Objective:

- a. To examine critically the development, content and implementation of the regional and international laws on children;
- b. To arrive at informed views as to the cultural sensitivity, effectiveness and equity of the laws;
- c. To consider national laws in light of the international law and to develop strategies, including test cases, for raising standards.

Course outline:

The course covers the following issues:

- a. the balance between different cultural traditions and the universal and regional values on children's rights;
- b. the impact of the definition of a child on domestic laws regulating abortion, marriage, the death penalty, labour relations and armed conflict;
- c. the extent to which international law influences domestic laws governing children born outside of marriage, adoption (both national and international) and fostering;
- d. prohibited punishment or acceptable treatment;
- e. the child's right to freedom of expression and religion;
- f. litigation to combat child poverty and governments' use of international law in negotiations to reduce debt;
- g. organisation of a children's criminal justice system consistent with international standards (including states with scarce economic resources);
- h. the right to education;
- i. the right to survival and development;
- j. the freedom from sexual exploitation;
- k. legal protections for child soldiers and civilians involved in armed conflicts.

Lectures: By arrangement

DP requirements: Attendance at all lectures

Assessment: Written assignment counts 40% and examination counts 60%.

CML6059F ISSUES IN INFORMATION COMMUNICATION TECHNOLOGY LAW
(*Not on offer in 2007*)

Higher postgraduate course, twenty-six contact hours, first semester, one two-hour seminar for 13 weeks..

Course co-ordinator(s): Associate Professor J Hofman.

Pre-requisites: Two of the courses in the Information Communication Technology Law programme or equivalent background. See also Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Objective: The course aims at giving those following the Information Communication Technology Law programme the opportunity to research selected issues in Information Communication Technology Law and share their research with other members of the course.

Course outline: The topics for research will be settled at the first meeting of the class and will take account of the background and research interests of those who register for the course. There may be some special occasional lectures to deal with topics of particular importance

Assessment: An oral exam for 50% at the end of the course and one seminar paper for 50%.

**CML6032F LABOUR ECONOMICS, LABOUR RELATIONS AND HUMAN
RESOURCE DEVELOPMENT** (*Not on offer in 2007*)

Higher postgraduate course, first semester.

Course co-ordinator(s): Mr S Godfrey

Lecturers : Departments of Sociology and Economics and Graduate School of Business.

Pre-requisites: See Rules for Postgraduate Diplomas. Note that this course is only an option for students participating in the Postgraduate Diploma in Law in Conciliation and Arbitration. Furthermore, this course is not an option for those students participating in the joint-university postgraduate labour law program offered by the University of Cape Town, University of Stellenbosch and the University of the Western Cape.

Objective: The aim of the course is to develop academic and professional proficiency in labour law, conflict management, negotiation, arbitration, conciliation, dispute prevention and resolution, and

118 COURSE OUTLINES: SALS

relevant aspects of labour economics and human resource development. The course is principally targeted at persons who are either already practising as conciliators and arbitrators (and wish to further develop their academic and professional skills) or those who wish to gain proficiency in this area.

Course outline:

The course comprises the following modules (more detailed outline to be provided):

Module 1: Labour Law and Labour Relations

Module 2: Labour Economics

Module 3: Human Resource Management

DP requirements: Satisfactory attendance of lectures, presentations and practicals, and completion of written assignments.

Examination requirements: Prescribed assignments and written examination count for 100%.

CML6052W LAW OF ADVANCED INCOME AND CAPITAL TAXES (*Not on offer in 2007*)

Higher postgraduate double course, taught throughout the year. Offered every alternate year.

Course co-ordinator(s): Judge D Davis and Ms T Gutuza.

Prerequisites: Competent academic and/or practical knowledge of the general principles of South African tax law.

Objective: The objective of this course is to develop academic and professional proficiency in South African income tax law. This will be done by considering the tax legislation, its interpretation by the courts and its practical application in commerce.

Course outline:

This course assumes that candidates are familiar with the general principles of South African tax law. The focus will be on income tax and capital gains tax as levied in South Africa. The relevant legislation as interpreted by the courts, their practical application both domestically and internationally will be examined. Candidates are required to present papers in a seminar format, disseminated in advance to the class as a whole, on approved topics. Active participation is required in all seminars at which papers are presented. The number of papers to be presented will depend on the size of the class but will not be less than two. Prior to the presentation of seminars, a series of lectures will be presented.

Lectures: two hour seminar per week save in the case of lectures (2 double lectures per week).

DP requirements: Satisfactory attendance and presentation of seminar papers.

Assessment: Satisfactory attendance and presentation
of seminar papers 50%

four hour examination 50%

Both the papers and the examination must be passed.

CML6019F THE LAW OF INTERNATIONAL TRADE

Higher postgraduate course, first semester course. Limited to 42 students.

Course co-ordinator(s): Professor RH Christie.

Lecturers: Professor RH Christie, Mr G Bradfield and Ms J Franco.

Prerequisites: See Rules for LLM and MPhil and Postgraduate Diplomas in Law.

Course outline:

The contractual aspects of international trade, but not the regulatory and policy aspects which are covered in International Economic Law (CML6040S) in the second semester.

The course covers:

1. The law governing an international contract;
2. The consequences of deciding the law governing the contract;
3. Negotiating the contract;

4. Incoterms;
5. Documentary credits;
6. Allocating the risk and securities;
7. Drafting the contract;
8. Insurance;
9. CISG (Vienna Convention 1980).

DP requirements: Satisfactory attendance at and participation in seminars and tutorials and completion of written assignments.

Assessment:

Written assignments counting	30%
Three-hour written paper	70%

DOL6000F/S/V LEGAL PRACTICE

Higher postgraduate, first OR second semester, full time course extending over five and half months, or evening classes (course for LLM, double course for Postgraduate Diploma).

Course co-ordinator(s): Ms GY Kemp

Prerequisites: See LLM and Postgraduate Diploma Rules.

Course outline:

This course is designed to train law graduates in the practice and procedure required for the practice of law and will concentrate on the following areas:

Module 1 (five weeks)

Structure of the Profession;
Professional Conduct;
Criminal Court Practice,
Constitutional Law Practice.

Open book examination for Constitutional Law Practice. One two and a half hour paper.

Module 2 (ten weeks)

Module 2.1:

Magistrate's Court Practice
High Court Practice
Legal Costs

One two-and-a-half-hour paper.

Module 2.2:

Personal Injury Claims
Insolvency Procedures
Matrimonial Matters and Divorce

One, three hour forty five minutes open book assessment.

Module 3 (five weeks)

Module 3.1

Commercial Contracts,
Forms of Business Enterprise,
Labour Dispute Resolution,
Commercial Litigation.

One two and a half hour paper.

Module 3.2

Wills and Estates;

120 COURSE OUTLINES: SALS

One four hour open book assessment.
Module 4 (three weeks)

Attorneys' Bookkeeping
Business Management and Administration

One two and a half hour paper.

Lectures: Each weekday from 08h30 to 15h15 and on occasional Saturdays.

PBL6022S LEGAL WRITING

Higher postgraduate course, second semester.

Course co-ordinator(s): Professor MH Cheadle

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Objective: The object of the course is to improve the writing skills of lawyers. To be effective, law must be understood by its audience. There is always more than one audience – one legal and the other lay. There is a tendency to forget about the lay audience. If you are a private practitioner, that audience is your client. If you are a drafter of laws, that audience is the citizen. If you are a judge or arbitrator, your decision speaks to the litigants. The fundamental assumption underlying this course is that legal documents can be written simply and clearly without loss of certainty. Indeed, the gains in clarity can make the text more legally certain.

Course outline:

The course will commence with an introduction to the modern developments in the drafting of laws and other legal documents. It will proceed to examine the basic rules for writing simply, accurately and in a gender-free way. It will examine the manner in which legal documents are organised and how they may be better organised in order to improve clarity and accessibility. The course will then concentrate on the drafting of legislation and the drafting of important legal documents such as contracts, constitutions, wills and trusts. The course will also investigate the use of the computer in developing templates and precedents. The main topics are:

- Modern comparative experience in drafting legal documents.
- Rules of interpretation.
- Organising the whole document – the perspective of the most likely reader.
- Organising the section or the paragraph.
- Basic mistakes made by lawyers and how to avoid them.
- Writing in a gender-neutral way.
- Drafting laws – statutes, regulations, bye laws, constitutions and rules.
- Drafting contracts.
- Drafting other types of legal documents.
- The use of the computer in drafting.

Lectures: Three hours weekly on a seminar basis, by arrangement.

DP requirements: Satisfactory attendance at, and participation in lectures and seminar sessions.

Assessment: Five drafting exercises counting 10% each, with a drafting exercise and an examination counting 50%.

PBL6033S LITIGATING THE BILL OF RIGHTS

Higher postgraduate course, second semester.

Course co-ordinator(s): Professor MH Cheadle and Judge DM Davis

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

This course will explore approaches to constitutional litigation by way of disputes based upon the bill of rights (Chapter 2 of the Constitution). In particular the course will examine the way in which the three cornerstones of Chapter 2, the application provision (s8), the limitation clause (s36), and the approach to constitutional interpretation, shape the way in which constitutional cases are pleaded

and argued.

The course will be run as a series of seminars in which each student will be expected to present a paper. These seminars will concentrate on three key areas and their implications for litigation. In each of the seminars, the use of comparative authority will be comprehensively examined.

Lectures: Three hours weekly, by arrangement.

DP requirements: Satisfactory attendance at and participation in lectures and seminar sessions.

Assessment: 50% by way of written assignment, and 50% by means of written examination.

Examination requirements: The final examination may be conducted by way of a moot court, in which students will be expected to draft heads of argument and argue the case; or alternatively by way of written seminar paper and an oral examination.

PBL6030S MARINE POLLUTION LAW

Higher postgraduate second semester course. Offered in any year at the discretion of the Institute of Marine and Environmental Law.

Course co-ordinator(s): Professor J Gibson.

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

The course examines the principles of international law that seek to protect the marine environment from pollution. It also considers the implementation of those principles in national law, with particular reference to South Africa.

Marine pollution arises from a wide variety of sources, including shipping, waste dumping, offshore development and land-based activities, and different legal mechanisms have been produced in response to these. The course explores the various administrative and regulatory regimes and the principles of civil and criminal liability for marine pollution. It covers the following topics:

- Pollution from ships;
- Dumping at sea;
- Pollution from sea-bed activities;
- Pollution from land-based sources;
- Atmospheric pollution;
- Protection of special areas.

DP requirements: Satisfactory attendance at and participation in lectures and tutorials, and completion of written assignments.

Examination requirements: One or more written assignments count for 40% and a written examination counts for 60%.

PBL6008F MARINE RESOURCES LAW

Higher postgraduate first semester course. Offered in any year at the discretion of the Institute of Marine and Environmental Law.

Course co-ordinator(s): Professor J Gibson.

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

1. Conventions and legislation on marine living resources (area regimes, species protection, method control, interstate questions, South African legislation).
2. Offshore oil and gas law (applicable law, licensing, offshore installations and pipelines, decommissioning).
3. Miscellaneous resources (wrecks and archaeological sites, the deep sea bed, marine diamonds).

DP requirements: Satisfactory attendance at and participation in lectures and tutorials, and completion of written assignments.

122 COURSE OUTLINES: SALS

Examination requirements: One or more written assignments count for 40% and a written examination counts for 60%.

CML6025F MARITIME LAW AND MARINE INSURANCE

First semester, single module course, part of the specialised Masters or Postgraduate Diploma in Shipping Law.

Course co-ordinator(s): Professor JE Hare

Course outline:

Although the course focuses on South African law, comparisons are made with the laws of other jurisdictions.

Part I: Maritime Law: This, the larger part of the course, covers acquisition, ownership and registration of ships; ship's mortgages; historical and modern wreck; master and crew; the operation of ships, including statutory requirements, SOLAS and the ISM Code, Port State Control and the sub-standard ship; Navigation & collisions; Salvage; Towage; Pilotage; Oil pollution liability; and The limitation of a ship owner's liability.

Part II: Marine Insurance:

An introduction to the law and practice of marine insurance, including: the origins of marine insurance and its law; general principles of insurance law applicable to marine insurance; international marine insurance practice; hull & marine insurance, and standard 'Institute' cover; P&I insurance

Lectures: Evening classes twice weekly 17h30 - 19h00 for the duration of the second semester, provisionally on Tuesdays and Thursdays. Classes include regular seminar sessions at which students are required to participate in discussion and presentation

DP requirements: Satisfactory attendance at, and participation in lectures and seminar sessions. Satisfactory completion of two written assignments during the semester.

Examination requirements: One four-hour examination, conducted during the morning or afternoon, at the end of the semester.

Two written research assignments will be set during the semester. Assignment marks collectively count 25% towards the year-end course evaluation.

PBL6015F PRINCIPLES OF PUBLIC INTERNATIONAL LAW

Higher postgraduate course, first semester.

Course co-ordinator(s): Professor T Bennett.

Prerequisites: This course is especially offered to students who do not already have a suitable undergraduate or LLB qualification in Public International Law.

Course outline:

As an introduction to International law and a foundation for other courses in the masters programme, this course covers general principles and institutions in broad outline. The emphasis is on seminars and class discussion. The purpose of the course is to enable students to reflect critically upon legal concepts their relationship to one another and their applicability in international relations.

1. Sources of International Law.
2. Relationship between International and Municipal Law.
3. Subjects of International Law: the state, sovereignty and jurisdiction.
4. Objects of International Law: territory, land boundaries, air and maritime spaces, human beings and nationality.
5. Treaties.
6. Limitations on jurisdiction: sovereign and diplomatic immunity, treatment of aliens, self-determination, the protection of minorities and (in outline) human rights.
7. Torts and crimes.
8. State succession.

DP requirements: Satisfactory attendance at and participation in seminars.

Assessment: One three-hour examination in June counting 60% and a written assignment counting 40% of the year mark.

CRJ6019S PRISONERS' RIGHTS AND COMPARATIVE PRISON SYSTEMS

Higher postgraduate course, second semester.

Course co-ordinator(s): Ms E Steyn and Mrs J Berg

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

The course will be presented through a series of lectures and/or seminars. The areas to be addressed will be: sentencing and punishment prisoners' rights; oversight of governance and corruption; prison liberalization (including private prisons); transformation; policy development; comparisons with other African correctional systems; prison reforms (civil society involvement).

Lectures: One double lecture per week.

DP requirements: Satisfactory attendance at and participation in seminars and the completion of the research papers and oral presentation.

Assessment: The presentation of at least one seminar and two research papers of not more than 5 000 words each. Marks given for the seminars and research papers comprise the entire mark for the course.

CRJ6015S PUNISHMENT AND HUMAN RIGHTS (*Not on offer in 2007*)

Higher postgraduate course, second semester.

Course co-ordinator(s): To be advised.

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

This course is designed to address the fundamental questions about sentencing and punishment and place them in a human rights context.

It begins by considering the history of punishment both internationally and in South Africa. Particular attention is given to the development of institutions which impose punishment (the courts) and the institutions which implement it (prisons and bureaucracies which exercise control in the community). Against this background the most important philosophical justifications for punishment are analysed. The way in which these justifications are used by sentencing courts and those responsible for implementing sentences is studied. Attention is also paid to the case law on the imposition and implementation of punishment which has incorporated these justifications. The penal system as a whole is then evaluated against the relevant human rights standards that have been developed in constitutional and international law.

Seminar periods: 13 two hour seminars, once weekly. Time by mutual arrangement (usually after 16h30 to enable attendance by part-time students). Visits to penal institutions are part of the seminar programme.

DP requirements: 80% attendance at seminars submission of written assignments.

Assessment: Essays and/or examination count for 100%.

BL6020F REFUGEE AND IMMIGRATION LAW AND POLICY IN SOUTH AFRICA (*Not on offer in 2007*)

Higher postgraduate course, first semester.

Course co-ordinator(s): Associate Professor L De la Hunt

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

This course focuses primarily on refugee law and policy issues, but does so within the broader context of migration. The first section of the course focuses on the philosophical, human rights, and empirical questions regarding immigration law and refugee protection, and the distinct between

124 COURSE OUTLINES: SALS

these two categories of persons.

The second (and major) section of the course focuses on refugee law and the following topics: the development of the refugee definition in international law and the applicable international conventions dealing with refugees; the legal concepts of alienage, persecution, well-founded fear, asylum, *non-refoulement*, exclusion and cessation; regimes for the protection of refugees in Africa; and South Africa's international obligations towards refugees. Particular attention will be paid to the Refugees Act 130 of 1998, which was implemented in April 2000, as well as the implementation of the Act.

The third section of the course deals with a brief history of immigration to South Africa; the constitution and the rights of non-citizens; the courts and non-citizens; and will conclude with a discussion of recently passed Immigration Act of 2002.

The course concludes with the presentation of the written assignments. Students choose from a broad range of topics for the written assignment, and will be required to make a presentation to the class and facilitate discussion on the topic.

Lectures: Three hours weekly on a seminar basis, by arrangement.

DP requirements: Satisfactory attendance at, and participation in, lectures and seminar sessions.

Assessment: 50% by way of written assignment, and 50% by means of a written examination.

CML6022S SOCIAL SECURITY LAW

Higher postgraduate course, second semester.

Course co-ordinator(s): Ms D Collier

Guest Lecturers: Mr Naleen Jeram, Prof Vivien Taylor and Ms Kitty Malherbe (UWC).

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

This course is designed to give, among others, legal practitioners, human resource and industrial relations practitioners, trade unionists and para-legals at an advanced level an introduction to the theory and practice of social security in South Africa and selected jurisdictions. The course focuses on a number of topics, including, among others, the following:

1. Historical development;
2. Definition and scope;
3. Social security in South Africa: current situation and prospects;
4. International and comparative dimensions (with emphasis on ILO and World Bank approaches and trends in developing countries);
5. Issues of rationalisation in South Africa and Southern Africa.

DP requirements: Satisfactory attendance, presentation and completion of written assignments.

Examination requirements: By way of seminar presentations, written assignments and a long paper.

CML6035S SPORTS LAW (*Not on offer in 2007*)

Higher postgraduate course, second semester.

Course co-ordinator(s): A/Professor R le Roux

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

With the increasing commercial value of sport, certain legal issues have repeatedly emerged in the context of sport - to such an extent that some claim the existence of a *lex sportiva*. The commercial value of sport is illustrated by the fact that sports events draw bigger audiences than any other event and many compete to gain the financial benefit from sports events.

This course examines the application of legal principles to sport specific situations. The focus is on sport in South Africa, but due to the international nature of sport, international trends will also be examined. The course concentrates on: The regulatory framework and governance of sport in South Africa and elsewhere. Issues affecting the integrity of sport: Corruption, Drugs and Ethics.

- Employment issues in sport.
- Discipline in sport.
- Intellectual property rights in sport.
- General contract issues in sport.
- Player/agency issues in sport.
- Discrimination in sport.
- Violence in sport.

Lectures: Evening classes once a week 17h30 - 20h00 for the duration of the second semester, provisionally on Wednesdays. Classes include seminar sessions at which students are required to participate in discussions and presentation as well as presentations by guest lecturers on key issues.

DP requirements: Satisfactory attendance at, and participation in lectures and seminar sessions.

Examination requirements: Written continuous assessment or written assignments counts 50% of the year mark and the final examination (three hours) 50%.

CML6056F TELECOMMUNICATIONS LAW

Higher postgraduate course, fifty contact hours, first semester, two double lectures per week or two intense weeks teaching, 30 lectures in one week and the remainder in a second week.

Course co-ordinator(s): Associate Professor J Hofman

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Electronic Transactions Law or equivalent is strongly recommended.

Objective: The course is intended to give law graduates and non-law graduates with experience in telecommunications and postgraduate students in other disciplines an understanding of the domestic and international law that regulates the telecommunications industry in South Africa. The course will make extensive use of visiting lecturers, legal practitioners working in the area and technology experts.

Course outline:

1. Introduction: Technology and underlying economic and political concerns
2. Evolution of telecommunications and its regulation in South Africa
3. International developments and their impact on present day telecommunications in South Africa
4. Emerging national and international regulation of the Internet
5. Telecommunications applications
6. Detailed analysis of telecommunications legislation and regulations
7. Future developments

Assessment:

One or two projects	25% or 50%
Examination	75% or 50%

RDL6008F THE LAW IN OPERATION AND THE SOUTH AFRICAN FAMILY

(Not on offer in 2007)

Higher postgraduate course, first semester. (Offered every alternate year)

Course co-ordinator(s): Professor S Burman

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas. Candidates must have a background knowledge of South African Law and/or South African socio-political developments.

Course outline:

In South Africa's rapidly changing and multi-cultural society, social and administrative factors affect the operation of the law to produce many diverse and unforeseen effects. Using socio-legal research,

126 COURSE OUTLINES: SALS

this course focuses on the role of the courts, legal and helping professions, law, and bureaucracy in relation to issues of family, gender, race, and social control. The relevance of foreign models will be evaluated for legislation and legal institutions currently being framed. The course will make extensive use of practical case studies, to teach students how to undertake socio-legal research.

DP requirements: Satisfactory attendance at seminars and completion of written assignments.

Examination requirements: Essays and a long paper.

CRJ6020F THEORIES OF CRIME AND SOCIAL ORDER

Higher postgraduate course, first semester.

Course co-ordinator(s): Prof C Shearing

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

The course is intended to provide an understanding of the theoretical ideas that have shaped and are shaping criminal justice policy and the way in which both implicit and explicit policy agendas are realized in practice. Explore the history of criminological theory on understanding of crime and social order. The course considers the thinking of seminal criminological theorists. The course will be presented through a series of seminars/lectures. Schools of thought and emblematic exemplars of each will be explored.

DP requirements: Satisfactory attendance at seminars and completion of written assignments.

Assessment:

Assessment will be by two written assignments: 1) Three reading “diaries” in which participants will review and react to the readings (50%) of 4 500 words. 2) A final paper of 4500 words in which participants explore and seek to advance selected theoretical ideas (50%).

CRJ6021F: TRENDS IN THE GOVERNANCE OF SECURITY

Higher postgraduate course, first semester.

Course co-ordinator(s): Prof C Shearing

Prerequisites: See Rules for LLM and MPhil Degrees and Postgraduate Diplomas.

Course outline:

The course is intended to develop academic and professional expertise in the governance of security. Provides a critical understanding of trends in governance of security. Two key foci will be in the way in which security has been constructed as an object of regulatory concern and the way in which the domain of security has been and is being expanded via notions such as human security. The course will examine the relationship between security governance in Africa and global trends. The course will be presented through a series of lectures/seminars. Theoretical themes will include – mentalities, institutional arrangements, technologies and practices of governance and will explore various “faces” of state and plural governance.

DP requirements: Satisfactory attendance at seminars and completion of written assignments.

Assessment:

A review paper of 2 500 words (40%) and an analytic research essay of 5 0000 words (60%). This will comprise the entire mark for the course.

SCHOLARSHIPS AND PRIZES

Bursaries from external agencies for LLB study

The Attorneys Fidelity Fund

Merit bursaries for study for a maximum period of 2 years for the LLB degree are offered by the Fund. The amount of such bursaries will in each case be determined by the Bursary Committee of the Fund and preference will be given to applicants in serious financial need, although exceptional merit might also result in an award. Applicants must apply when they have a maximum of two years of study remaining towards their LLB degree.

The closing date for bursary application is 15 August. Application forms are available on request in writing and with specific reference to the "Bursary for LLB study fund", from the General Manager, The Attorneys Fidelity Fund, P O Box 3062, Cape Town 8000.

The Educational Opportunities Council Scholarship Programme for Black South Africans

Merit bursaries for study for the LLB degree are offered by the Educational Opportunities Council in co-operation with certain US law firms and other institutions. The amount of the bursaries is determined by the Bursary Committee of the Council. Black South African candidates with a BA, BProc or BLuris degree intending to proceed to the LLB degree are invited to apply for these awards. The closing date for bursary applications is 30 November. Application forms are available from: - The Secretary, Educational Opportunities Council, P O Box 332, Johannesburg, 2000.

Professional Examination Bursaries

Four bursaries per annum are offered to students whose matriculation examination results are outstanding and who are in need of financial assistance. A candidate should be registered for the Public Service Law Examination, the Attorney's Admission Examination or a University examination in Law (other than for the degree of Bachelor of Laws).

Application forms, available from the Secretary, South African Universities' Vice-Chancellors' Association, P O Box 27392, Sunnyside, Pretoria 0132, should be submitted to that body by 31 January.

See also Book 13 in the series of handbooks, Financial Assistance for Undergraduate Study. Available from the Faculty Office and Undergraduate Funding Office.

Scholarships for LLB study

Scholarships awarded by the Faculty based on academic merit at the end of each year:

Scholarships awarded without application.

Scheepers Memorial Scholarship

This scholarship was founded in 1923 by the late Mr Justice JJ Scheepers in memory of his two sons who were killed in the Great War.

This scholarship is awarded on the results of the examination at the end of the Intermediate Level LLB by the Faculty Board. The scholarship is tenable for the Final Level LLB and may be held

128 SCHOLARSHIPS AND PRIZES

together with another University scholarship.
Value: R600 (approximately)
Tenure: One year.

Twamley Undergraduate Scholarship

The Twamley Undergraduate Scholarships were founded in memory of the late Mr Harold James van Staveren Twamley who bequeathed funds to the University for this purpose. The award is made on the basis of the most outstanding academic performance on the results obtained by a student who was registered for the first time for PBL2000W Constitutional Law PBL2001H International Law and RDL2002H Law of Property. Scholarships are awarded in the first semester annually by the Scholarships Sub-Committee of the Faculty of Law:
Value: R1 500
Tenure: One year.

Philip Schock Charitable and Education Foundation Scholarship (for Intermediate Level LLB)

This scholarship was founded in 1989 by the above Foundation in memory of the late Mr Justice Philip Schock. Awarded on law course results of a student proceeding to Intermediate Level LLB studies either from Final Level BA or from Preliminary Level LLB. The candidate must be within the top third of the class and financial need shall be a consideration.
Value: R4 000
Tenure: One year.

Philip Schock Charitable and Education Foundation Scholarship (for Final Level LLB)

This scholarship was founded in 1989 by the above Foundation in memory of the late Mr Justice Philip Schock. Awarded on the course results of a student in the intermediate LLB studies proceeding to the final year. The candidate must be within the top third of the class and financial need shall be a consideration.
Value: R4 000
Tenure: One year.

Scholarships awarded on application.

Application forms are obtainable from the Law Faculty Office and unless otherwise stated and the closing date for applications for 2008 is 15 December 2007. All applications must be accompanied by a CV, two academic references and a motivation. These scholarships are paid to the University and credited to the fee account of the successful student.

Buchanan Boyes Scholarship

In 2003, the firm Buchanan Boyes established two scholarships to be awarded annually to previously disadvantaged South African citizens, registered for his or her second or third year of the four year LLB programme. The scholar will be chosen on merit and financial need will be a consideration. The selection each year is made by the Scholarships Sub-Committee of the Faculty of Law in consultation with a member of the donor firm.
Value: Variable
Tenure: One year (possibly renewable)

Deneys Reitz Bursary

In 2006, Deneys Reitz, a leading firm of attorneys, with offices in Cape Town, Johannesburg and Durban, established a bursary to be offered to a Final Level LLB student studying Intellectual Property Law. The bursary is awarded on academic merit, and preference will be given to South Africans from a disadvantaged background.

Value: Full tuition fees for the final year.

Tenure: One year.

Deneys Reitz Scholarship

The firm Deneys Reitz endows an annual scholarship that is offered to penultimate and final year UCT LLB students from historically disadvantaged communities who show academic achievement. Recipients of this scholarship will be required to attend one of the two Deneys Reitz bi-annual vacation programs and the recipient may be required to serve their articles with the firm.

Value: R10 000

Tenure: One year (possibly renewable)

Edward Nathan & Friedland Incorporated Scholarship

In 1990, the firm Edward Nathan & Friedland Incorporated established a scholarship to be awarded annually to an LLB student, based on assessment of academic achievement.

The selection each year is made by the Scholarships Sub-Committee of the Faculty of Law in consultation with a member of the donor firm.

Value: R3 500

Tenure: One year.

The Law Society Charity Bursary

In 2004, a scholarship was established to be awarded annually to a previously disadvantaged student studying law. The scholar will be chosen on academic merit and financial need.

Value: variable

Tenure: One year (possibly renewable).

Webber Wentzel Bowens Scholarship

The firm of Webber Wentzel Bowens, Johannesburg, established a scholarship to be awarded annually to a student registered for the Preliminary and Intermediate Years of the LLB degree programme. The selection is based on academic merit and financial need. Preference will be given to those students who have participated in the lecture theatre, in legal clinics and moots, and have demonstrated a keen interest in and commitment to the legal profession. The award may be split. The successful candidate/s will be invited to work during one June/July vacation, in the practice of Webber Wentzel Bowens. The successful candidate/s will also be invited to apply for articles of clerkship at the firm.

Value: R10 000

Tenure: One year.

Higher Postgraduate Scholarships**Scholarships awarded on application.****Basil and Con Corder Scholarship**

In 1997, a scholarship was established in terms of the wishes of the late Basil Corder. The scholarship is awarded to a University of Cape Town graduate in law who is registered at the University of Cape Town for the LLM degree by coursework and minor dissertation, on the basis of financial need, proven academic merit and having displayed a concern for the wider community through service individually or in voluntary organisations. Preference will be given to an applicant

who will be completing part of the degree at a university outside South Africa. In the event of no award or insufficient awards of the Basil and Con Corder Scholarship for LLM studies, the scholarship may be awarded to an applicant registered for the Intermediate or Final Level LLB, on the basis of financial need, proven academic merit and indication of concern for the wider community, as set out above.

Value: Variable (approximately R10 000)

Tenure: One year.

Law Faculty Doctoral Scholarships

To encourage postgraduate research, every year the Law Faculty will make available three awards to suitable candidates for masters or doctoral degrees by thesis at UCT. This funding is to be regarded as a form of bridging finance to give students contemplating higher degrees the security of knowing that their financial needs will be met for the first year of their studies, which is a critical period in their progress. Successful candidates must also make application to the University Scholarships Committee and other appropriate sources for scholarship funding. Any award from external sources that takes financial support beyond the level of R100 000 per annum will then be deducted from the scholarship granted by the Faculty.

Value: R78 000

Tenure: One year (renewable once only).

Law Students' Scholarships

This scholarship is an initiative of the LSC with contributions from all law students of the Faculty. The initial capital was donated in 2006, and will be supplemented from time to time, from student activities in the future. In line with the goals and mission of the LSC, as stated in its constitution, and as a body representative of all law students, the Scholarships Committee will be awarded annually to a final year LLB student.

Value: R8 000

Tenure: One year

Ephraim Kluk Scholarship

In 1988, a scholarship was established in terms of the wishes of the late Ephraim Kluk. The scholarship is awarded for the purpose of undertaking postgraduate research at the University into international law in respect of the concept of peace, justice and understanding between nations. The candidate is selected by the Head of the Department of Public Law in consultation with members of staff in the Department of Public Law.

Value: R700 (approximately)

Tenure: One year.

Ilse Lowissohn Grants

In 1984 a sum of R10 000 was bequeathed to the University by the late Miss Ilse Lowissohn for the purpose of providing a grant to assist a graduate of the Faculty of Law to undertake courses of postgraduate study in legal history or comparative law at an overseas university. Candidates are selected annually by the WP Schreiner Professor of Law from graduates of the faculty who have shown interest in the historical and comparative dimensions of Roman-Dutch law. Recipients must be registered or intend to register for an approved course of postgraduate study at an overseas university and use the grant to further their knowledge of Roman Law or one of the modern civil law jurisdictions.

Value: Variable

Tenure: One year.

Ina Ackermann Scholarship

A scholarship in memory of the late Ina Ackermann was established in the Faculty of Law from contributions donated to the Ina Ackermann Memorial Fund by family, friends and colleagues. The scholarship is awarded annually in recognition of the importance which Ms Ackermann attached to

the role of women in the practising legal profession and is awarded to a woman graduate of the Faculty of Law at UCT, who proceeds to the full-time first semester programme offered by the School for Legal Practice. Factors considered when making the award would include academic achievement, financial need and potential for success in the practising legal profession.

Value: Variable

Tenure: Six months.

Pension Lawyers Association Scholarship

In 2006, an annual scholarship was established to promote the study of pension law, to be awarded for full or part-time study, to a student to complete the LLM by coursework in the field of pension law. The scholarship will cover tuition and books. In addition provision is made for participation at a conference relevant to the subject area, as well as attendance at quarterly workshops held by the Association. Preference will be given to the most suitably qualified South African candidate, taking into account academic ability and previous disadvantage including race, gender and financial need. The successful candidate will be required to complete the following curriculum: CML6022S - Social Security Law, CML651F - Individual Employment Law, CML613S - Collective bargaining and Strike Law. CML6016F-International and Comparative Labour Law. In addition, the recipient will be required to write the minor dissertation on a topic in the field of pension law.

Value: R30 000

Tenure: R1 year (renewable).

Sir William Solomon Memorial Scholarship

In 1939 Miss Emile Jane Solomon bequeathed R10 000 to the University to found a scholarship in memory of her brother, the late Sir William Solomon MA KCSI KCMG, formerly Chief Justice of the Union of South Africa.

Value: Variable

Tenure: 1 year (renewable).

Wilfred Kramer Law Grants

Wilfred Kramer Law Grants are available for graduates in Law who enrol for approved higher post-graduate study in the Faculty of Law at the University of Cape Town. In addition limited funds are available for students who wish to partake in an approved exchange programme at an overseas university, the students do part of the LLM course work at an approved overseas university and the balance of course work as well as the minor dissertation at UCT Law Faculty. Further information is available from the Law Faculty Office. Wilfred Kramer Law Grants are available to enable graduates in law of the University of Cape Town to pursue post-graduate studies in law overseas.

Value: Variable

Tenure: 1 year (renewable).

For other funding and grants see Book 14 in the series of handbooks. Available from the Postgraduate Funding Office, e-mail: gradcentre@uct.ac.za

Prizes

Final Level LLB Students

Ina Ackermann Prize

A prize of R1 000 in memory of the late Ina Ackermann, Senior Lecturer in Commercial Law at the University of Cape Town, is awarded annually to a student of sufficient merit obtaining the highest overall marks in the course CML4006W Commercial Transactions Law. The necessary funds for this purpose have been made available by friends and colleagues of Ms Ackermann.

Bowman Gilfillan Prize

Offered in the Final Level course CML5009H Revenue Law.

In 1992, Bowman Gilfillan Hayman Godfrey Inc, firm of attorneys, established an annual prize of R5 000. The prize is awarded to the Final Level student, if of sufficient merit, with the highest marks in the course CML5009H Revenue Law.

Judge Schock Prize

In 1989 a prize of R5 000 was established in memory of the late Judge Schock, to be awarded annually to the best Final Level student, if of sufficient merit, in the discretion of the Dean.

Juta Law Prize

Juta & Co Limited established a prize of R500 in the form of books to be awarded annually to the best Final Level student, if of sufficient merit. The prize winner will be entitled to purchase books of his/her choice to that value.

D B Molteno Memorial Prize

A prize of R1 000 in memory of the late Professor DB Molteno QC, first Professor of Public Law in the University of Cape Town, to be awarded annually to the Final Level student who achieves the best overall performance, if of sufficient merit, in courses offered by the Department of Public Law.

South African Society for Labour Law Prize

In 2000 the South African Society for Labour Law established a prize of R1 000, to be awarded annually to the best Final Level student, if of sufficient merit, with the highest marks in the course CML5013H Labour Law.

The Gering Prize

An annual prize of R1 000 has been established in honour of Nina Gering, a UCT BA graduate, by her husband, Professor L Gering. The prize will be awarded to the best student in Commercial Transactions Law.

Intermediate Level LLB Students

Adams and Adams Prize

Offered in the Final Level course CML4001W Corporation Law.

In 1988 Adams and Adams, patent attorneys, trade mark agents, attorneys, notaries and conveyancers, established an annual prize of R2 000. This prize is awarded to the Final Level student, if of sufficient merit, with the highest marks in CML4001W Corporation Law.

Brink Cohen Le Roux Inc. Prize

In 2000 the firm Brink Cohen le Roux Incorporated, established a prize of R5 000 to be awarded annually to the best Intermediate Level student, if of sufficient merit in the RDL3005W Law of Contract.

Ionann Prize

Dianna Yach and Peter Stephens have donated R5 000 per annum for eight years to encourage black women from Southern Africa (including the SADC region) to make a career in criminal justice.

LexisNexis Butterworths Prize

Butterworth Publishers (Pty) Limited, has established an annual prize of R800 to be used for the purchase of books which it publishes. The prize is awarded to the best Intermediate Level student, if of sufficient merit.

Mike Blackman Memorial Prize

Juta has established a prize to be awarded annually to the student with the best results in Corporation Law. The prize is in the form of a set of the Commentary on the Companies Act (Blackman, Jooste and Everingham).

T W Price Memorial Prize

A prize of R1 000 in memory of the late Professor TW Price, Professor of Roman-Dutch Law at the University of Cape Town, is awarded annually to the Intermediate Level student if of sufficient merit, obtaining the highest overall marks in the Preliminary Level and Intermediate Level examinations in Private Law.

Preliminary LLB Level and Undergraduate Students

(Year 1 Postgraduate LLB, Year 3 and 4 Accelerated Law Stream and Year 1 and 2 Undergraduate LLB)

Ben Beinart Memorial Prize

The Editorial Board of Acta Juridica and its publishers, Juta & Company Limited, have established an annual prize for the award to the best student if of sufficient merit in RDL1004H Comparative Legal History and RDL1003W Foundations of South African Law. The prize is a set of all available issues of Acta Juridica.

Other Prizes

Bar Council Moot Prize

A prize of book vouchers to the value of R1 000 to be awarded annually to the best student participant in a series of moots conducted within the Faculty. The necessary funds for this prize are made available as a result of a grant from the Cape Town Bar Council.

Captain Bob Deacon Prize

The Capt. Bob Deacon Prize is awarded annually (in the discretion of the Board of the Shipping Law Unit) to the student who achieves the top mark in the Higher Postgraduate Shipping Law courses (CML6024S, CML6025F, CML6026S). The prize is funded by donations from colleagues in memory of Capt. Bob Deacon, one of the first forensic marine surveyors to practise in the port of Cape Town, and a person who enthusiastically supported the education of maritime lawyers.

Engen Petroleum Prize in Marine Law

A prize to be awarded to the student whose combined results are the best in any one year in the Marine Law courses, provided that a satisfactory standard is obtained.

Rodman Ward Prize

Mr and Mrs Rodman Ward Jr have established an annual prize of R3 000 for the best essay written on an aspect of Corporate Governance.

Sonnenberg, Hoffmann & Galombik Inc Essay Prize

In 1994, the firm Sonnenberg, Hoffmann & Galombik Inc established a prize of R4 000 to be divided annually among all the students, whose essays have been accepted for publication in *Responsa Meridiana*.

Spoor and Fisher Prizes for Student Legal Writing

In commemoration of their 75th anniversary in 1995, Spoor and Fisher, attorneys, established two prizes of R500 each, to be awarded annually. One prize is awarded for the best article and one for the best case note submitted by a UCT law student and accepted for publication in *Responsa Meridiana*. The prize winners are determined by the Dean in consultation with the Editorial Board of *Responsa Meridiana*.

Spoor and Fisher Prizes for Intellectual Property Law

Spoor and Fisher, attorneys and patent attorneys, established a prize to be awarded to the best student if of sufficient merit, in course the course Intellectual Property Law (RDL3053H). The value of the award is R500.

Sir Franklin Berman Prize

Sir Franklin Bern, a former graduate of UCT and former legal adviser to the British Foreign Office established a prize of R1 000 to the undergraduate student who gains the highest marks in International Law.

S K M Essay Prize

In memory of the late Professor Solly Kessler, the family established the Solly Kessler Memorial Essay Prize to be awarded for the best essay submitted in Constitutional Law.

Yash Ghai Prize

Rebecca Westerfield of San Francisco established a prize in honour of Karen Mathis, president elect of the American Bar Association who led a people-to-people delegation to South Africa in 2004. The prize will be awarded to the top student in Constitutional Law.

Dean's Merit List

Note: The Dean's Merit List is published annually. It contains the names of students whose academic performance over the year is meritorious and hence worthy of recognition. Students who qualify for inclusion in the list will receive a letter of commendation from the Dean. The list will be posted on notice boards. The academic records of students will be endorsed accordingly.

For inclusion in a Merit List, a student must:

- (a) obtain an overall percentage of 65% or above in all courses completed for the relevant year of study. Credits from other universities may be included for this purpose, provided that at least the equivalent of four full courses is completed at this university in each of the years.

Note: For the purposes of computing averages, see the details below in 'How to calculate your total average mark'. Marks for the course Introduction to Accounting (ACC1013S) or its equivalent, Law that Counts (MAM1013F/S) and Moot Competition (DOL3000X) are not included when determining inclusion in the Dean's Merit List. The required aggregate will include deferred examination results, but not supplementary examination results. The required aggregate will be increased by one percentage point for each course fewer than the prescribed number in the standard curriculum.

- (b) complete the courses within the minimum period;
- (c) not fail any course in the year concerned; and
- (d) not be repeating any course.

HOW TO CALCULATE YOUR TOTAL AVERAGE MARK

Preliminary Level

Add the scores in all the courses of the Preliminary Level, adding the scores for whole courses TWICE. Divide the total number so calculated by 8 to get the average percentage.

Note: In respect of years one and two of the four year undergraduate stream this calculation applies to each year. Particular subject choices may, however, alter the formula. This calculation applies also in respect of year 3 of the extended four year undergraduate stream.

Intermediate Level

Add the scores in all the courses of the Intermediate Level, adding the scores for whole courses TWICE. Divide the total number so calculated by 11 to get the average percentage.

Final Level

Whole courses	= %x8
Half courses	= %x4
Research component	= %x2
Two point options	= %x2
One point options	= %x1

Add the weighted percentages calculated according to the above formula. Divide the total by 35 to get the average percentage.

Note: The final results for students who write deferred examinations will be calculated only after publication of the deferred examination results.

LLB Class Medals

A. Courses for which medals may be awarded:

1. A medal is awarded for a course only if Senate so decides. In determining whether a medal should be awarded for a course, Senate must be guided by the following:
 - 1.1 A medal may be awarded in any course, half course or semester course which is taught during contact periods totalling at least 36 hours, or which has equivalent weight.
 - 1.2 Courses or parts of courses or units may be combined for the purposes of the award of a medal provided:
 - 1.2.1 the courses, part courses or units are not optional, and
 - 1.2.2 they are undertaken in each instance by the same group of students during the course of a single academic year.
 - 1.3.1 Except as determined by Senate only one medal is awarded for each course or combination of courses, half courses or semester course.
2. The award of a medal.
 - 2.1 A medal may be awarded only to a student who has demonstrated special ability and no award will be made if there is no candidate of sufficient merit.
 - 2.2 No award will be made to any student undertaking the course for a second time.
 - 2.3 If Senate decides that a medal may be awarded for a course, it must designate the faculty which will make the award. No distinction must be made between students from different faculties undertaking the course.
 - 2.4 The award will be in the discretion of the Faculty concerned and based upon final examinations or class work or both.
3. Publication of awards.

A list of class medallists will be published in December and a supplementary list will be published in April, after deferred examination results are known.

Class medals may be awarded in the following LLB courses:

CML3001W	Corporation Law
CML4006W	Commercial Transactions Law
CRJ3001W	Criminal Law
CRJ3002H	Criminal Procedure
CRJ4001H	Evidence
PBL2000W	Constitutional Law
PBL2001H	International Law
PBL3000F	Interpretation of Statutes
PBL4001W	Administrative Law
RDL1002H	Law of Persons and Marriage
RDL1003W	Foundations of South African Law
RDL1004H	Comparative Legal History
RDL2002H	Law of Property
RDL3001H	Law of Succession
RDL3003H	Law of Delict
RDL3005W	Law of Contract
RDL3008H	Civil Procedure
RDL4005H	African Customary Law
RDL4006H	Jurisprudence

B. John Kotze Medal

The late Sir John Gilbert Kotze, formerly a judge of the Supreme Court of Appeal (formerly the Appellate Division), bequeathed a sum of money to the University for a medal to be awarded annually to the Final Level LLB graduate who obtained the highest marks in Roman Law and Private Law.

Note: As Roman Law is no longer a compulsory course in the LLB curriculum, Comparative Legal History is substituted as the equivalent.

INDEX

Advanced Legal Education Programme	82
Bursaries.....	127
Class Medals	136
Commercial Law	27
Concessions.....	22
Course codes	37
Courses offered in the Faculty.....	38
Criminal Justice.....	30
Criminology	30
Dean's Merit List	135
Deferred Examinations	21
Degrees and Diplomas offered	4
Departments in the Faculty.....	27
Development and Labour Law	28
Distinction	22
Examinations (Oral).....	19
Exchange students courses	79
Final Level LLB	55
Institute of Criminology	30
Institute of Development and Labour Law	28
Institute of Marine and Environmental Law	32
Intermediate Level LLB	51
Language Requirements (Professional)	5
Law, Race and Gender Research Unit	31
Law Students Council	3
Lecture Slots.....	37
Library, Brand van Zyl	35
LLB Degree.....	6
LLB Degree Rules.....	8
LLM Degree Rules (by dissertation)	24
LLM Degree Rules (by minor dissertation).....	83
Marine and Environmental Law	32
MPhil Degree Rules (by dissertation).....	25
MPhil Degree Rules (by minor dissertation)	86
Officers of the Faculty.....	1
Optional Courses	58
PhD Degree	21
Postgraduate Diplomas in Law Rules	86
Practical Legal Education Programme.....	7
Preliminary Level LLB.....	45
Private Law	32
Prizes	131
Professional Qualifications.....	5
Public Law	31
Research Component: Final Level LLB	71
Rules for LLB Degree streams	8
SALS Course Outlines	101
Scholarships and Prizes	127
School for Advanced Legal Studies.....	82
School for Legal Practice	34

Shipping Law Unit	29
Socio-Legal Research Unit	33
Student Advisers	1
Study Programmes: SALS	91
UCT Law Clinic	34
Year Co-ordinators	3